



COMPENDIUM OF NOAA POLICIES

AUGUST 1985

OFFICE OF POLICY AND PLANNING
Thomas J. Maginnis, Director

Compiled by: Mary C. Barber

NOAA Office of Policy & Planning

QC
875
.L16
C68
1985

LIBRARY

JUN 19 2008

National Oceanic &
Atmospheric Administration
U.S. Dept. of Commerce

COMPENDIUM OF NOAA POLICIES

AUGUST 1985

OFFICE OF POLICY AND PLANNING
Thomas J. Maginnis, Director

Compiled by: Mary C. Barber

The criteria for including a policy in this compendium are:

- o A policy presents management goals and guidance stated in a broad manner.
- o A policy is written.
- o A policy is enduring.

This compendium includes policies regarding NOAA's missions and interactions with the public. Legislated program guidance is not included, but clarification of legislated responsibilities may be. Understandings and Agreements which outline a procedure are not included.

Policies were found in letters, Directives, speeches, and mission statements. They are organized around the NOAA Program/Budget Structure.

Compendium of NOAA Policies

Contents

A. Ocean and Coastal Programs

1. Great Lakes Ice Prediction
source: Administrator's Letter, 1973
2. Antarctica
source: summary of Administrator's meeting 1981
3. Policy on Antarctic Minerals
source: Administrator's Letter, 1982
4. Policy on Ocean Disposal of Waste Material
source: Administrator's memo 1983

(Note: there is presently some discussion about whether the Ocean Dumping Policy covers radioactive waste, or whether a separate policy needs to be developed.

5. Estuarine Policy
source: Estuarine Task Force Report 1984
6. Marine Environmental Quality Mission
source: Marine Environmental Quality Task Force 1984
7. Policy on Cooperative Surveying Projects
source: 1984
8. Floodplain Management and Wetland Protection under Section C

B. Marine Fisheries Resources

1. Fisheries Development
source: 1979

(policy outdated and under revision)
2. Marine Recreational Fisheries Policy
source: Assistant Administrator for Fisheries
1981

3. Policy on Conditional Fisheries
source: Federal Register 1982
4. Interrelationship of the Magnuson Act of the
Coastal Zone Management Act
source: Administrator's Letter 1982
5. Policy on Confidentiality of Fisheries Statistics
source: Assistant Administrator for Fisheries
1983, 1984, NOAA Directives Manual 1982
6. Aquaculture Efforts
source: Assistant Administrator for Fisheries
1983
7. MOUs on Habitat Mitigation Banking
source: Assistant Administrator for Fisheries
1983
8. Habitat Conservation Policy
source: Federal Register 1983
9. Promotion of Urban Fishing
source: Assistant Administrator for Fisheries
1983
10. Guidelines for Fisheries Management Plans
source: Federal Register 1983
11. Policy on the International Role of the National
Seafood Inspection Program
source: NMFS Fishery Products Inspection Manual
1984
12. "Fish and Chips" Policy
source: Assistant Administrator for Fisheries
1985
13. Fisheries Fiscal Policy
source: Assistant Administrator for Fisheries
1985

C. Atmospheric Programs

1. National Weather Service Mission
source: Weather Service Operations Manual 1970
2. Policies on Special Hydrological Services and
Agreements
source: Weather Service Operations Manual 1970
3. Aviation Weather Service Program
source: Weather Service Operations Manual 1974

4. Limited Public Service at WSMO
source: NWS Operations Manual Letter 1975
5. Marine Weather Service Program
source: Weather Service Operations Manual 1975
6. Agricultural Weather Service Program
Weather Service Operations Manual 1976
7. Policy on Industrial Meteorology
source: NOAA Directives Manual 1977
8. Floodplain Management and Protection of Wetlands
source: NOAA Directives Manual 1979
9. Hydrologic Service Program
source: Weather Service Operations Manual 1980
10. Release of Forecasts by other Federal Agencies
source: Weather Service Operations Manual 1981
11. Fire Weather Service Program
source: Weather Service Operations Manual 1982

D. Satellite and Environmental Information Services

1. Policy on Management of Environmental Data and Science Information
source: NOAA Directives Manual 1971
2. Landsat Commercialization
source: Administrator's Letter 1983
3. Criteria for Exceptions to Advance Payment Policy
source: NOAA Directives Manual 1984
4. NESDIS Information Services Policy on Data Exchange and Free Data
source: Assistant Administrator for NESDIS 1984

E. Program Support Policies

1. Documentation of Ongoing Research and Development for Scientific and Technical Information Exchange
source: NOAA Directives Manual 1978
2. Policy on Compliance with NEPA
source: Administrator's Letter 1978
3. Policy on EEO Programs
source: Administrator's Letter 1981

4. Policies for Acquiring Commercial or Industrial Products and Services Needed by NOAA
source: NOAA Directives Manual 1983
5. Information Product Pricing Policy
source: Administrator's Letter 1983
6. NWS Training Policies and Responsibilities
source: Weather Services Operations Manual 1983
7. Staff Policy for NOAA Corps and NOAA Civilian Personnel
source: NOAA Directives Manual 1984

F. Policies Under Development

This section contains both policies that are currently being formulated and areas that have been suggested for policy development by the LOs.

Mr. D. W. Oberlin
Administrator
St. Lawrence Seaway Development Corporation
Department of Transportation
Washington, D.C. 20591

Dear Mr. Oberlin:

I understand very well the critical importance of having firm dates for the opening and closing of the St. Lawrence Seaway. NOAA's member of the Winter Navigation Board, Rear Admiral Harley D. Nygren, has kept us informed of the progress of the Demonstration Program. Because of the importance of this problem, he has sent your letter of March 7 to my office.

At this time our planning is to start the initial test program for the forecast of ice formation this fall. We plan to start September 1, with a monthly up-date. To accelerate this will require additional resources not yet available to this project. With our present capability, I can offer no sooner start on our test program.

Although it is questionable whether reliable operational forecasts can be made now or in the immediate future, we are willing to pursue this as far as practicable. We will be investigating what can be done and what resources may be needed to meet your requirements for the fall. NOAA's representatives on the Ice Information Group are certainly authorized to discuss this project and Admiral Nygren will continue to represent NOAA on the Board.

Sincerely,

101

Robert M. White
Administrator

MDNygren/w/3/16/73
Rewritten: CERoache: hmj: 3/21/73
cc: EM (w/attachment)
Lake Survey Center (w/att)

Item 2



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

A2

OFFICE OF THE ADMINISTRATOR

November 9, 1981

TO: Martin H. Belsky
FROM: Tom Laughlin
SUBJECT: Summary of Meeting with Administrator Byrne and Deputy Administrator Designate Calio Regarding Antarctica

A meeting was held with the Administrator on November 6, 1981 for the purpose of obtaining guidance on several issues pertaining to Antarctica. Present at the meeting were: yourself, Deputy Administrator Calio, Bob Stockman, Tom Bick, Alan Ryan and myself.

The results of the meeting were as follows:

- (1)e NOAA should continue to be supportive of NSF efforts to obtain funding for the Antarctic Program at the level directed by existing National Security Council instructions.
- (2)e Research priorities should be broadened to include resource related research and NOAA should continue to make this point at interagency meetings.
- (3)e NOAA should have the lead role for implementation of the living and non-living resources regimes.
- (4)e Funding for research related to implementation of the living resource regime, and later the non-living regime, should be through the Antarctic Program.
- (5) You should approach individuals at NSF to seek support for the Polish fisheries research proposal received by Director Edwards. You should also express our concern regarding resource related research generally.
- (6) NOAA should not seek to cause a "showdown" in the APG on the issue of budget review but should continue to voice its interests in combination with working separately with NSF on specifics.



(7) We should discuss with State and NSF the Administration's position on funding of the AMLR Convention implementation Act. The position should be that the money is to come through the Antarctic Program.

Next Steps:

- (1) You should contact NSF personnel to seek funding of the Polish proposal and take this opportunity to discuss resource research generally.
- (2) You should contact State and NSF regarding the Administration's position on funding for implementation of the AMLRC.

cc: John Byrne
 Tony Calio
 Robert Stockman
 Alan Ryan
 Tom Bick

A-3



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

Honorable James Malone
Assistant Secretary for Bureau
of Oceans and International
Environmental and Scientific Affairs
U.S. Department of State
2200 C Steet, N.W.e
Washington, D.Ce 20520

Dear Jim,

This responds to the request of R. Tucker Scully, Chairman of the APG Working Group, for clearance of the U.S. position on Antarctic mineral resource negotiations occurring in Wellington this June.

The Department of Commerce supports generally the position recommended by the APG Working Group.

In supporting this position, however, I must raise two basic concerns. First, as I indicated in my letter of May 7, it is important to a balanced U.S. approach to include a review of development plans by the Scientific and Technical Committee and a meaningful opportunity for a decision by the panels or other decision-making entity regarding the merits of continuing with development. I note that the position paper apparently does provide for such an opportunity. Since the details of the decision are omitted for the purpose of facilitating negotiations in Wellington, it is not possible to determine whether this portion of the developing U.S. position will prove satisfactory to this Department. At present it does not appear that requiring a consensus to stop development would constitute a meaningful decision point since such a consensus would be virtually impossible to achieve.

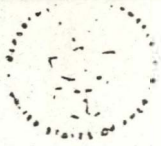
My second concern is with the lack of a U.S. ability to stop a foreign state from certifying a truly unqualified applicant and thereby permitting it to explore for and develop offshore hydrocarbons. Not only does this aspect of the position not comport with our environmental concerns in Antarctica, it raises the possibility that U.S. oil companies might be barred from development due to an environmental disaster caused by an

unqualified operator. Moreover, since the Scientific and Technical Committee cannot review an application for adequacy at the exploration stage, it is very possible that a company might be shut down at the development stage for reasons which could have been identified 15-20 years earlier.

It is my strong hope that these aspects of the U.S. position will be adequately addressed after the Wellington meeting.

Sincerely,

John V. Byrne



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20540

THE ADMINISTRATOR

MAY 4 1983

TYI cc: Taggart
EMAT
PYLE
HULL/FR/PA
ROBERTSON

TO: DISTRIBUTION
FROM: A - John V. n Byrne *John V. n Byrne*
SUBJECT: NOAA Policy on Ocean Dumping

The attached policy statement on the ocean disposal of waste material
replaces a proposed statement distributed earlier this year. As of this
date, it is effective NOAA policy.

Several months ago I circulated a proposed NOAA policy on this subject
with the statement that unless any LO had strong objections it would become
final. The purpose of that statement was to guide the many NOAA elements
dealing with waste disposal issues so that consistent positions and programs
concerning ocean dumping could be developed throughout the agency. Some officers
expressed strong feelings for certain changes in the proposed statement. After
negotiation the policy has been redrafted.

Attachment

DISTRIBUTION

- DA - Calio
- AA - Winchester
- PP - Maginnis
- Taggart*
- W - Hallgren
- E - McElroy
- R - Ostenso
- F - Gordon

NOAA POLICY ON OCEAN DISPOSAL OF WASTE MATERIAL

Waste disposal in the marine environment is an important and highly visible national issue. NOAA must deal with waste disposal questions within several of its programs and under many different circumstances. Consequently, it is important that a consistent policy serve as the basis for our actions. The following statement represents NOAA's general policy related to the disposal of municipal, industrial, low-level radioactive wastes, and dredged material, in the marine environment:

Waste disposal practices should be chosen to avoid significant risk of harm to living and nonliving resources in any environmental medium -- oceans, land, groundwater, fresh water, air. If it is determined that disposal is the preferred option to a potential waste problem then disposal practices likely to cause least risk of significant harm regardless of medium should be chosen. NOAA does not oppose selection of the ocean as a disposal site if comparative assessment of all reasonable disposal options indicates that the ocean option poses the least risk of significant harm. If disposal in the ocean is currently causing or contributes to conditions that cause significant risk of harm to the marine environment, NOAA urges the timely assessment of alternative disposal practices and the selection of an environmentally acceptable practice.

This general policy is a guide for NOAA in developing more specific policies related to specific situations (a) where disposal is occurring, (b) where there are new applications for ocean disposal, and (c) where changes are proposed in Federal regulations and management practice.

The choice of a waste disposal option is essentially a compromise between environmental and economic considerations. If one were to ignore the economic cost, a scientifically-based technological solution for any given option could likely be devised to dispose of wastes in an environmentally acceptable manner. NOAA does not regulate waste disposal in the ocean. NOAA's role is to provide scientific advice to regulatory agencies on the possible impacts of various disposal options, based on the best available scientific information.

- 2 -

3.e Private Sector Capabilities

There is presently only limited capability for accomplishing geodetic surveying in the private sector. There is also only limited interest in the private sector in offering full-scale geodetic survey services due to the limited market, large costs for specialized equipment, and need for specialists. The general surveying and engineering market is much more profitable. However, the private sector geodetic potential will increase over the next 5 to 10 years as new technologies evolve. NGS has a policy of aiding the evolution of this new capability through its technology extension service especially designed to improve the capability of State and local agencies.

4.e Proposed Policies and Standards

The NGS must retain the flexibility to meet its statutory obligations under Public Law 80-373, Office of Management and Budget Circular A-16, and agreements with other Federal agencies. In carrying out its mission, NGS will consider the following factors in setting priorities for its activities:

- ° national defense requirements
- ° disaster avoidance potentials
- ° Federal civil program needs
- ° status of the NGRS

As the rapid evolution in surveying technology continues, NGS recognizes its unique opportunity and responsibility to foster cooperation and to ensure that the private sector participates wherever possible. It is therefore proposed that NGS:

- ° continue its development of the technology extension service,
- ° encourage State and local agencies to improve their surveying capability,
- ° advise State and local agencies of applicable private survey services when the existence of such services is known to NGS, and
- ° cooperate with public and private surveyors to encourage inclusion of their geodetic survey data in the NGRS.

Policy

Estuarine science is an inherent part of NOAA's environmental and statutory responsibilities. NOAA will conduct comprehensive, coordinated programs of research, monitoring, services and management in estuarine and Great Lakes waters. The following policies apply to all NOAA estuarine science activities.

1. NOAA will continue to strive for the highest scientific excellence and maximum use and development of new and innovative technology, equipment and techniques.

2. NOAA will develop the capability to make periodic assessments and reports on the status of U.S. estuaries, including monitoring systems collecting information on problem-related parameters.

3. NOAA line offices will coordinate their estuarine activities by developing mechanisms of better communication, and will encourage greater use of inter-disciplinary science.

4. Individual program managers conducting internal and NOAA-supported estuarine activities, will develop data bases which allow comparability of information from specific estuaries and permit aggregation of data across estuaries.

5. NOAA will encourage, mutually support and coordinate with the estuarine activities, of other Federal, state, local and academic institutions.

6. NOAA will develop its programs to assure that results are of maximum use to external, decision-making bodies attempting to reverse negative estuarine conditions, resolve jurisdictional conflicts, and balance competing land and water-based interests.

7. NOAA will mount special efforts to interpret its estuarine science activities so the general public more clearly comprehends the national significance of estuarine systems.

MARINE ENVIRONMENTAL QUALITY PROGRAM
MISSION STATEMENT

NOAA's mission and the focus of its program in marine environmental quality is:

- o to act as a principal steward of the Nation's living marine resources for the benefit of future generations, and
- o to provide scientific data, information, recommendations, and advisory services on marine, estuarine and freshwater ecosystems in order to foster a balance among development, use and conservation of living and non-living resources.

NOAA implements these responsibilities by conducting a marine environmental quality program consisting of comprehensive, process and problem oriented research, impact assessment, environmental monitoring and advisory services; and by influencing the decision-making of other institutions responsible for living marine resources or their habitats.

The broad objectives of NOAA's marine environmental quality program are:

- (1) to protect the health of the nation's seafood consumers and other users of the marine environment,
- (2) to protect the health of ecosystems from degradation that could adversely affect the health or continued productivity of living marine resources,
- (3) to improve, through research and assessments, our understanding of the consequences of pollution and habitat alteration and provide a sound scientific basis for public policy and mangement decisions, and
- (4) to promote balanced decision-making for multiple use of the marine environment.

Degradation can be the result of either physical alterations (e.g., wetland destruction, modified water circulation patterns) or contamination (e.g., hazardous spills, toxic waste disposal, pathogen introduction, and non-point source pollution). NOAA's marine enviroinmental quality program emphasizes degradation problems resulting from human-induced stresses, such as:

- o contaminants that enter the marine environment and pose human health risks or affect the health, development and utilization of living resources; and
- o changes in the ecosystem such as modification of important habitats or species composition.

NOAA is concerned about how these issues affect waters of the U.S. -- from the seaward boundary of the Exclusive Economic Zone, landward through coastal and estuarine waters, and the Great Lakes, inland in freshwater streams and rivers supporting anadromous fish, and in freshwaters supporting commercial fisheries.

Through its expertise, NOAA evaluates issues of development, utilization and conservation of marine ecosystems and recommends means to conserve, restore, and enhance habitats and ecosystems important to living marine resources and their use by society. The marine environmental quality program strives for results that are of maximum use to decision-makers and attempts to interpret marine environmental quality issues for the general public.

NATIONAL GEODETIC SURVEY

POLICY ON COOPERATIVE SURVEYING PROJECTS

1.h Scope of Cooperative Work

The National Geodetic Survey (NGS) does not solicit or engage in competitive bidding on any cooperative projects with State or local governments. All of the cooperative agreements that are entered into as authorized in Public Law 80-373 result from requests by a Federal, State, or local government entity. NGS bills cooperating agencies for the total cost incurred for the field surveys, including salaries, per diem, supplies, and overhead expenses. Most of these requests are due to the complex nature of the problems encountered by the requesting agency and the recognition of NGS capabilities for solving geodetic problems. A major reason for this unique capability is that NGS determines the parameters, performs the adjustments, employs well-trained specialists, and has accomplished the vast majority of the surveys that comprise the National Geodetic Reference System (NGRS). Frequently, the problems cross political jurisdictions and involve another county, another State, and in some cases another nation. NGS is also requested to perform surveys involving Federal-State boundary problems.

The cooperative program for each of fiscal years 1983 and 1984 is between 6 and 7 percent of the total budget of NGS. Most of the cooperative surveys performed by NGS are in response to Federal or Federally funded programs. The surveys involving non-Federal State and local projects are about 1 percent of the total NGS budget. While the total percentage of reimbursable projects is very small in comparison to the overall NGS budget, the cooperative program is a major method for technology transfer to State and local government personnel. Most of the projects involve close interaction between NGS personnel and the cooperating agency. Usually, NGS will establish the main scheme surveys and the cooperating agency will establish the subsidiary densification surveys.

A major tenet of NGS policy is to transfer responsibility for densifying the NGRS to appropriate State and local agencies. Restrictions on the cooperative program would severely limit this method for accomplishing transfer of technology and densification of the NGRS.

2.h Benefits of Cooperative Work

All surveys performed by NGS and others that meet Federal Geodetic Control Committee (FGCC) specifications, including cooperative funded projects, become a part of the NGRS and are available to the public for the cost of publication of the data. This alone represents an enormous savings to the taxpayers of the Nation through increased efficiency and reduction of duplication of effort.

A wide range of benefits accrue to Federal, State, local, and private surveying organizations from the cooperative activities of NGS, including publication of Federal standards and specifications and geodetic control surveys; research, development, and sharing of new technology in the geodetic field; development of procedures, and guidelines for accomplishing surveys and publication of the results of surveys.

TOWARD A PARTNERSHIP FOR THE DEVELOPMENT

OF THE UNITED STATES COMMERCIAL FISHING INDUSTRY

POLICY AND PROGRAM STATEMENT

May 23, 1979

TOWARD A PARTNERSHIP FOR THE DEVELOPMENT
OF THE UNITED STATES COMMERCIAL FISHING INDUSTRY

POLICY STATEMENT

The United States fishing industry makes an important contribution to our economy. It produces food and industrial goods that contribute at least \$7 billion to the gross national product. It creates direct employment for more than 260,000 individuals, and produces a major source of food for U.S. consumers.

The Nation's basic fisheries goals are set forth in the Fishery Conservation and Management Act of 1976--conservation and management of United States fisheries resources and development of the fishing industry to provide a major source of employment, a significant contribution to the economy, and support to American coastal communities. The Act provided for United States control over all fisheries resources (except tuna) within 200 miles of our coast, and created an opportunity for major industry expansion. For example, the development of six new fisheries off Alaska, the West Coast, the Gulf of Mexico, New England, and the Mid-Atlantic could produce 38,000 new jobs and contribute \$1.0 billion to the U.S. economy by 1990, while reducing the U.S. trade deficit by at least \$1.5 billion. Additional benefits would be created by the development of other fisheries.

Achievement of these potential benefits requires an active and innovative partnership among the fishing industry, state and local governments, and the Federal Government. This will require commitments of time and resources from all of the partners.

The widely varying nature of the problems in different areas of the country requires the major work of implementing a national development policy to be done on a regional basis. Federal agencies must be organized for effective interface with state and local governments and the industry in planning and implementing programs. The Administration's fishery development policy and program will provide the framework for regional efforts to produce specific solutions to industry's needs.

In the future, Federal programs will concentrate on the development of non-traditional species, such as bottomfish off Alaska and squid off the east coast, and the expansion of the industry into new areas, such as the Western Pacific tuna fishery. Federal policy will be to foster the development of all sectors of the U.S. fishing industry--including fishermen in our 200-mile zone, in the Great Lakes, U.S. flag distant water fleets, and U.S. processors and distributors--through a

close working relationship with the industry and well-coordinated Government programs. This will involve:

--providing foreign market access through Government negotiations, and through better information on market conditions and trade opportunities, to increase foreign markets and help reduce our massive trade deficit;

--facilitating industry access to private venture capital for vessels, processing plants and support facilities through changes in existing regulations relating to the conditional fisheries restriction for such access and through a study of possible tax deferral benefits for shore-based facilities;

--reviewing Government regulations applicable to the industry to ensure fair and equitable treatment and an adequate basis for all regulatory actions;

--conducting research, and providing information to consumers, on the safety and nutritional value of seafoods in the American diet;

--satisfying the major fishing industry need in some regions for publicly-financed infrastructure such as ports and harbors;

--adapting existing technology and disseminating technological information to allow the industry to modernize and improve its capital facilities; and

--coordinating Federal agency personnel so that industry can work more effectively with those responsible for implementing Government programs.

This fisheries development program will enable the fishing industry and state and local governments to utilize better existing Federal Government programs for industry assistance and economic development.

In addition, the Administration will propose fisheries development legislation to ensure adequate funding of cooperative efforts between industry and government to solve the remaining development problems preventing the industry from taking full advantage of the opportunities presented by the Fishery Conservation and Management Act. The new legislation will cover FY81-84 at a funding level slightly above the current level available under the Saltonstall-Kennedy Act. That Act will provide funding for FY79 and FY80.

The new legislation will be directed specifically toward development of the U.S. fishing industry and utilization of U.S. fishery

resources--particularly those not traditionally harvested by our industry. The Administration is proposing that these funds be used by the National Oceanic and Atmospheric Administration (NOAA) in coordination with the U.S. industry in accordance with several criteria:

--most funding would be used for comprehensive proposals for development and utilization of a fishery or group of fisheries in a region (some would be used for more specific development projects);

--complete analysis of the public and private impediments to development of the fishery or group of fisheries would be required, as well as jointly-formulated proposals for solving those impediments through Federal, state and local government programs and industry efforts, and analysis of the costs and benefits of Government involvement;

--proposals will be required to include provisions for sharing of program costs by industry unless special circumstances (such as complete lack of any industry base in an area) prevent such industry activity; and

--project proposals would have specific time frames within which Federal Government funding would phase out as commercial feasibility is demonstrated.

Public Comment

As described in § 355.35 of the Commerce Department's Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. This hearing is scheduled to be held on February 26, 1982, at 10:00 a.m. at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

All requests for hearings must be submitted within ten days of this notice's publication in the Federal Register to the Deputy Assistant Secretary for Import Administration, Room 3099-B, at the same address. They should contain (1) the party's name, address and telephone number (2) the number of participants, (3) the reason for attending, and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by February 19, 1982. Oral presentations will be limited to the issues raised in the briefs. All written briefs should be filed in accordance with 19 CFR 355.34, on or before March 11, 1982, at the above address, and in at least ten copies.

This determination is published in accordance with section 703(f) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary.

February 3, 1982.

[FR Doc. 82-3118 Filed 2-8-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Recreational Policy; Availability of Report

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of new marine recreational fisheries policy and availability of report.

SUMMARY: NOAA issues notice that the National Marine Fisheries Service has adopted a new policy for marine recreational fisheries (MRF) and makes available to the public a final report on that policy. The main purpose of this policy change is to integrate more fully MRF throughout all of the Agency's major program offices and activities.

DATE: Effective October 13, 1981.

ADDRESS: Report of the Task Group dated April 24, 1981, is available at a cost of five dollars (\$5.00) from Dr. Robert F. Hutton, Marine Recreational Fisheries Coordinator, National Marine Fisheries Service, Washington, D.C.

20235; checks should be made payable to NOAA/Commerce.

FOR FURTHER INFORMATION CONTACT: Dr. Robert F. Hutton 202-254-5538.

SUPPLEMENTARY INFORMATION:

Background: Marine recreational fishing is important to the United States in terms of its popularity, economic contributions, source of food, and consequence to management of marine fisheries resources. It is estimated that in 1970, the most recent year for which national catch statistics are available, 1.8 billion pounds of finfish were caught in marine waters by recreational anglers. The major portion of those fish was consumed. In 1975, an estimated 16.4 million anglers spent an estimated 207.2 million days sport fishing in marine waters and contributed approximately \$3.5 billion in direct expenditures to the Nation's economy. In 1980, NMFS estimates that direct expenditures approached \$6 billion, not including the total indirect economic impacts generated from these expenditures. In addition, marine recreational fishing helps to improve the quality of life for U.S. citizens in many ways that are not easily quantified.

Although the National Marine Fisheries Service (NMFS) has responsibilities for living marine resources, (both commercial and recreational), under the Magnuson Fishery Conservation and Management Act of 1976, as amended, and other laws, the marine recreational fishing (MRF) activities of NOAA have been limited and fragmented. Traditionally, MRF activities of NMFS have been in biological research and data collection geared toward providing better information for conservation and management of the fisheries resources. The NMFS has been involved in other MRF activities on an ad hoc basis such as technical assistance on artificial reef research and development, sponsoring MRF symposia, and various other liaison activities with State, other Federal agencies, and various interest groups.

Marine Recreational Fisheries Policy: At the request of the NMFS Assistant Administrator for Fisheries, a Task Group was established to recommend a policy that would integrate more fully MRF into all of the Agency's major program offices and activities.

Using the MRF evaluation report prepared by the evaluation staff of the NMFS Office of Policy and Planning as a starting point, the Task Group developed and recommended an Agency MRF policy. Their recommendations were presented to the Assistant Administrator for Fisheries in the final

report of the MRF Task Group dated April 24, 1981. The Task Group defined MRF in terms of three elements—the resource (fish and habitat), the users (fishermen, consumers, general public), and the industry (supporting industries which provide goods and services, e.g., bait, tackle, boats, motors, charter/headboat services, etc.). Problems associated with each of these three elements were discussed in the report. The policy recommended by the Task Group states that:

MNFS, through its various programs, will protect, conserve, enhance, manage, and develop fishery resources of importance to the Nation in order to increase the Nation's food supply; promote increased opportunity for both commercial and marine recreational fishermen consistent with the concept of optimum yield; and promote activities which will assist the commercial and marine recreational fishing industries to thrive and expand.

This policy carries out the NOAA Administrator's guidance on policy and management priorities, and emphasizes international competitiveness of American industry, improving productivity and innovation by American enterprise, and reducing Government regulation of industry. The Task Group also made ten recommendations with respect to implementation of the policy.

William G. Gordon, Assistant Administrator for Fisheries, NMFS, agreed with recommendations of the MRF Task Group, and formally adopted the MRF policy for the Agency on October 13, 1981. That policy is now being implemented through the strategic planning process of NMFS, taking into account Federal budgetary constraints.

Dated: February 4, 1982.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Services.

[FR Doc. 82-3415 Filed 2-8-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additions to the Textile Category System

February 3, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Additions to the Textile Category System to provide for proper category placement of apparel articles imported as parts of apparel ensembles.

(For purposes of the textile program, the term "ensembles" is used to describe

NOAA Administrator's Letter No.

Policy On Conditional Fisheries

Program guarantees are available for financing the construction of a new fishing vessel which will operate in a conditional fishery, or which will result in the transfer of a used vessel into operation in a conditional fishery, only if one of the following conditions is met:

- (1) The vessel whose financing is guaranteed (despite the fact that it will operate in a conditional fishery) is also fully equipped for, and fully capable of, operating in an underutilized fishery;
- (2) The vessel involved will replace a vessel of capacity which had operated in the conditional fishery prior to the designation of such fishery as conditional;
- (3) The vessel whose financing is guaranteed was contracted for prior to the designation of the fishery in which it will be operated as conditional;
- (4) The financing to be guaranteed will be used for the reconstruction or reconditioning of a vessel already operating in the conditional fishery; or
- (5) The application for Program guarantee had been submitted prior to the designation as conditional of the fishery in which the vessel will be operated. See 50 CFR Part 251 for those fisheries which are designated as conditional.

[Handwritten signature]

NOAA Administrator's Letter No. 37

November 24, 1982

SUBJECT: Interrelationship of the Magnuson Act and the
Coastal Zone Management Act

TO: F, CZ, PP, GC, Regional Fishery Management
Councils, State Coastal Zone Agencies

This Agency is responsible for the administration of both the Magnuson Fishery Conservation and Management Act (the Magnuson Act) and the Coastal Zone Management Act of 1972 (CZMA). Both laws establish policies affecting the conservation and management of the Nation's fishery resources. This letter confirms long standing agency policy that these laws are fundamentally compatible and should be administered in a manner to give maximum effect to both laws. Attached to this letter is more specific guidance on questions often asked about the relationship between the two laws.

The services of my staff are available to provide any "good offices" that may be necessary for resolving disagreements informally or giving guidance on interpretation of this policy. The guidance and this letter are not intended to contradict or supersede existing Agency regulations on this subject, found at 50 CFR Part 601 and 15 CFR Part 930 for the Magnuson Act and CZMA respectively.



John V. Byrne
Administrator

Attachment

NOAA Guidance: Federal Consistency and Fishery Management Plans

I. Background

The National Oceanic and Atmospheric Administration (NOAA) administers both the Magnuson Fishery Conservation and Management Act (Magnuson Act) and the Coastal Zone Management Act of 1972, as amended (CZMA). It has been, and retains, NOAA's policy that the two statutes are fundamentally compatible, and that either statute may be administered in a manner consistent with the other. This policy is embodied in the documents referenced below.

Questions have recently arisen, however, concerning the nature and extent of the obligations of the Regional Fishery Management Councils (Councils) and the National Marine Fisheries Service (NMFS) under section 307 of the CZMA with respect to the preparation and implementation of Fishery Management Plans (FMPs). More specifically, questions have been raised as to when an FMP "directly affects" the coastal zone of states with approved Coastal Zone Management Programs (Programs), thereby triggering the consistency provisions of section 307; as to when a state law or regulation constitutes an "enforceable policy" for purposes of NOAA's consistency regulations (15 CFR 930.39(c)); and as to when an FMP is consistent with such enforceable policies "...to the maximum extent practicable..." as required by section 307(c)(1).

Such questions present substantial issues of law and policy, on which some states may have views different from those of the Councils (notwithstanding their statutorily-mandated representation on the Councils). On the one hand, it may be argued that the Magnuson Act, which deals only with fisheries, should be the predominant vehicle for addressing fisheries management issues beyond a coastal state's waters, and perhaps even the exclusive vehicle. If

so, it would be anomalous if a state's coastal zone management agency could, by invoking the consistency provisions of section 307 of the CZMA, hamstring the management decisions made pursuant to the Magnuson Act. On the other hand, it can be argued that section 307 of the CZMA contains no exemption, express or implied, for FMPs, and that the legitimate interests of the coastal states in the management of the fisheries resources found within state waters require that FMPs be subject to the same degree of influence by the state as any other federal action that "directly affects" the coastal zone, including the state's waters.

This Guidance, in addition to the guidance and policies contained in the following NOAA regulations and memoranda, is intended to assist in answering such questions:

- 1.e Magnuson Act regulations at 50 CFR 601.21(b)(3) and 602.5(a)(7);e
2. CZMA consistency regulations at 15 CFR Part 930 Subpart C;
- 3.e Memorandum of October 3, 1977, from Richard A. Frank,e
Administrator, to Robert W. Knecht, Acting Associatee
Administrator for CZM, untitled,e
4. Memorandum of October 3, 1977, from Richard A. Frank to Robert
W. Schoning, Director, NMFS, on "Fishery Management Plans -
Consistency Requirements of CZMA;"
5. Memorandum of June 7, 1977, from William C. Brewer, General
Counsel, NOAA, to David H. Wallace, Robert W. Knecht, and
Robert W. Schoning on "FCMA/CZMA Consistency;" and
- 6.e Memorandum of July 7, 1977, from William C. Brewer toe
Richard A. Frank on "Fishery Management Plans - Consistency
Requirements of the CZMA of 1972" (hereinafter Brewer Memorandum).

This guidance can not, however, resolve all questions which may arise in applying these laws to particular facts situations. In particular situations requiring legal analysis, the NOAA General Counsel is available to render legal advice.

II.s The relevant provisions of the CZMA and the Magnuson Act are as follows:

CZMAs

Section 307. Coordination and Cooperation.s

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

Magnuson Act

Section 303. Contents of Fishery Management Plans.

(b)s DISCRETIONARY PROVISIONS.-Any fishery management plan which is prepared by any Council or by the Secretary, with respect to any fishery, may -

(5)s incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery[.]

Section 304. Action by the Secretary.

(c)s REVIEW BY THE SECRETARY. - The Secretary shall review any fishery management plan, and any amendment to any such plan, prepared by any Council and submitted to him to determine whether it is consistent with the national standards, the other provision of this Act, and any other applicable law...[.]

III. NOAA Guidance

1.s Most FMPs "directly affect" the coastal zone.s

Although the question whether the preparation and implementation of a particular FMP constitutes a federal activity "directly affecting" the coastal zone of a particular state with an approved Program will have to be decided on a case-by-case basis, it is clear in the light of NOAA's experience

that most FMPs are such activities, and that the Councils and NMFS must conduct these activities in a manner consistent "to the maximum extent practicable" with approved Programs (section 307(c)(1) of the CZMA). NOAA recognizes that "fisheries constitute one of the key resources of the coastal zone" of states with approved coastal management programs, and that the preparation and implementation of FMPs to regulate fisheries in the Fishery Conservation Zone (FCZ) "could have a direct effect on the State's coastal zone because of the division of the stock between the [FCZ and state waters]." See Brewer Memorandum, pp. 1-2.

It is possible, however, that a specific FMP may not "directly affect" the coastal zone. The threshold test for determining whether a federal activity "directly affects" the coastal zone has been variously stated as (1) "whenever a Federal activity [has] a functional interrelationship from an economic, social, or geographic standpoint with a State's coastal programs land or water use policies" or (2) "when a Federal agency initiates a series of events of coastal management consequence" (H.R. Rep. No. 1012, 96th Congr., 2d Sess. 34-35, recited in California v. Watt, ___ F.2d ___, C.A. No. 81-5699, (9th Cir. August 12, 1982)). Among the factors to be considered in deciding if this test is met are whether the fishery resource to be managed by the FMP is found in state waters, fish caught under the FMP are landed in the state, and there are other effects on the natural resources of the coastal zone. As a general rule, however, FMPs will have resource management effects on the coastal zone of states with approved Programs, thereby triggering the requirement of a consistency determination. Exceptions to this policy will comply with the requirements set forth in 15 CFR 930.35(d).

2.s Preparation and content of a consistency determination.s

Once the decision is made that a particular FMP has a direct effect on the coastal zone of a state with an approved Program, the Council (or NMFS) must prepare a written determination whether the FMP is consistent to the maximum extent practicable with the Program. Although the Council (or NMFS) may consult with the responsible state Program official in preparing this determination, the responsibility for its preparation ultimately rests with the Council (or NMFS).

A consistency determination for an FMP shall contain a brief statement that the plan will be implemented in a manner consistent to the maximum extent practicable with the state Program. According to NOAA regulations, at 15 CFR 930.39, the consistency determination also shall include:

a detailed description of the activity, its associated facilities, and their coastal zone effects, and comprehensive data and information sufficient to support the Federal agency's consistency statement.

Although the amount of detail necessary to support the determination will vary according to the type of direct effects of the plan on the coastal zone, preparers of FMPs may not simply assert that plans are "consistent" or "consistent to the maximum extent practicable" with state Programs, and omit supporting information. The requirements of 15 CFR 930.39 are clearly stated, and must be met. If FMPs are prepared in a manner which sufficiently considers the consistency of plans with state Programs and otherwise meets the requirements of NOAA regulations, then a consistency determination for an FMP may provide specific references to sections of the plan that discuss consistency issues and support the determination, and need not duplicate the same information.

Councils and NMFS shall maintain a record documenting consistency determinations and state responses to such determinations.

3. Federal consistency determinations relate to the federally-approved ands "enforceable, mandatory policies" of state Programs.s

The preparation and implementation of FMPs must be consistent "to the maximum extent practicable" only with the federally-approved policies of state Programs (15 CFR 930.39(c)). If the policy was not incorporated into the state Coastal Zone Management Program at the time of Program approval by NOAA, and has not since been approved in accordance with NOAA regulations as a Program change, then a consistency determination respecting that policy is not required.

Example:

An approved state Program does not include a state landing law applicable to a fishery resource to be managed by an FMP, because the state did not submit it as part of its Program at the time of approval, because NOAA refused to approve the landing law as part of the Program, or because it is never submitted for NOAA's approval as a Program change, in accordance with NOAA regulations. Therefore, no consistency determination is required respecting the state landing law because federal approval is lacking.

Similarly, FMPs must be consistent "to the maximum extent practicable" with the "enforceable, mandatory policies" of the state Program. NOAA has interpreted the term "enforceable, mandatory policies" to mean that such policies are incorporated in state law or regulation, binding on state agencies and citizens. Thus, coastal management policies which are recommendatory in nature need only be given "adequate consideration" by federal agencies

(930.39(c)); FMPs need not be consistent "to the maximum extent practicable" with such policies.

4. Consistent "to the maximum extent practicable."

The statutory requirement of consistency "to the maximum extent practicable" has been interpreted by NOAA to require that federal activities be "fully consistent with [state Programs] unless compliance is prohibited based on the requirements of existing law applicable to the Federal agency's operations" (15 CFR 930.32(a)). This standard of consistency is under review by NOAA in light of the decision of the Ninth Circuit in California v. Watt, cited above, but continues to apply unless and until modified by subsequent rulemaking. If an FMP is not "fully consistent" with a state Program, the Council must describe to the state the authority limiting its discretion to comply with the approved policies of the state Program (930.32(a)).

5. "Consistent" does not mean identical.

NOAA does not require that FMPs contain the identical policies that the state Program applies for managing the same fishery resource. Although conformity with the state policy could increase the potential for managing the interjurisdictional stock "as a unit throughout its range" (section 301(a)(3), Magnuson Act), the offshore conditions may dictate a different approach to management in the FCZ than in state waters. Under such circumstances the application of a different approach in the FCZ could be consistent with the state's approach in its territorial waters because the effect on the state's fishery resource is the same under either approach.

Example:

An FMP authorizes a particular stock to be caught with certain gear in the FCZ; the state allows the use of other gear in its waters. If the net result is that the state's fishery is protected to the same extent under the FMP approach as under the state's approach, the two plans are consistent.

6.e FMPs may impose stricter standards than those contained in state Programs.e

NOAA has construed the consistency provisions of the CZMA to permit federal agencies to conduct their activities according to more restrictive standards than those contained in state Programs. Therefore, FMPs may apply stricter standards than state Program policies (15 CFR 930.39(d)).

Example:

The FMP sets an 8-inch minimum size limit for the catch of spiny lobster; the state has a 7-inch minimum size limit. The FMP need not conform to the state's less stringent standard.

7.e Amendments to FMPs may require consistency determinations.e

Amendments to FMPs approved by the Secretary of Commerce and previously determined to be consistent with a state Program, may require a separate consistency determination, if the amendment "directly affects" the coastal zone in a manner not fully evaluated in the FMP and initial consistency determination (15 CFR 930.33(a); 930.37(a); and 930.38(b)).

IV. Procedures

The CZMA and the Magnuson Act establish time frames for consistency review and approval of FMPs and amendments that are approximately equal. However, these time frames may, on occasion, cause procedural problems in coordinating consistency review and approval of FMPs or amendments. The

following procedures are intended to resolve such problems.

CZMA

NOAA regulations require that consistency determinations be provided to states with approved Programs "at least 90 days before final approval of the Federal activity unless both the Federal agency and the State agency agree to an alternative notification schedule" (15 CFR 930.54(b)). Similarly, NOAA regulations encourage federal agencies to provide consistency determinations "at the earliest practical time" in the planning of an activity, "before the Federal agency reaches a significant point of decisionmaking in its review process" (930.54(b)). A state must indicate its agreement or disagreement with the consistency determination within 45 days from receipt of the determination. If the state fails to respond within 45 days, the state's agreement may be presumed. However, the state may request one 15 day extension before the expiration of the 45 day period, and the federal agency must comply. Longer extensions may be granted by the federal agency (15 CFR 930.41).

Magnuson Act

The Magnuson Act requires that the Secretary of Commerce review an FMP or amendment prepared by a Council and notify such Council of his approval, disapproval or partial disapproval within 60 days after he receives the FMP or amendment (section 304(a)). If the Secretary approves the FMP or amendment, he must then publish in the Federal Register a notice of availability of the FMP or amendment and any proposed implementing regulations, and provide for a 45 day public comment period. Upon conclusion of the comment period the Secretary may issue final regulations implementing the FMP.

If the Secretary disapproves or partially disapproves the FMP or amendment, he must include in his notification to the Council the reasons for his action, propose modifications and request the Council to resubmit the FMP or amendment, as so modified, within 45 days after the Council receives notification. If the Council fails to modify the FMP or amendment, the Secretary may prepare his own FMP or amendment. Similarly, inaction by the Council in preparing a plan or amendment may also be grounds for the Secretary to prepare an FMP or amendment, and submit the FMP or amendment to the appropriate Council for review, in accordance with section 304(c)(2) of the Magnuson Act. In either case, a notice of availability of an FMP or amendment prepared by the Secretary, in addition to proposed regulations, must be published in the Federal Register, followed by a 45 day comment period. Final regulations may be issued after the comment period ends (sections 304 and 305).

1.e Generally, Councils should submit a consistency determination to the states with approved Programs as soon as it is practicable to do so, but no later than the time a final FMP is submitted to the Secretary. If an FMP or amendment is disapproved or partially disapproved, another consistency determination may be required, if the modification which follows the disapproval or partial disapproval involves matters "directly affecting" the coastal zone that have not been considered in the original FMP or initial consistency determination. Similarly, if final regulations or amendments to regulations differ from proposed or existing regulations, a consistency determination may be required.

Likewise, an FMP or amendment prepared by the Secretary requires that a consistency determination be made as early as it is practicable to

do so, but no later than the time the FMP or amendment is submitted to the appropriate Council for review, in accordance with section 304(c)(2) of the Magnuson Act. Submission of consistency determinations by these deadlines will in most cases assure that consistency reviews and approvals of FMPs or amendments are timely made in accordance with CZMA and Magnuson Act provisions. Whenever the submission, the final action (approval and implementation of the FMP by the Secretary) may not occur until the mandatory 90 days have elapsed unless the state and NMFS agree otherwise.

2.s Section 305(e) of the Magnuson Act authorizes the Secretary to take the following actions to deal with an emergency involving fishery resources:

1.s to issue emergency regulations without providing a 45 day comment period in order to implement an FMP; and

2.s to issue emergency regulations to amend regulations implementing an existing FMP.

Emergency regulations must be published in the Federal Register, are effective for not more than 45 days after publication, may be renewed for one additional period of not more than 45 days, and may be terminated at any time by the Secretary by publication of a notice of termination in the Federal Register.

Generally, an FMP implemented by emergency regulations would have already been the subject of a consistency determination, either by a Council or the Secretary, depending upon who prepared the FMP. However, if a consistency determination has not previously been submitted, one must be submitted to states with approved Programs at the time the emergency regulations are published. Final approval and implementation of the FMP,

as opposed to the promulgation of the emergency regulations themselves, may not occur until at least 90 days after providing a consistency determination, unless the federal agency and the state agree otherwise (15 CFR 930.34(b)).

To the extent that emergency regulations implementing an FMP or amending existing regulations are not "fully consistent" with an approved state Program, such deviation may be justified by "unforeseen circumstances arising after the approval of the management program which present the Federal agency with a substantial obstacle that prevents complete adherence to the approved program" (15 CFR 930.32(b)). Circumstances of each emergency will determine whether the deviation is justified.

TV

B-5

JAN 1 1984

[Handwritten initials]
M.H.

TO: Regional Fishery Management Councils

THROUGH: NMFS Regional Directors

FROM: *[Handwritten signature]*

SUBJECT: Confidentiality of Federal Statistics

The January 1983 Amendment to the Magnuson Act requires Councils to develop procedures for ensuring the confidentiality of statistics that may be submitted to them by Federal or State authorities and that may be voluntarily submitted to them by private persons. It has come to my attention that some Councils are drafting procedures which allow Council members to have access to confidential information.

I am concerned that release of confidential federal information to Council members and members of Council subgroups would provide the potential for individual competitive advantage to members who are involved in the fishing industry. Also, even the appearance of a conflict of interest compromises our ability to collect confidential data.

It is the policy of the National Marine Fisheries Service to prevent release or access of confidential federal information to Council members and members of Council subgroups.

We will consider requests for Council staff access to confidential federal statistics. Council staff access to such data may be considered after a Council has (1) documented a need for unaggregated data and (2) established procedures to ensure the confidentiality of such information as required by the Magnuson Act.

Enclosed is a sample format of Council procedures to ensure confidentiality of data. Note that the procedures require all Council staff users to sign statements of non-disclosure. I strongly urge Councils to develop confidentiality policies which do not include access to confidential federal data by Council members and members of Council subgroups.

Questions regarding confidentiality of federal fishery statistics should be addressed to the NMFS Regional Director, who will coordinate his response with B.G. Thompson, NMFS Office of Science and Technology, Washington, D.C.

Attachment

- cc Carmen J. Blondin
- Joseph W. Angelovic
- NMFS Center Directors
- Jay Johnson
- B.G. Thompson ✓

cc: F/S:Mandvill, F/S2:Wheeland, F/M1:Pinch, GCF:Johnson, F/S, F/M, F(2)
 NMFS:F/S:J.Mandvill:634-7469:ddh:05/30/84



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20236

MAIL ROOM

HB

F/SI:EP

~~William G. Gordon~~
A. T. ...

TO: R - Ned A. Ostensjo
FROM: F - ~~William G. Gordon~~
SUBJECT: NMFS Policy for Access to Confidential Fishery
Statistics by NOAA Sea Grant Investigators

It has been our policy to deny access to confidential fishery statistics for investigators who do not meet the criteria established under NOAA Directive 88-30 (copy attached). Recent requests for such data to our Southeast Fisheries Center have resulted in a review of that policy. As a result of that review, I am pleased to inform you that it is now possible for NMFS to allow qualified Sea Grant investigators access to confidential fishery statistics provided that proposed use of the data supports the mission of the NMFS. In this regard, the Office of General Counsel has determined that Sea Grant investigators should be treated as "contractors" under the NOAA Directive. Requests for State acquired confidential data, archived and used by NMFS, should be made to appropriate State offices.

In addition to the guidelines set forth in ND 88-30 for requesting access to confidential fishery statistics, the following procedure must be followed. Prior to submission of a proposal to the Office of Sea Grant and Extramural Programs, the investigator is to submit a written data request to the NMFS office which controls access to the needed data. This request is to contain a description of the data needed, a "need to know" justification of how the data is to be used, and a statement reflecting a willingness to sign the appropriate "access agreement" and "pledge of nondisclosure" referred to in the NOAA Directive. The NMFS will notify the investigator of its decision in writing within 30 calendar days after receipt of the request. If approval is given, we will also provide the investigator with details regarding conditions of data access, any costs involved, formats, timing, security procedures, etc. If the request is denied, the reason(s) for denial will be given by the NMFS office involved. Such denial will not preclude NMFS consideration of future requests from the requestor.

F/PP



The investigator's request for data, and the NMFS letter of approval, are to be attached to the investigator's proposal to Sea Grant. This procedure and documentation will let the appropriate Sea Grant Director know that the investigator will have access to information necessary to complete the proposed investigation. The access agreement and pledge of nondisclosure will be signed by the investigator, and others having access to the data, after the Office of Sea Grant and Extramural Programs has approved the proposal for funding.

All Sea Grant investigators and Sea Grant Directors are to be aware that with respect to data confidentiality, any release of information (publications, etc.) derived from the accessed confidential data must be approved by NMFS. Our purpose is to ensure confidentiality, and not make judgment on conclusions drawn by the investigator. This final check will help ensure that confidentiality is maintained and that NMFS sources have not been compromised. If there is a breach of confidentiality, the investigator would be subject to criminal and civil penalties, and personally liable for any damages that may result. Additionally, further access to such data will be denied.

If you have any questions regarding this change, please contact me or Ed Pastula (634-7321), our Sea Grant Coordinator.

Attachment

cc: Center Directors
Regional Directors
F/S, F/S1, F/S2, F/S3
F/M, F/M1, F/M2, F/M3
F/PP
F/MB
F/CA
GCF

Please file as NOAA Directive 88-30 (Supersedes NOAA Circular 80-11 filed as NDM 88-30)

NOTE: ★ indicates revised matter.

SUBJECT: Confidential Fisheries Statistics

TO: Financial Management Centers

1. Purpose - The purposes of this directive are to:

a.o Set forth policies and procedures to protect the confidentiality of individual business or personal information submitted to/ collected by the National Marine Fisheries Service (NMFS) by the public as authorized or required by law.

b.o Inform NOAA/NMFS employees, NOAA/NMFS contractors, and NOAA/NMFS agents of their obligations for maintaining the confidentiality of such statistics received by NMFS.

c.o State the penalties provided by law for disclosure of these confidential statistics in other than aggregate or summary form.

★ d.o Clarify policies and procedures on the exchange of State-supplied data between NOAA/NMFS and a State participating in an agreement for the collection and management of data. ★

2.0 Definitions - For purposes of this directive,

Aggregate or Summary Form - means data or information submitted by three or more persons that have been summed or assembled in such a way that the summation or assembly does not reveal the identity or business of any person.

Authorized/unauthorized - describes uses and users.

a.o An authorized use is that specific use which is authorized under the governing statute, regulation, directive, contract or agreement, and which has been specified by "notice" on the form or questionnaire requesting the information, or verbally by the interviewer. (See sections 5e and 8c.)

b. An authorized user is any NOAA/NMFS employee, contractor, etc. who, having the need to use unaggregated data in the performance of an official NOAA/NMFS activity, has read this directive and has signed and dated a "statement of non-disclosure", appropriately recorded and certified, affirming the user's understanding of NOAA/NMFS obligations with respect to confidential data and the penalties for unauthorized use and disclosure. NOAA/NMFS may enter into agreements with the various States for the collection and management of data. Authorized users will be defined in the agreements.

- (1)e Routine users: NOAA/NMFS personnel who are responsible for the collection, processing, and storage of the statistics and personnel who are performing research or other duties that require continual access.e
- (2)e Non-routine users: other NOAA/NMFS personnel who are permitted access on a demonstrable need-to-know basis.e

Automatic Data Processing (ADP) - means processing of data by automatic means through electric or electronic equipment.

Confidential - means containing information, the unauthorized disclosure of which could be prejudicial or harmful. In this directive, it describes information/data that is identifiable with any submitter and that is accepted from the submitter by the Secretary.

a.e Administrative Confidential Data - means any information/data/statistics that are: (1) collected under statutory or regulatory authority that does not require the submission of such data, (2) submitted voluntarily by the submitter under an administrative pledge or agreement of confidentiality, and (3) the disclosure of which will place the submitter at a competitive advantage or disadvantage, or restrict NOAA/NMFS's ability to collect necessary information/data/statistics in the future.

b.e Statutory Confidential Data - means information/data/statistics that identifies the person or business of the submitter which is (1)e required to be submitted by individuals or businesses as a result of a requirement in a Fishery Management Plan (FMP) or a Preliminary Fishery Management Plan (PMP), or (2) required to be submitted regarding fish meal or oil in cooperation with the Census Bureau, and (3) receives statutory protection of the confidentiality of the data.e

Contract/Agreement - are interchangeable terms that include all binding forms of mutual commitment under a stated set of conditions to achieve a specific objective.

"Data", "information", and "statistics" are used interchangeably as the context makes necessary. Data usually refer to numerical types of information, which are elements of statistics. Types of data included:

★ (1) Data collected under State authority, ie. data collected by a State, its agents, employees, contractors, or representatives solely pursuant to State statutes or regulations.

(2)e Data collected under Federal authority, ie. datae collected by the Federal Government, its agents,e employees, contractors, or representatives solely pursuant to Federal statutes or regulations.



Data Base Administrator - means that employee in each NMFS data management center responsible for the direction and development of data management systems. Currently NMFS has five data management centers-- four regional centers, and a headquarters center in Washington, D.C. Data center addresses are in Exhibit 1.

Integrity - with respect to data, means a desirable absence of a distortion.

National Data Management Committee - means the group established by the Assistant Administrator for Fisheries to develop data management policies and procedures, and to coordinate the development and operation of data management systems on a nationwide basis. The committee consists of the five Data Base Administrators.

Need-to-Know - means that the person requesting the data intends to put it to a use that is consistent with the use for which it was collected.

Person - means any individual (whether or not a citizen or national of the United States), any corporation, partnership, ~~association, or other entity (whether or not organized or existing under the laws of any State)~~ and any Federal, State, local, or foreign government or any entity of such government.

Personal, with regard to information/data/statistics, means information of a private nature (age, etc.) which if retrieved by individual identifier would be subject to the Privacy Act.

Public - means any person who is not an authorized user.

Region - means NMFS regional field offices and Fisheries Centers.

Source Document - means the document on which data are originally recorded.

Submitter - means any person in the public who provides data to NMFS upon request.

3.a Scope

a.a Types of Statistics: This directive covers all confidential statistics related to individuals or businesses that are received, collected, or assembled by NMFS except those described below in 3. b. Types of statistics could include, among others: catches and landings by species; gear; area of capture and effort; characteristics of vessels (except as required to obtain a permit); characteristics of ~~fish processing plants; actual and estimated fish processing plant capacity and production; inventories of fishery products; employment;~~

personal information requested of recreational fishermen; economic and other information on vessel or processing plant operations; and any other data that a person may submit, either voluntarily or as required by statute or regulation, about themselves or their business operations to NOAA/NMFS.

b.e Stages of Statistical Processing: This directive applies to the handling (which includes collection, storage, and use) of unprocessed confidential data, and to automated or manually stored confidential data.

★ c.e This directive does not apply to agreements with a State for the exchange of State data between NOAA/NMFS and the collecting State as long as the data were obtained under State authority. Under these circumstances, NOAA/NMFS is archiving data collected under State authority, and will release these data back to the collecting State. In this situation, State personnel defined as authorized users in the agreement with NMFS are not required to sign a statement of non-disclosure for access to these data.

The NMFS expects that States with comparable confidentiality protection authority will exercise rules and regulations on their employees similar to those defined in this directive. e e e

Any other use of these data by NOAA/NMFS is governed by the policies and procedures of this directive. ★

4.e Objectives - The objectives of this directive are to:

a.e Establish NOAA/NMFS employee, contractor, agent, and Office accountability for the handling of confidential business or personal information submitted to NOAA/NMFS either voluntarily or as required by law;

b.e Provide operational safeguards that will maintain ample security for such information; and

c.e Encourage cooperation of individuals and businesses in submission of accurate statistics by providing assurance of confidentiality.

5.e Policy - For data subject to this directive, it is NOAA/NMFS policy that:

a.e Disclosure:

- (1) Confidential statistics that identify the person or business submitting the statistics shall not be disclosed to the public except as permitted or required by law or court order.

(2)a NOAA/NMFS will not voluntarily release confidential information to other Federal agencies or to the members or employees of Regional Fishery Management Councils, and to the extent possible, NOAA/NMFS will oppose other agency and Congressional subpoenas to obtain confidential information. NOAA/NMFS will not disclose confidential statistics under court order without specific approval by the NOAA Office of General Counsel (OGC).a

b.a Storage: When information collected under separate statutory authorities is commingled, the statute requiring the greatest protection will be applied to preserve the highest degree of confidentiality of the statistics submitted.

c.a Access: All persons having access to these statistics shall be informed that the statistics are confidential and these persons shall be required to sign a statement of non-disclosure as follows:

I agree to abide by the NOAA Directive on Confidentiality of Fisheries Statistics.

I will not disclose any statistics identified as confidential to any person or persons, except authorized users or as permitted by the Assistant Administrator for Fisheries, or the Assistant Administrator's designee, in accordance with the law, as authorized by the Office of General Counsel. I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such statistics.

d.a Notice: A "fair use" notice will be required on all report forms requesting confidential information, which informs the individual about the purposes of its collection, the authority for collection, and the consequences of not providing the requested information.

e.a Uses: The range of acceptable uses for confidential data, includes, but is not limited to, the following:

- scientific research;
- stock assessments;
- economic and social assessments;
- management decisions in PMP/FMP development;
- management decisions in PMP/FMP implementation;
- management decisions in PMP/FMP monitoring and amendment;
- enforcement; and
- State and private research (subject to a contract with NOAA/NMFS ensuring the protection of data).

~~Not all of the uses listed may be authorized for every bit of data. Authorized uses will depend on the type of data collected, the statutory authority and administrative policy, as well as other relevant considerations.~~



NOV. 16 1983

F/PP:RJW

B-6

RJW

TO: Office, Regional and Center Directors, NMFS

FROM: F - William G. Gordon

SUBJECT: NMFS' Aquaculture Efforts

The purpose of this memorandum is to enunciate NMFS' position on aquaculture. It is not intended to result in any program changes, but merely to serve as general guidance for future planning. It also provides insight to my personal philosophy should we need to respond to budget changes or Administration directives.

Background

Aquaculture has become a significant source of aquatic products for some species in some regions of the country and has the potential to become a significant source for many others. World-wide aquaculture production has increased significantly over the past 15 years and now is estimated to exceed 21 billion pounds. The amount of fish and shellfish produced and harvested using culturing methods amounts to 11 percent of the total supply of edible fish and shellfish harvested in the United States. A sophisticated aquaculture technology base is now available, and the aquaculture industry is now capable of using and refining it for successful production of many species. In addition, many States are active in aquaculture research, either in production or providing assistance to industry.

The U.S. aquaculture industry is composed of approximately 1100 catfish farms; 250 trout farms; 400 crayfish farms; 25 commercial salmon farms; over 500 oyster culturing farms; 30 firms culturing clams, mussels, and abalone; 15 shrimp producing firms operating in the U.S. and Latin America; 20 firms producing freshwater prawns; and a number of individuals and firms that are culturing new species. Production in 1983 is expected to exceed 400 million pounds, three times the level of production in 1975. Production is expected to more than double during the remainder of the 1980's.

In 1980, the Congress enacted the National Aquaculture Act. The Act charged the Secretaries of Agriculture, Commerce, and the Interior to prepare a National Aquaculture Development Plan to recommend, among other things, action for both public and private sectors to culture aquatic species on a commercial or other basis; to provide advisory, educational, informational and technical assistance; to conduct studies of the capital requirements of the U.S. aquaculture industry; to identify regulatory restrictions impeding aquaculture development; and to develop and maintain a well-coordinated effort between the public and private sectors. It is in the context of the latter charge that I decided to enunciate my philosophy and agency position regarding aquaculture-related activities.



5/100-Blatt

NMFS and the Role of Aquacultures

NMFS seeks to optimize the use of its limited fiscal resources in carrying out its basic mission of managing, protecting, and developing our Nation's living marine resources. To this end, NMFS is striving to complement State, other Federal, and private sector activities, and to reduce duplication. Accordingly, NMFS' aquaculture efforts will be directed to managing common property resources and endangered species, not for food production. NMFS will continue to utilize aquaculture to: (1) support and/or contribute to management objectives defined in fishery management plans developed under the Magnuson Fishery Conservation and Management Act or the interjurisdictional coastal fisheries program in cooperation with States; (2) contribute to the restoration and protection of endangered species or stocks under programs authorized by the Endangered Species Act; and (3) respond to Indian treaty obligations, legislative mandates, and court orders, e.g., the Boldt decision. NMFS will disseminate aquaculture-related information and technological advances gained from its fisheries research. NMFS will continue to cooperate, within its fiscal limits, with Federal and State agencies, international bodies and foreign governments, and university and private interests. NMFS also will share scientific and technological knowledge applicable to aquaculture, and will promote the development and expansion of domestic and international markets for products produced by the U.S. aquaculture industry.

cc:
 F (2)
 F/M
 F/S
 F/PP - Everett, Blatt, Williams

NMFS:F/PP:RJWilliams:dd:653-7551:11/8/83
 BoD.#1:DD



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Washington, D.C. 20235

DEC 14 1983

F/PP:RJW

TO: NMFS Regional Directors
NMFS Center Directors
FROM: F - William G. Gordon
SUBJECT: MOUs Regarding Habitat Mitigation Banking

In an October 26, 1983, memorandum to Jack Brawner (F/SER) approving a mitigation banking proposal in Terrebonne Parish, Louisiana, I indicated that I did not want NMFS to enter into any other MOUs concerning mitigation banking until an evaluation of the Louisiana project is completed. My concern is that mitigation banking is a new concept which has not been fully considered nationwide. The Terrebonne Parish project is a mitigation banking experiment which should reveal many of the merits and drawbacks of the concept. Thereafter, NMFS should be in a better position to judge if mitigation banking is a concept which we should endorse and use.

Subsequent to the October 26, 1983, memorandum, I became aware that F/SWR was in the final stages of concluding an MOU regarding habitat mitigation in Upper Newport Bay, California (Long Beach Harbor). A waiver was requested to allow NMFS to conclude the agreement. I granted the waiver with the understanding that this MOU does not constitute true mitigation banking, but is more in the nature of advanced permit conditions or restricted area management. The distinction is important as I am concerned about giving the impression that NMFS endorses the concept of mitigation banking. I don't want to set a precedent which would in any way limit our options until after the evaluation of the Terrebonne Parish project.

In the interim, pending the completion and evaluation of the Terrebonne Parish project, I will consider clearance of MOUs relating to mitigation banking on a case-by-case basis. If any NMFS elements currently are involved in mitigation banking negotiations, please advise me immediately. This will allow me to determine whether we should proceed with negotiations or withdraw gracefully.



Research

Comment: Applaud scientific/research thrust, but would like to see requirement for sharing research findings with a variety of non-Federal organizations concerned with habitat conservation.

Response: Implementation Strategy No. 2 has been amended to clearly reflect NMFS' obligation to disseminate information to the public.

Comment: NMFS' role in research activities should receive greater emphasis than is implied in proposed policy statement.

Response: Implementation Strategies Nos. 1, 2 and 3(b) reflect NMFS' desire to give greater emphasis to habitat research activities.

International Habitat Activities

Comment: Regarding NMFS' participation in international habitat activities in support of obligations of the U.S. under international agreements, it occurs that negotiations with foreign nations who are seeking fishing rights in U.S. waters, may offer opportunities for international habitat protection activities. Foreign nations with the best habitat protection records might be given preferential treatment in the fisheries allocation process.

Response: The policy does not preclude this suggestion. NMFS will bring it to the attention of the Department of State with which NMFS cooperates in making allocation determinations. Implementation Strategy No. 6 recognizes the need for interagency cooperation and agreements.

For the reader's benefit, the modified Statement of Policy follows.

Policy Framework

Traditionally, the habitat conservation activities of NMFS have been based primarily on the policies developed in response to the Fish and Wildlife Coordination Act (FWCA) and the National Environmental Policy Act (NEPA). These laws give NMFS an important advisory role, primarily with respect to reviewing and commenting on proposed Federal projects, licenses, permits, etc. which could affect living marine resources. Because of this advisory role, NMFS' habitat conservation activities have been determined largely by the policies, actions, and deadlines of others. For the most part, these activities have dealt primarily with general concerns of habitat loss and degradation and not with specific habitat problems relating to the species of living marine resources for which NMFS has primary management responsibilities, i.e. species

(1) covered or subject to being covered under Fishery Management Plans developed under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and (2) assigned to NMFS under the Marine Mammal Protection Act and the Endangered Species Act. Within this framework these activities have been successful in carrying out the objectives of the FWCA and NEPA. However, evolving mission and programs require the Agency to focus its activities on habitats important to the species referred to above.

In addition to the need for a change resulting from the foregoing, a number of events have occurred that give NMFS the opportunity to enhance substantially its overall role in habitat conservation. These include opportunities to use all of NMFS' legislative authorities to take an active role in habitat conservation and to ensure that it is appropriately considered in all of NMFS' programs, and opportunities to make the program more effective through strategic planning. Additional events include changing Federal and State roles under Administration policies and reduced Federal budgets.

Although NMFS' past role in habitat conservation was largely determined by the FWCA and NEPA, significant recent legislation, particularly the Magnuson Act gives NMFS broader authority and more opportunities for achieving habitat conservation objectives. This Act also provides comprehensive authority to integrate habitat conservation throughout the Agency's conservation, management, and development programs. This can be accomplished through the Agency's strategic planning process which is the mechanism for setting priorities based on NMFS' resources and responsibilities.

Changes in traditional Federal and State roles are expected to occur as a result of sorting out responsibilities among Federal, State, and local governments and shifting decisionmaking and responsibility for a variety of policy, budgetary, and regulatory matters to State and local governments. Implementation of this policy will give State and local governments more control over activities that may be more appropriately conducted at those levels and, as a consequence, reduce direct Federal expenditures and involvement.

With respect to living marine resources and their habitats, the sorting out of responsibilities between State and Federal governments is complex. Generally, the States have overall responsibility within their inland and coastal waters (0-3 miles from shore) for management of living marine resources with the exception of marine mammals

and endangered species. NMFS has been assigned the Federal management responsibility, in partnership with the Regional Fishery Management Councils, for fishery resources in the U.S. Fishery Conservation Zone (generally 3-200 miles). However, the Magnuson Act recognizes a need for management throughout the range of the species. Moreover, many of the species of living marine resources for which NMFS is responsible spend a portion of their life cycles in habitats primarily located in State waters such as rivers, wetlands, and estuaries. Many of these common property resources cross State as well as international boundaries. Therefore, consistent with the Magnuson Act, NMFS clearly has a role with respect to certain living marine resource habitats located in State, interstate and international waters. NMFS also has a long history of cooperation and interaction with the States on State/Federal fisheries activities under number authorities other than the Magnuson Act.

Policy

Habitat conservation activities will be responsive to the mission and programs of NMFS. The goal of NMFS' habitat conservation activities will be to maintain or enhance the capability of the environment to ensure the survival of marine mammals and endangered species and to maintain fish and shellfish populations which are used, or are important to the survival and/or health of those used, by individuals and industries for both public and private benefits—jobs, recreation, safe and wholesome food and products.

NMFS will direct its habitat conservation activities to assist the Agency in (1) meeting its resource management, conservation, protection, or development responsibilities contained in the Magnuson Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act; and (2) carrying out its responsibilities to the U.S. commercial and marine recreational fishing industry, including fishermen, and the States pursuant to programs carried out under other authorities.

Since most of NMFS' programs under its broad mandates are influenced by habitat considerations, habitat conservation will be considered and included in the Agency's decisionmaking in all of its programs. NMFS will bring all of its authorities to bear in habitat conservation. These authorities include those which give NMFS an active, participatory role and those, particularly the Fish and Wildlife Coordination Act, which give NMFS an advisory role.

In carrying out its programs, NMFS' activities will be conducted in a fashion designed to achieve necessary, orderly coastal development in a timely fashion, while the renewability and productivity of the Nation's living marine resources are maintained or, where possible, enhanced. This action will also benefit other wildlife resources, such as migratory birds.

Also, NMFS will use its scientific capabilities to carry out the research necessary to support its habitat conservation objectives.

Implementation

Implementation of the policy will be governed by general Federal policies such as the multiple use of coastal areas. Also, implementation will be governed by the principle that the Federal Government has an obligation to conserve the habitats of living marine resources for which it has primary management responsibility or which are the subject of NMFS program, whether such habitats are under State or Federal jurisdiction. This will require close cooperation and coordination by NMFS with other NOAA elements, Federal and State agencies, the Regional Fishery Management Councils, and the commercial and recreational fishing constituencies. It is particularly important that NMFS and the States work cooperatively to define their respective roles with each directing its habitat conservation activities according to its responsibilities and capabilities.

While this policy emphasizes NMFS' domestic habitat conservation responsibilities, it does not preclude NMFS' participation in international habitat activities in support of obligations of the U.S. under international agreements. International habitat issues will continue to be addressed on a case-by-case basis depending upon the demands of the United States under the provisions of the governing treaty or convention.

PROMOTING URBAN FISHING PROGRAMS

ABSTRACT

WITH THE REAWAKENING OF INTEREST IN THE NATION'S RIVERS, LAKES AND BAYS THERE ARE INCREASED DEMANDS FOR WATER-RELATED RECREATION, ESPECIALLY NEAR MAJOR POPULATION CENTERS.

URBAN COMMUNITIES, FACED WITH THE NEED TO PROVIDE ADDITIONAL RECREATIONAL ACTIVITIES, MUST BALANCE THAT NEED WITH OTHER BUDGET DEMANDS. WITH THE IMPROVED QUALITY OF URBAN WATERWAYS THE OPPORTUNITY NOW EXISTS TO SATISFY COMMUNITY NEEDS AND DEMANDS FOR WATER-RELATED RECREATIONAL ACTIVITIES WITHOUT MAJOR GOVERNMENT EXPENDITURES. FISHING IS ONE ACTIVITY THAT IS AFFORDABLE TO ALL, FROM THE NOVICE TO THE EXPERT. CITIES WILL FIND THAT THE PROMOTION OF FISHING FOR RECREATION AND LEISURE WILL BE ENTHUSIASTICALLY RECEIVED BY THE COMMUNITY AND MAY PROVIDE AN OPPORTUNITY FOR THE PUBLIC SECTOR TO WORK CLOSELY WITH THE PRIVATE.

FEDERAL, STATE AND LOCAL GOVERNMENT OFFICIALS WILL WANT TO WORK CLOSELY WITH CORPORATE INTERESTS, AND ENVIRONMENTAL AND CIVIC ORGANIZATIONS TO PLAN, PROMOTE, AND EXECUTE FISHING CLINICS, FISHING DERBIES AND SEAFOOD FESTIVALS. THESE EVENTS FOCUS ATTENTION ON THE WATERFRONT, ATTRACTING RESIDENTS, TOURISTS AND ECONOMIC DEVELOPMENT.

INTRODUCTION

DURING THE 19TH CENTURY AND EARLY 20TH CENTURY THE WATERS THAT ATTRACTED MILLIONS TO ESTABLISH THEIR BUSINESSES AND HOMES ALONG THE SHORES, WERE USED AS DUMPS FOR SEWAGE AND INDUSTRIAL WASTES. MILLIONS OF GALLONS OF RAW WASTEWATER WERE DUMPED IN FAMOUS AMERICAN RIVERS SUCH AS THE HUDSON AND THE POTOMAC. LITTLE INFORMATION WAS AVAILABLE ABOUT TOXIC CHEMICALS USED IN INDUSTRY AND DISCHARGED INTO WATERWAYS. IT SEEMED THAT THE NATION HAD TURNED ITS COLLECTIVE BACK ON THE STENCH AND DEBRIS OF THE RIVERS AND BAYS. FISH KILLS AND OIL SPILLS MADE NATIONAL HEADLINES AND A GROUNDSWELL OF PUBLIC CONCERN GREW AS PEOPLE SAW THEIR FRAGILE ENVIRONMENT EASILY DESTROYED BY NEGLECT AND ABUSE.

CONGRESS RESPONDED TO GROWING PUBLIC CONCERN ABOUT THE DESTRUCTION OF THE ENVIRONMENT BY PASSING THE FEDERAL WATER POLLUTION CONTROL ACT AND AMENDMENTS. THIS LEGISLATION ALTERED THE NATIONAL APPROACH TO WATER POLLUTION CONTROL, SET AMBITIOUS GOALS, AND GAVE GENEROUS FUNDING TO STATES, CITIES, AND TOWNS TO REACH THE GOALS. CONGRESS HAS APPROPRIATED MORE THAN \$37 BILLION FOR GRANTS TO AID IN THE CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES. IN THE 80'S WE ARE ABLE TO ENJOY THE RESULTS OF THE INVESTMENT -- IMPROVED WATER QUALITY IN THOUSANDS OF STREAMS, LAKES, AND RIVERS. OVER 3,000 NEW WASTEWATER FACILITIES ARE STILL UNDER CONSTRUCTION -- OPENING UP MANY URBAN AREAS TO BOATING, SWIMMING AND -- ESPECIALLY FISHING.

THE WATERS ARE CLEANER, FISH ARE RETURNING TO SPAWN AND FEED IN OUR RIVERS AND BAYS. IT'S TIME TO GET OUR URBAN DWELLERS HOOKED ON FISHING. THE ALIENATED CITY DWELLER NEEDS THE CONTACT WITH OPEN SPACE AND EXPANSES OF WATER. WITH THE SUN ON HIS BACK AND A POLE IN HIS HAND HE CAN RELAX, AT LEAST UNTIL THAT BIG ONE HITS THE BAIT.

THE BENEFITS OF URBAN FISHING PROGRAMS

ENERGY CONSERVATION

BOTH COMMUNITIES AND INDIVIDUALS CAN BENEFIT FROM THE EXPANSION OF URBAN FISHING PROGRAMS. FISHING IN THE METROPOLITAN AREAS CAN RESULT IN CONSIDERABLE SAVINGS IN ENERGY RESOURCES AND FUEL. RATHER THAN A TRIP TO THE SHORE OR MOUNTAINS, THE CITY DWELLER CAN WALK OR BUS TO THE NEAREST PIER OR STREET END PARK. CLOSE-IN BOAT LAUNCHES CAN PROVIDE EASY ACCESS TO FISHING GROUNDS.

CLOSER FAMILY TIES AND REDUCED CRIME

YOUTH AND FAMILY FISHING ACTIVITIES CAN BRING A FAMILY CLOSER TOGETHER, PROVIDE AN OPPORTUNITY FOR DAD TO SHARE SOME PRIME TIME WITH THE KIDS. YOUTH FISHING PROGRAMS HAVE BEEN EXTREMELY EFFECTIVE IN REDUCING JUVENILE DELINQUENCY. CHICAGO'S POLICE DEPARTMENT IS STARTING A YOUTH PROGRAM IN COOPERATION WITH AMERICAN FISHING TACKLE MANUFACTURERS ASSOCIATION AND OTHER CORPORATE SPONSORS. USING A "BIG BROTHER" APPROACH, CHICAGO PATROLMEN PLAN TO ADOPT A YOUTH FOR THE DURATION OF THE ANGLER TRAINING. THROUGH CLASSES AND "HANDS ON" INSTRUCTION THE YOUTH WILL BECOME AN EXPERIENCED ANGLER AND ESTABLISH A POSTIVE RELATIONSHIP WITH THE POLICE. A REDUCTION IN CRIME AND AN INCREASED AWARENESS OF THE ENVIRONMENT ARE ONLY TWO OF THE POTENTIAL BENEFITS OF SUCH A PROGRAM.

ENVIRONMENTAL AWARENESS

A FOCUS ON FISHING CAN RESULT IN A GREATER AWARENESS FOR MAINTAINING A HEALTHY PRODUCTIVE WATER ENVIRONMENT, PARTICULARLY IN CHILDREN. ONE OF THE MOST SUCCESSFUL COMPONENTS IN AN URBAN FISHING PROGRAM IS A YOUTH FISHING CLINIC, SUCH AS THE ANNUAL WORKSHOP HELD IN WASHINGTON, D.C. NATIONAL MARINE FISHERIES SERVICE STAFF, WITH NATIONAL PARK SERVICE, FISH AND WILDLIFE SERVICE, LOCAL GOVERNMENTS AND REPRESENTATIVES FROM IZAAK WALTON LEAGUE OF AMERICA, BASS MASTERS AND AMERICAN CASTING ASSOCIATION CONDUCT 5 WORKSHOPS. THE FIRST TEACHING STATION INCLUDES INFORMATION ABOUT SPIN-CASTING, OPEN-FACED SPINNING, BAIT AND FLY CASTING, AND SIMPLE TACKLE CONSTRUCTED OF TIN CANS AND CANE POLES, LINE, SINKERS AND HOOKS. AT THE SECOND STATION PARTICIPANTS LEARN ABOUT A FISH'S ANATOMY. KIDS LOVE THIS PART OF THE CLINIC AS THEY CAN GET ANSWERS TO QUESTIONS SUCH AS HOW TO DETERMINE A FISH'S AGE, WHETHER FISH HAVE EARS AND WHAT PURPOSE A FISH'S WHISKERS SERVE. INFORMATION ABOUT THE FISH'S HABITAT IS THE SUBJECT OF THE THIRD STATION. PARTICIPANTS ALSO SEE THROUGH A MICROSCOPE HOW CLEAN WATER DIFFERS FROM DIRTY WATER. THE FOURTH STATION FOCUSES ON THE IMPORTANCE OF POLLUTION CONTROL AS WELL AS GOOD SPORTSMANSHIP. AT THE LAST STATION STUDENTS ARE GIVEN HANDS-ON EXPERIENCE IN CASTING BY EXPERT JUNIOR AND ADULT FISHERMEN. THROUGHOUT THE ENTIRE CLINIC THE CONSERVATION ETHIC IS EMPHASIZED AS AN IMPORTANT PART OF THE FISHING EXPERIENCE.

ECONOMIC DEVELOPMENT

AN AGGRESSIVE URBAN FISHING PROGRAM CAN ENHANCE THE ECONOMY OF URBAN COMMUNITIES AS NEW BUSINESS VENTURES ARE UNDERTAKEN, PARTICULARLY CAPITAL IMPROVEMENT PROJECTS. ONCE ATTENTION IS FOCUSED ON THE WATERFRONT AND THE NEED FOR ADDITIONAL FACILITIES DEMONSTRATED, BOAT RAMPS, BAIT AND TACKLE SHOPS, AND MARINAS CAN BE BUILT AND OPERATED BY A MIX OF PRIVATE AND PUBLIC FUNDS. INCREASED FISHING CAN RESULT IN ADDITIONAL SALES OF BOATS, MOTORS AND CAMPING EQUIPMENT. THERE WILL BE MORE BUSINESS FOR RESTAURANTS AND HOTELS. A RECENT STUDY BY SPORT FISHING INSTITUTE ON ECONOMIC ACTIVITY REPORTS 1980 RETAIL SALES ASSOCIATED WITH MARINE RECREATIONAL FISHING IN THE UNITED STATES OF ALMOST \$4 BILLION. THE LARGEST EXPENDITURE CATEGORIES WERE FOOD, PRIVATE TRANSPORTATION AND BOAT FUEL. ACCORDING TO THE 1980 NATIONAL SURVEY OF FISHING, HUNTING AND WILDLIFE ASSOCIATED RECREATION, 42.1 MILLION ADULTS IN THE UNITED STATES FISHED IN 1980, 12.3 MILLION OF WHOM WERE SALTWATER FISHERMEN.

INCREASED CONSUMPTION OF SEAFOOD

AS MORE PEOPLE BECOME HOOKED ON FISHING, MORE SEAFOOD WILL BE EATEN. THE CONSUMPTION OF FISH CAN HELP MEET PROTEIN NEEDS AND SAVE ON GROCERY BILLS. ANGLERS SHOULD BE ENCOURAGED TO CLEAN AND COOK THEIR CATCH. DURING HARD TIMES MORE AND MORE CASUAL ANGLERS BECOME AVID SUBSISTENCE FISHERMEN. SEAFOOD FESTIVALS, EMPHASIZING UNDERUTILIZED SPECIES, HAVE ATTRACTED LARGE CROWDS IN BALTIMORE, NORFOLK, CHICAGO AND WASHINGTON. ACCORDING TO NMFS 1981 FIGURES, 17 MILLION MARINE RECREATIONAL ANGLERS HARVESTED 700 MILLION POUNDS OF EDIBLE FISH AND SHELLFISH. THE MARINE RECREATIONAL CATCH EQUALED APPROXIMATELY 30 PERCENT OF THE U.S. COMMERCIAL EDIBLE CATCH.

RECREATIONAL FISHING AND TOURISM

BOTH PRIVATE AND PUBLIC ORGANIZATIONS ARE INTERESTED IN EXPANDING ECONOMIC GROWTH THROUGH INCREASED TOURISM AND RECREATIONAL FISHING. THE UNITED STATES IS UNPARALLELED IN THE WORLD FOR ITS SUPPLY OF DIVERSE AND SCENIC FISHING OPPORTUNITIES. THE TOURISM AND TRAVEL INDUSTRY COULD PROMOTE RECREATIONAL FISHING TO POTENTIAL INTERNATIONAL VISITORS AS WELL AS THE U.S. PUBLIC. THE U.S. TRAVEL AND TOURISM ADMINISTRATION AND THE FISHERIES SERVICE HAVE DEVELOPED SOME INITIAL MARKETING CONCEPTS BASED ON DOMESTIC AND INTERNATIONAL SURVEYS. MANY POTENTIAL TOURISTS WOULD LIKE TO COMBINE SIGHTSEEING WITH A FISHING TRIP. IN MOST CASES THE PREFERRED DESTINATION IS A MAJOR

CITY SUCH AS NEW YORK, SAN FRANCISCO, WASHINGTON OR CHICAGO. THE NEXT STEP WILL BE TO PROVIDE URBAN FISHING EXPERIENCES FOR DOMESTIC AND FOREIGN TOURISTS. TOURISM IS A MAJOR INDUSTRY, RANKING FOURTH IN U.S. EXPORTS. OVER \$12 BILLION IS SPENT ANNUALLY BY INTERNATIONAL VISITORS. TOURISM PROVIDES ANOTHER OPPORTUNITY TO DEVELOP THE ECONOMIC POTENTIAL OF OUR RECREATIONAL FISHING RESOURCES, ESPECIALLY IN OUR CITIES.

CONSTRAINTS AND OPPORTUNITIES

A PRIMARY CONCERN IN PROMOTING URBAN FISHING IS THE QUESTION OF FUNDING SOURCES, PARTICULARLY AT A TIME WHEN BUDGETS ARE BEING CUT DRASTICALLY. FISHING AND OTHER RECREATION COULD BE CONSIDERED NONESSENTIAL, COMPARED TO PROGRAMS ADDRESSING HOUSING, ROADS, HEALTH AND WELFARE. RECREATION, AND MOST CERTAINLY FISHING, IS AN INTEGRAL PART OF AMERICAN LIFE, A CONTINUING SOURCE OF NATIONAL VITALITY. URBAN FISHING ACTIVITIES, ESPECIALLY THOSE THAT ARE WELL ATTENDED AND HIGHLY PUBLICIZED, WILL FOCUS MUCH NEEDED ATTENTION ON THE WATERFRONTS AND THE NEED FOR ADDITIONAL FACILITY DEVELOPMENT. IT WILL TAKE A COMMITMENT OF BOTH PUBLIC AND PRIVATE RESOURCES TO DEVELOP SUCCESSFUL URBAN FISHING PROGRAMS AND THE NECESSARY INFRASTRUCTURE.

THE FEDERAL GOVERNMENT

THE ROLE OF THE FEDERAL GOVERNMENT IN THE DEVELOPMENT OF URBAN FISHING PROGRAMS IS TO PROVIDE ENCOURAGEMENT, LEADERSHIP AND TECHNICAL ASSISTANCE.

THE NATIONAL MARINE FISHERIES SERVICE HAS SERVED AS A CATALYST IN URBAN FISHING PROGRAMS. IN WASHINGTON, D.C. THE FISHERIES SERVICE, REPRESENTING DEPARTMENT OF COMMERCE AND THE U.S. GOVERNMENT, CONDUCTED A STUDY OF THE WATERFRONT TO DETERMINE THE DEVELOPMENT POTENTIAL. THE RESULTING "COMMERCE CITIES" REPORT RECOMMENDED EXPANDED RECREATIONAL ACTIVITIES ALONG THE POTOMAC AND ANACOSTIA RIVERS. THE WASHINGTON AREA WATERFRONT ACTION GROUP (WAWAG) BROUGHT TOGETHER FEDERAL AGENCIES SUCH AS NATIONAL PARK SERVICE, NMFS, DEPARTMENT OF DEFENSE, REGIONAL AND LOCAL GOVERNMENTS, NEIGHBORHOOD AND CIVIC ORGANIZATIONS, AND PRIVATE CITIZENS, TO REVIEW NEW IDEAS AND WATERFRONT DEVELOPMENT PROPOSALS AND SERVE AS A CLEARINGHOUSE FOR INFORMATION ON WATERFRONT ISSUES. WAWAG HAS SERVED AS THE STIMULUS FOR THE WASHINGTON WATERFRONT FESTIVALS, ANNUAL EVENTS WHICH ATTRACT THOUSANDS, THE INTERNATIONAL CULTURAL AND TRADE CENTER PROPOSAL AND THE CHALLENGE CUP, A FISHING CONTEST ATTRACTING CONGRESSMEN, GOVERNMENT WORKERS AND BUSINESS EXECUTIVES. WAWAG'S ACTIVITIES HAVE HAD NATIONAL ATTENTION AND IT SERVES AS THE PROTOTYPE FOR THE NEW WATERFRONT ASSOCIATIONS OF CHICAGO AND PHILADELPHIA.

THE FIRST PUBLIC EVENT, "THE NATION'S AWAKENING," WAS NOTED IN THE CONGRESSIONAL RECORD. THIS FESTIVAL CELEBRATED THE POTOMAC'S CLEANUP AND ATTRACTED AN ESTIMATED 100,000 PEOPLE WITH THREE DAYS OF EXHIBITS AND ACTIVITIES AROUND CONSTITUTION LAKE ON THE MALL AND THE WASHINGTON CHANNEL, AS WELL AS A FIVE-DAY FISHING CONTEST. WAWAG SUCCESSFULLY SOUGHT SUPPORT FROM NUMEROUS VOLUNTEERS PLUS FINANCIAL ASSISTANCE FROM FISHING TACKLE MANUFACTURERS, SAFEWAY, SCHLITZ, COCA COLA BOTTLING CO., ANDS WJLA-TV, WHICH SPONSORED A FISHING DERBY. THE FISHING DERBY HAS BECOME AN ANNUAL WJLA EVENT.

WAWAG SPONSORED A "SEAFOOD FESTIVAL" WITH THE NATIONAL KIDNEY FOUNDATION AND THE WATERFRONT WASHINGTON ASSOCIATION INS THE FALL OF 1981, WHICH ATTRACTED OVER 40,000 PEOPLE TO THE SOUTHWEST D.C. WATERFRONT. THIS EVENT PROMOTED THIS NOTABLY UNDERUSED AREA AND ITS LOCAL SEAFOOD RESTAURANTS.

NATIONAL MARINE FISHERIES SERVICE IS WORKING CLOSELY WITH THE DEPARTMENT OF THE INTERIOR, SPORT FISHING INSTITUTE AND OTHERS TO DEVELOP A NATIONAL INITIATIVE FOR ARTIFICIAL REEF DEVELOPMENT. TRADITIONALLY, DELIBERATE REEFS HAVE BEEN CONSTRUCTED FOR RECREATIONAL FISHING BY INDIVIDUALS AND FISHING CLUBS. NEW TECHNOLOGIES HAVE BEEN DEVELOPED THAT WILL HELP TO CREATE REEFS THAT ARE STABLE, ENDURING, ABUNDANT WITH FISH, AND EASILY ACCESSIBLE. OF INCREASING INTEREST IS THE USE OF ARTIFICIAL REEF DEVELOPMENT TO EXPAND THE COMMERCIAL CATCH. THE JAPANESE GOVERNMENT HAS BEEN EXTREMELY SUCCESSFUL IN THE EXPANSION OF THEIR COMMERCIAL FISHING INDUSTRY THROUGH THE DEVELOPMENT OF COMMERCIAL FISHING ZONES DEVELOPED AROUNDS

ARTIFICIAL REEFS. IT IS IMPERATIVE THAT THE UNITED STATES INCREASE ITS FISHERIES PRODUCTIVITY. ARTIFICIAL REEF DEVELOPMENT MAY BE INSTRUMENTAL IN THAT EXPANSION.

THE NATIONAL MARINE FISHERIES SERVICE ADMINISTERS THE SALTONSTALL-KENNEDY PROGRAM, AMENDED BY CONGRESS IN 1979 TO ACCELERATE THE UTILIZATION AND DEVELOPMENT OF OUR NATION'S FISHERIES RESOURCES. UP TO 30 PERCENT OF THE GROSS RECEIPTS FROM IMPORT TARIFFS ON SEAFOOD AND SEAFOOD PRODUCTS BE MADE AVAILABLE FOR FISHERY RESEARCH AND EDUCATION PROGRAMS. THE S-K PROGRAM PROVIDES FUNDS FOR MARINE RECREATIONAL FISHERIES DEVELOPMENT ACTIVITIES SUCH AS EVALUATING HABITAT ENHANCEMENT AND ARTIFICIAL REEF TECHNOLOGY, DEVELOPING MANAGEMENT STRATEGIES FOR REEF DEVELOPMENT, EXPLORING NEW RECREATIONAL FISHERIES -- SHELLFISH IN THE NORTHWEST, OFFSHORE PELAGICS ALONG THE MID-ATLANTIC COAST, SPADEFISH ALONG THE SOUTH ATLANTIC -- AND EVALUATING DEVELOPMENT OPPORTUNITIES. NMFS ALSO AWARDED A GRANT THIS YEAR TO PRODUCE A REPORT ON SUCCESSFUL PIER OPERATIONS, BOTH PUBIC AND PRIVATE, AND HOW URBAN COMMUNITIES HAVE FACILITATED THIS DEVELOPMENT.

STATE AND LOCAL GOVERNMENTS

STATE AND LOCAL GOVERNMENTS PROVIDE THE MAJOR PUBLIC SUPPORT FOR URBAN FISHING PROGRAMS. THE COORDINATION AMONG THESE PUBLIC ENTITIES IS OFTEN A PROBLEM. STATE FISHERY DIRECTORS NEED TO HAVE MORE OF AN ONGOING DIALOGUE WITH THE STATE DIRECTOR OF TOURISM OR OFFICE OF ECONOMIC DEVELOPMENT. THERE MUST BE COOPERATION BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF COMMERCE. ON THE COMMUNITY LEVEL, INTEREST IN URBAN FISHING PROGRAMS WILL INCLUDE DEPARTMENTS OF RECREATION, PARKS, TOURISM, ECONOMIC DEVELOPMENT, PLANNING AND TRANSPORTION, JUST TO NAME A FEW.

OPPORTUNITIES FOR COOPERATION BETWEEN THE PUBLIC AND PRIVATE SECTORS

THIS URBAN FISHING SYMPOSIUM HAS CONVENED ALL LEVELS OF PUBLIC OFFICIALS TO DISCUSS THEIR INTERESTS IN URBAN FISHING. I WOULD LIKE TO SUGGEST THAT WE USE THIS OPPORTUNITY TO EXPLORE MECHANISMS FOR COORDINATION AND COMMUNICATION AMONG PUBLIC AGENCIES AND WITH THE PRIVATE SECTOR. THE SUCCESS OF MANY URBAN FISHING PROGRAMS HAS BEEN THE RESULT OF COOPERATION BETWEEN GOVERNMENTS, PRIVATE INDUSTRY AND SERVICE ORGANIZATIONS.

ONE OF THE MAJOR REASONS FOR THE SUCCESS OF THE URBAN FISHING PROGRAM IN WASHINGTON WAS THE ABILITY OF WAWAG TO BRING ALL INTERESTS TOGETHER IN A COORDINATED EFFORT. PHILADELPHIA HAS FORMED A UWAG, URBAN WATERFRONT ACTION GROUP, WHICH WILL FORM THE NUCLEUS FOR THEIR PLANNING EFFORTS. THE PRIMARY ROLE OF THAT BODY IS TO REVIEW PERMITS AND DEVELOPMENT APPLICATIONS ALONG THE WATERFRONT. A SUBCOMMITTEE OF UWAG WILL COORDINATE URBAN FISHING ACTIVITIES.

THE CHICAGO WATERFRONT CELEBRATIONS, INCORPORATED, DIRECTED BY CORPORATE SPONSORS WITH SUPPORT FROM THE ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS, HAS KICKED OFF A VERY SUCCESSFUL PACKAGE OF WATERFRONT EVENTS. IN JUNE, OVER 100 CORPORATE SPONSORS BROUGHT TOGETHER 700 INDIVIDUALS WHO PARTICIPATED IN A WEEK LONG TOURNAMENT TO BENEFIT CHICAGO'S PROMOTIONAL EFFORTS AND FUND A 1984 CITY WATERFRONT CELEBRATION. IN JULY, CHICAGO HELD A VERY SUCCESSFUL FAMILY FISHING DERBY ALONG THE LAKEFRONT, FOLLOWED BY A "CHEF'S COOKING DEMONSTRATION", PROMOTING SEAFOOD. THE SUCCESSES IN WASHINGTON AND CHICAGO MAY NOT HAVE BEEN POSSIBLE WITHOUT EXTENSIVE CORPORATE SUPPORT IN FUNDING, PLANNING AND IMPLEMENTATION OF THESE EVENTS. IN RETURN THESE CORPORATIONS RECEIVE FREE ADVERTISING, THE "GOOD GUY" IMAGE AND A TAX WRITE-OFF IF THE ORGANIZING BODY HAS A NON-PROFIT STATUS.

THE VOLUNTEERS FOR URBAN FISHING ACTIVITIES COME FROM MANY SOURCES, SOMETIMES FROM A LOCAL CHARITY WHO WILL RECEIVE A PORTION OF THE PROFITS, BUT MOST OFTEN FROM THE EDUCATIONAL AND ENVIRONMENT COMMUNITY. SEA GRANT SPECIALISTS, UNIVERSITY STUDENTS, AQUARIUM EMPLOYEES AND PUBLIC SCHOOL TEACHERS ARE OFTEN THE CORPS NEEDED TO TEACH AT CLINICS, WEIGH FISH AT DERBY STATIONS, AND PERFORM SEAFOOD PREPARATION AND COOKING DEMONSTRATIONS AT WATERFRONT FESTIVALS. SPORTSMEN'S CLUBS AND ENVIRONMENTAL ORGANIZATIONS ARE A GREAT RESOURCE FOR THE CLINICS AND DERBIES. AMERICAN CASTING ASSOCIATION, BASS MASTERS, TROUT UNLIMITED AND THE IZAAK WALTON LEAGUE HAVE PERFORMED YEOMAN SERVICE AT FISHING EVENTS.

CORPORATE SUPPORT IS THE KEY TO SUCCESSFUL URBAN FISHING PROGRAMS. IN THIS AGE OF SHRINKING GOVERNMENT BUDGETS, IT IS IMPERATIVE THAT THE PRIVATE SECTOR ACTIVELY SUPPORT THE EXPANSION OF RECREATION ACTIVITIES INCLUDING FISHING CLINICS, DERBIES AND SEAFOOD FESTIVALS. THERE ARE OBVIOUS BENEFITS SUCH AS INCREASED ECONOMIC DEVELOPMENT, ADVERTISING AND TAX DEDUCTIONS. BEYOND THAT IS THE SATISFACTION OF HAVING CONTRIBUTED TO THE IMPROVED WATERFRONT, COMMUNITY PRIDE, AND HEALTH AND WELFARE OF THE RESIDENTS. ONE OF THE MAJOR SUPPORTERS OF URBAN FISHING PROGRAMS IS THE AMERICAN FISHING TACKLE MANUFACTURERS ASSOCIATION AND ITS INDIVIDUAL MEMBERS. IT HAS BEEN INSTRUMENTAL IN THE SUCCESS OF BOTH THE WASHINGTON AND CHICAGO FISHING PROGRAMS. THE RIGHT TEAM OF SPONSORS CAN ASSURE SUCCESS FOR ANY URBAN FISHING PROGRAM.

PUBLICITY

A GOOD PUBLICITY CAMPAIGN IS ESSENTIAL TO THE SUCCESS OF AN URBAN FISHING PROGRAM - BOTH TO ATTRACT SPONSORS AND GUARANTEE GOOD ATTENDANCE. ONE OF THE PURPOSES OF THIS SYMPOSIUM IS TO PUBLICIZE--SPREAD THE WORD--ABOUT THE BENEFITS OF PROMOTING URBAN FISHING. WE NEED PUBLICITY ABOUT OUR SUCCESSES TO AROUSE INTEREST IN BOTH THE PUBLIC AND PRIVATE SECTORS. TELEVISION, RADIO, NEWSPAPERS, JOURNALS AND MAGAZINES, AND SPEAKERS BUREAUS PROVIDE EXCELLENT OPPORTUNITIES TO PROMOTE URBAN FISHING. WELL DESIGNED POSTERS AND BROCHURES SHOULD BE WIDELY CIRCULATED. WHEN YOU ORGANIZE YOUR COMMITTEE, INCLUDE MEMBERS OF THE MEDIA. ONCE THEY HAVE A VESTED INTEREST IN THE PROGRAM THEY WILL BE MORE WILLING TO GIVE YOU FREE PUBLICITY.

CONCLUSION

WITH THE IMPROVED QUALITY OF THE NATION'S RIVERS, LAKES AND BAYS, THE OPPORTUNITY NOW EXISTS TO SATISFY COMMUNITY NEEDS AND DEMANDS FOR WATER RELATED RECREATIONAL ACTIVITIES. FISHING IS AFFORDABLE TO ALL, FROM THE NOVICE TO THE EXPERT, PROVIDES AN ENJOYABLE PASTIME FOR LEISURE HOURS AND CAN PROVIDE A NUTRITIONAL SUPPLEMENT TO THE DIET. EVERYONE CAN FISH, FROM THE VERY YOUNG TO THE VERY OLD, PHYSICALLY AND MENTALLY HANDICAPPED, THOSE WITH TRANSPORTATION AND THOSE WITHOUT. COMMUNITIES WILL FIND THAT FISHING ACTIVITIES IN COMBINATION WITH WATERFRONT FESTIVALS, BOAT RACES AND SEAFOOD PROMOTIONS, CAN BRING THE PEOPLE BACK TO ONCE AGAIN LIVE, WORK AND PLAY ON THE NATION'S WATERFRONTS.

Subpart B (Sections 602.10-602.17) is added, as set forth below:

PART 602—GUIDELINES FOR FISHERY MANAGEMENT PLANS

Subpart A—General

- Sec.
602.1 Purpose and Scope.
602.2 Style Guide.

Subpart B—National Standards

- 602.10 General.
602.11 National Standard 1—Optimum Yield.
602.12 National Standard 2—Scientific Information.
602.13 National Standard 3—Management Units.
602.14 National Standard 4—Allocations.
602.15 National Standard 5—Efficiency.
602.16 National Standard 6—Variations and Contingencies.
602.17 National Standard 7—Costs and Benefits.

Appendix A to Subpart B—Explanatory Material

Subpart A—General

§ 602.1 Purpose and scope.

The Act requires that any fishery management plan or amendment prepared by either the Regional Fishery Management Councils or the Secretary of Commerce, and any regulations issued to implement a fishery management plan or amendment, shall be consistent with seven national standards, the other provisions of the Act, and any other applicable law. Part 602 implements those portions of the Act that pertain to the development, content, submission, amendment, review, and implementation of fishery management plans, and establishes guidelines to assist in achieving the required consistency.

§ 602.2 Style guide.

(a) *Definitions.* The terms used in these guidelines have the meanings that are prescribed in section 3 of the Act. In addition, the following definitions apply:

The Act—the Magnuson Fishery Conservation and Management Act, as amended (U.S.C. 1801 *et seq.*), also known as the FCMA, or the Magnuson Act.

Council—Regional Fishery Management Council, as established by the Act.

Secretary—Secretary of Commerce.

(b) *Abbreviations.*

ABC—acceptable biological catch.
DAH—estimated domestic annual harvest.
DAP—estimated domestic annual processing.
EY—equilibrium yield.
FCZ—fishery conservation zone.
FMP—fishery management plan.

JVP—joint venture processing.
MSY—maximum sustainable yield.
OY—optimum yield.
PMP—preliminary fishery management plan.
TAC—total allowable catch.
TALFF—total allowable level of foreign fishing.

(c) *Word usage.*—(1) *Must* is used to denote an obligation to act; it is used primarily when referring to requirements of the Act, the logical extension thereof, or of other applicable law.

(2) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Act, and is a factor reviewers will look for in evaluating an FMP.

(3) *May* is used in a permissive sense.

(4) *May not* is proscriptive; it has then same force as *must not*.

(5) *Will* is used descriptively.

(6) *Shall* is not used at all, except when quoting the statutory language of each standard. "Must" is used instead of "shall" to avoid confusion with the future tense.

(7) *Could* is used when giving examples, in a hypothetical, permissive sense.

(8) *Can* is used to mean "is able to," as distinguished from "may."

(9) *Examples* are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(10) *Analysis*, as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(11) *Determine* is used when referring to OY.

(12) *Adjust* is used when establishing a deviation from MSY for biological reasons, such as in establishing ABC, TAC, or EY.

(13) *Modify* is used when then deviation from MSY is for the purpose of determining OY, in accord with relevant economic, social, or ecological factors.

(14) *Industry* includes recreational and commercial fishing and the harvesting, processing, and marketing sectors.

Subpart B—National Standards

§ 602.10 General

(a) *Purpose.* (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish

management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Act to inform the Councils of the Secretary's interpretation of the national standards so that they will have an understanding of the basis on which FMPs will be reviewed.

(3) The national standards are statutory principles that must be followed in any FMP. The guidelines summarize Secretarial interpretations that have been and will be, applied under these principles. The guidelines are intended as aids to decisionmaking; FMPs formulated according to the guidelines will have a better chance for expeditious Secretarial review, approval, and implementation. FMPs that are in substantial compliance with the guidelines, the Act, and other applicable law must be approved.

(b) *Fishery management objectives.*

(1) Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish, i.e., the management objectives to be attained in regulating the fishery under consideration. In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(2) How objectives are defined is important to the management process. Objectives should address the problems of a particular fishery. The objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. The objectives of each FMP provide the context within which the Secretary will judge the consistency of an FMP's conservation and management measures with the national standards.

§ 602.11 National Standard 1—Optimum Yield

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

(b) *General.* The determination of OY is a decisional mechanism for resolving the Act's multiple purposes and policies, for implementing an FMP's objectives, and for balancing the various interests that comprise the national welfare. OY is based on MSY, or on MSY as it may be adjusted under paragraph (c)(4) of this section. The most important limitation on the specification of OY is that the choice of OY—and the conservation and management measures proposed to achieve it—must prevent overfishing.

(c) *MSY.*—(1) MSY, a theoretical concept, is the largest average annual catch or yield that can be taken over a period of time from each stock under prevailing ecological and environmental conditions. It may be presented as a range of values. One MSY may be specified for a related group of species in a mixed-species fishery. Since MSY is a long-term average, it need not be specified annually.

(2) In an unexploited stock of fish, the natural mortality rate is balanced by growth and recruitment rates on average. Once fishing pressure is applied, the balance of mortality, growth, and recruitment is altered, and the average value of these rates and the average population size changes. As the population size changes, a new balance of rates is achieved. The interrelationship between these rates and population size provides the basis for specifying the MSY of a stock. Techniques for estimating MSY depend on the scientific information available. The MSY may be derived from average past catches, stock production models, yield per recruit or dynamic pool models, spawner/recruit relationships, total biomass estimates and estimates of natural mortality, biomass estimates from ecosystem models, or other valid methods.

(3) The determination of OY requires a specification of MSY. However, where sufficient scientific data as to the biological characteristics of the stock do not exist, or the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size make this concept of limited value, the OY should be based not on a fabricated MSY but on the best scientific information available.

(4) MSY may be only the starting points in providing a realistic biological description of allowable fishery removals. MSY may need to be adjusted because of environmental factors, stock peculiarities, or other biological variables, prior to the determination of OY. Examples are ABC, TAC, and EY.

Such adjustments are valid, provided that they are explained and justified.

(d) *Overfishing.* (1) Overfishing is a level of fishing mortality that jeopardizes the capacity of a stock(s) to recover to a level at which it can produce maximum biological yield or economic value on a long-term basis under prevailing biological and environmental conditions. An FMP must prevent overfishing, except in certain limited situations. For example, harvesting the major component of a mixed fishery at its optimum level may result in the overharvest of a minor (smaller or less valuable) stock component. In another case, solving a particular problem may necessitate pruning larger fish from the population. A Council may decide to permit this type of overharvest if the analysis (paragraph (e)(5) of this section) identifies the benefits from such overfishing, and if the Council's action will not cause any stock component to require protection under the Endangered Species Act.

(2) Significant downward trends in spawning stock sizes and in average annual recruitment over a period of several years may signal that overfishing is occurring. These downward trends usually are preceded or accompanied by increased variability in annual recruitment and by major shifts to younger fish and fewer year classes in the spawning stock. If fishing continues at a rate that perpetuates the downward trends, the spawning stock eventually may be incapable of significant reproduction and may be irreversibly damaged.

(3) Declines in stock size may occur independent of fishing pressure, caused by a combination of factors such as natural fluctuations in the stock itself and in the environment, and man-made changes in essential habitat. Significant adverse alterations in the environment increase the possibility that fishing effort will contribute to a stock collapse. Decisions about the allowable level of fishing mortality will vary according to the conditions of the fishery and the amount of risk associated with different harvest rates.

(4) Since changes in environment/s habitat conditions can produce the appearance of overfishing (as can new fishing pressure on an underutilized stock), care should be taken to identify the cause of the downward trends. Whether the trends in spawning stock size and in average recruitment are caused by environmental changes or by fishing effort, the only direct control under the Act is to propose management measures to reduce fishing mortality. Unless the Council asserts that reduced

fishing pressure would not alleviate the problem, the FMP must include measures to reduce fishing mortality. If environmental changes are the primary cause of the downward trends, Councils may recommend restoration of habitat and other ameliorative programs.

(5) Fishing can produce a variety of effects on local and stockwide abundance, availability, size, and composition. Some of these effects have been called "overfishing"—with or without qualifiers such as growth, localized, and pulse. These effects are not "overfishing" under standard 1; a Council may recommend conservation and management measures to prevent or permit these effects, depending on the objectives of a particular FMP.

(e) *Specifications of OY.*—(1) OY and management objectives. Ideally, the process of determining OY and the resulting specification integrate the various objectives of the FMP. Relative weighting of the elements of the OY determination will be influenced both by regional objectives and by national considerations. Rarely will a fishery be managed to meet a single objective. Objectives may conflict. Consequently, priority decisions should be made in developing objectives, the timing of their achievement, and the management measures to achieve them. (See section 602.10.)

(2) *Values in determining OY.* In determining the greatest benefit to the Nation, two values that should be weighed are food production and recreational opportunities (section 3(18)(A) of the Act). They should receive serious attention as measures of benefit when considering the economic, ecological, or social factors used in modifying MSY to obtain OY.

(i) "Food production" encompasses the goals of providing seafood to consumers at reasonable prices, maintaining an economically viable fishery, and utilizing the capacity of U.S. fishery resources to meet nutritional needs.

(ii) "Recreational opportunities" includes recognition of the importance of the quality of the recreational fishing experience, and of the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(3) *Factors relevant to OY.* The Act's definition of OY identifies three categories of factors to be used in modifying MSY to arrive at OY: economic, social, and ecological (section 3(18)(B)). Examples are given below. Not every factor will be relevant in every fishery; for instance, there may be no Indian treaty rights. For some fisheries,

insufficient information may be available with respect to some factors to provide a basis for corresponding modifications to MSY.

(i) *Economic factors.* Examples are promotion of domestic fishing, development of unutilized or underutilized fisheries, satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S. harvested fish. Some other factors that may be considered are the value of industrial fisheries, the level of capitalization, operating costs of vessels, alternate employment opportunities, and economies of coastal areas.

(ii) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery. Among other factors that may be considered are the cultural place of subsistence fishing, obligations under Indian treaties, and world-wide nutritional needs.

(iii) *Ecological factors.* Examples are the vulnerability of incidental or unregulated species in a mixed-species fishery, predator-prey or competitive interactions, and dependence of marine mammals and birds or endangered species on a stock of fish. Equally important are environmental conditions that stress marine organisms, such as natural and man-made changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(4) *Form of OY specification.*—(i) The "amount of fish" that constitutes the OYs need not be expressed in terms of numbers or weight of fish. The economic, social, or ecological modifications to MSY may be expressed by describing fish having common characteristics, the harvest of which provides the greatest overall benefit to the Nation. For instance, OY may be expressed as a formula that converts periodic stock assessments into quotas or guideline harvest levels for recreational, commercial, and other fishing. OY may be defined in terms of an annual harvest of fish or shellfish having a minimum weight, length, or other measurement. OY may also be expressed as an amount of fish taken only in certain areas, or in certain seasons, or with particular gear, or by a specified amount of fishing effort. In the case of a mixed-species fishery, the incidental-species OY may be a function of the directed catch or absorbed into an OY for related species.

(ii) If a numerical OY is chosen, a range or average may be specified.

(iii) In a fishery where there is a significant discard component, the OYs may either include or exclude discards.

(iv) The OY specification can be converted into an annual numerical estimate to establish the TALFF and to analyze impacts of the management regime. There should be a mechanism in a multiyear plan for periodic reassessment of the OY specification, so that it is responsive to changing circumstances in the fishery.

(5) *Analysis.* An FMP must contain an analysis of how its OY specification was determined (section 303(a)(3) of the Act). It should relate the explanation of overfishing in paragraph (d) of this section to conditions in the particular fishery, and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. If overfishing is permitted under paragraph (d)(1) of this section, the analysis must contain a justification in terms of overall benefits and an assessment of the risk of the species reaching a "threatened" or "endangered" status. If the stock has been diminished below a desired level, the analysis should include a program for rebuilding the stock. A Council must identify those economic, social, and ecological factors relevant to management of a particular fishery, then evaluate and weigh them to arrive at the modification (if any) of MSY. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation.

(f) *OY as a target.*—(1) The specification of OY in an FMP is not automatically a quota or ceiling, although quotas may be derived from the OY where appropriate. OY is a target or goal; an FMP must contain conservation and management measures, and provisions for information collection, that are designed to achieve it. These measures should allow for practical and effective implementation and enforcement of the management regime, so that the harvest is allowed to reach but not to exceed OY by a substantial amount. The Secretary then has the obligation to implement and enforce the FMP so that OY is achieved. If management measures prove unenforceable—or too restrictive or not rigorous enough to realize OY—they should be modified; an alternative is to reexamine the adequacy of the OY specification.

(2) Exceeding OY does not necessarily constitute overfishing, although they might coincide. Even if no overfishing resulted, continual harvest at a level above a fixed-value OY would violate national standard 1 because OY was

exceeded (not achieved) on a continuing basis.

(g) *OY and foreign fishing.* Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States. The achievement of OY under national standard 1 requires that foreign fishing vessels be given reasonable opportunity to harvest such "surplus." The exception is where an annual fishing level is certified under section 201(d)(2)(B). The annual fishing level amount is allocated to foreign fishing, as is the remainder of the "surplus" (OY minus DAF); if the determinations under section 201(d)(4) are made, however, allocation of all or part of that remainder may be deferred until the next harvesting season.

(1) *DAF.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(2) *Reserves.* Part of the OY may be held as a reserve to allow for uncertainties in estimates of stock size and of DAF. If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to foreign fishermen, if necessary, so that full utilization of the OY may be achieved. An FMP may also provide for a direct transfer of a portion of DAF to TALFF.

(3) *DAP.* (i) Each FMP must identify the capacity of U.S. processors. It must also identify the amount of domestic annual processed fish (DAP), which is the sum of two estimates:

(A) The amount of U.S. harvest that domestic processors will process. This estimate may be based on historical performance and on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and

(B) The amount of fish that will be harvested but not processed (e.g., marketed as fresh whole fish, used for private consumption, or used for bait).

(ii) When DAF exceeds DAP, the surplus is available for JVP. JVP is a part of DAF.

§ 602.12 National Standard 2—Scientific information.

(a) *Standard 2.* Conservation and management measures shall be based upon the best scientific information available.

(b) *FMP development.* The fact that scientific information concerning a fishery is incomplete does not prevent the preparation and implementation of

an FMP (see related §§ 802.13(d)(2) and 802.17(b)).

(1) Scientific information includes, but is not limited to, information of a biological, ecological, economic, or social nature. Successful fishery management depends, in part, on the timely availability, quality, and quantity of scientific information, as well as on the thorough analysis of this information, and the extent to which the information is applied. If there are conflicting facts or opinions relevant to a particular point, a Council may choose among them, but should justify the choice.

(2) FMPs must take into account the best scientific information available at the time of preparation. Between the initial drafting of an FMP and its submission for final review, new information often becomes available. This new information should be incorporated into the final FMP where practicable; but it is unnecessary to start the FMP process over again unless the information indicates that drastic changes have occurred in the fishery that might require revision of the management objectives or measures.

(c) FMP implementation.—(1) An FMPs must specify whatever information fishermen and processors will be required or requested to submit to the Secretary. Information about harvest within State boundaries, as well as in the FCZ, may be collected if it is needed for proper implementation of the FMP and cannot be obtained otherwise. The FMP should explain the practical utility of the information specified in monitoring the fishery, in facilitating inseason management decisions, and in judging the performance of the management regime; it should also consider the effort, cost, or social impact of obtaining it.

(2) An FMP should identify scientific information needed from other sources to improve understanding and management of the resource and the fishery.

(3) The information submitted by various data suppliers about the stock(s) throughout its range or about the fishery should be comparable and compatible, to the maximum extent possible.

(d) FMP amendment. FMPs should be amended on a timely basis, as new information indicates the necessity for change in objectives or management measures.

§802.13 National Standard 3—Management Units

(a) Standard 3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and

interrelated stocks of fish shall be managed as a unit or in close coordination.

(b) General. The purpose of this standard is to induce a comprehensive approach to fishery management. The geographic scope of the fishery, for planning purposes, should cover the entire range of the stock(s) of fish, and not be overly constrained by political boundaries. Wherever practicable, an FMP should seek to manage interrelated stocks of fish.

(c) Unity of management. Cooperations and understanding among entities concerned with the fishery (e.g., Councils, States, Federal government, international commissions, foreign nations) are vital to effective management. Where management of a fishery involves multiple jurisdictions, coordination among the several entities should be sought in the development of an FMP. Where a range overlaps Council areas, one FMP to cover the entire range is preferred. The Secretary designates which Council or Councils will prepare the FMP, under section 304(f) of the Act.

(d) Management unit. The terms "management unit" means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives.

(1) Basis. The choice of a management unit depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives. For example:

- (i) Biological—could be based on a stock(s) throughout its range.
- (ii) Geographic—could be an area.
- (iii) Economic—could be based on a fishery supplying specific product forms.
- (iv) Technical—could be based on a fishery utilizing a specific gear type or similar fishing practices.
- (v) Social—could be based on fishermen as the unifying element, such as when the fishermen pursue different species in a regular pattern throughout the year.

(vi) Ecological—could be based on species that are associated in the ecosystem or are dependent on a particular habitat.

(2) Conservation and management measures. FMPs should include conservation and management measures for that part of the management unit within U.S. waters, although the Secretary can ordinarily implement them only within the FCZ. The measures need not be identical for each geographic area within the management unit, if the FMP justifies the differences. A management unit may contain, in addition to regulated species, stocks of

fish for which there is not enough information available to specify MSY and OY or to establish management measures, so that data on these species may be collected under the FMP.

(e) Analysis. To document that an FMP is as comprehensive as practicable, it should include discussions of the following:

(1) The range and distribution of the stocks, as well as the patterns of fishing effort and harvest.

(2) Alternative management units and reasons for selecting a particular one. A less-than-comprehensive management unit may be justified if, for example, complementary management exists or is planned for a separate geographic area or for a distinct use of the stocks, or if the unmanaged portion of the resource is immaterial to proper management.

(3) Management activities and habitats programs of adjacent States and their effects on the FMP's objectives and management measures. Where State action is necessary to implement measures within State waters to achieve FMP objectives, the FMP should identify what State action is necessary, discuss the consequences of State inaction or contrary action, and make appropriate recommendations. The FMP should also discuss the impact that Federal regulations will have on State management activities.

(4) Management activities of other countries having an impact on the fishery, and how the FMP's management measures are designed to take into account these impacts. International boundaries may be dealt with in several ways. For example:

- (i) By limiting the management unit's scope to that portion of the stock found in U.S. waters;
- (ii) By estimating MSY for the entire stock and then basing the determination of OY for the U.S. fishery on the portion of the stock within U.S. waters; or
- (iii) By referring to treaties or cooperative agreements.

§802.14 National Standard 4—Allocations

(a) Standard 4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be: (A) Fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(b) Discrimination among residents of different States. An FMP may not differentiate among U.S. citizens, nationals, resident aliens, or

corporations on the basis of their State of residence. An FMP may not incorporate or rely on a State statute or regulation that discriminates against residents of another State. Conservation and management measures that have different effects on persons in various geographic locations are permissible, if they satisfy the other guidelines under standard 4. Examples of these precepts are:

(1) An FMP that restricted fishing in the FCZ to those holding a permit from State X would violate standard 4 if State X issued permits only to its own citizens.

(2) An FMP that closed a spawning ground might disadvantage fishermen living in the State closest to it, because they would have to travel farther to an open area, but the closure could be justified under standard 4 as a conservation measure with no discriminatory intent.

(c) *Allocation of fishing privileges.* An FMP may contain management measures that allocate fishing privileges if such measures are necessary or helpful in furthering legitimate objectives or in achieving the OY, and if the measures conform with paragraphs (c)(3) (i) through (iii) of this section.

(1) *Definition.* An "allocation" or a "assignment" of fishing privileges is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. Any management measure (or lack of management) has incidental allocative effects, but only those measures that result in direct distributions of fishing privileges will be judged against the allocation requirements of standard 4. Adoption of an FMP that merely perpetuates existing fishing practices may result in an allocation, if those practices directly distribute the opportunity to participate in the fishery. Allocations of fishing privileges include, for example, per-vessel catch limits, quotas by vessel class and gear type, different quotas or fishing seasons for recreational and commercial fishermen, assignment of ocean areas to different gear users, and limitation of permits to a certain number of vessels or fishermen.

(2) *Analysis of allocations.* Each FMP should contain a description and analysis of the allocations existing in the fishery and of those made in the FMP. The effects of eliminating an existing allocation system should be examined. Allocation schemes considered but rejected by the Council should be included in the discussion. The analysis should relate the recommended allocations to the FMP's objectives and OY specification, and

discuss the factors listed in paragraph (c)(3) of this section.

(3) *Factors in making allocations.* An allocation of fishing privileges must be fair and equitable, must be reasonably calculated to promote conservation, and must avoid excessive shares. These tests are explained in paragraphs (c)(3) (i) through (iii) of this section:

(i) *Fairness and equity.* (A) An allocation of fishing privileges should be rationally connected with the achievement of OY or with the furtherance of a legitimate FMP objective. Inherent in an allocation is the advantaging of one group to the detriment of another. The motive for making a particular allocation should be justified in terms of the objectives of the FMP; otherwise, the disadvantaged user groups or individuals would suffer without cause. For instance, an FMP objective to preserve the economic status quo cannot be achieved by excluding a group of long-time participants in the fishery. On the other hand, there is a rational connection between an objective of harvesting shrimp at their maximum size and closing a nursery area to trawling.

(B) An allocation of fishing privileges may impose a hardship on one group if it is outweighed by the total benefits received by another group or groups. An allocation need not preserve the status quo in the fishery to qualify as "fair and equitable," if a restructuring of fishing privileges would maximize overall benefits. The Council should make an initial estimate of the relative benefits and hardships imposed by the allocation, and compare its consequences with those of alternative allocation schemes, including the status quo. Where relevant, judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.

(ii) *Promotion of conservation.* Numerous methods of allocating fishing privileges are considered "conservation and management measures" under section 303 of the Act. An allocation scheme may promote conservation by encouraging a rational, more easily managed use of the resource. Or it may promote conservation (in the sense of wise use) by optimizing the yield, in terms of size, value, market mix, price, or economic or social benefit of the product.

(iii) *Avoidance of excessive shares.* An allocation scheme must be designed to deter any person or other entity from acquiring an excessive share of fishing privileges, and to avoid creating conditions fostering inordinate control,

by buyers or sellers, that would not otherwise exist.

(iv) *Other factors.* In designing an allocation scheme, a Council should consider other factors relevant to the FMP's objectives. Examples are economic and social consequences of the scheme, food production, consumer interest, dependence on the fishery by present participants and coastal communities, efficiency of various types of gear used in the fishery, transferability of effort to and impact on other fisheries, opportunity for new participants to enter the fishery, and enhancement of opportunities for recreational fishing.

§ 602.15 National Standard 5—Efficiency.

(a) *Standard 5. Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources except that no such measure shall have economic allocation as its sole purpose.*

(b) *Efficiency in the utilization of resources.*—(1) *General.* The term "utilization" encompasses harvesting, processing, and marketing, since management decisions affect all three sectors of the industry. The goal of promoting efficient utilization of fishery resources may conflict with other legitimate social or biological objectives of fishery management. In encouraging efficient utilization of fishery resources, this standard highlights one way that a fishery can contribute to the Nation's benefit with the least cost to society, given a set of objectives for the fishery, an FMP should contain management measures that result in as efficient a fishery as is practicable or desirable.

(2) *Efficiency.* In theory, an efficient fishery would harvest the OY with the minimum use of economic inputs such as labor, capital, interest, and fuel. Efficiency in terms of aggregate costs then becomes a conservation objective, where "conservation" constitutes wise use of all resources involved in the fishery, not just fish stocks.

(i) An FMP, management measures may be proposed that allocate fish among different groups of individuals or establish a system of property rights. Alternative measures examined in searching for an efficient outcome will result in different distributions of gains and burdens among identifiable user groups. An FMP should demonstrate that management measures aimed at efficiency do not simply redistribute gains and burdens without an increase in efficiency.

(ii) Management regimes that allow a fishery to operate at the lowest possible cost (e.g., fishing effort, administration,

and enforcement) for a particular level of catch and initial stock size are considered efficient. Restrictive measures that unnecessarily raise any of those costs move the regime toward inefficiency. Unless the use of inefficient techniques or the creation of redundant fishing capacity contributes to the attainment of other social or biological objectives, an FMP may not contain management measures that impede the use of cost-effective techniques of harvesting, processing, or marketing, and should avoid creating strong incentives for excessive investment in private sector fishing capital and labor.

(c) *Limited access.* A "system for limiting access," which is an optional measure under section 303(b) of the Act, is a type of allocation of fishing privileges that may be used to promote economic efficiency or conservation. For example, limited access may be used to combat overfishing, overcrowding, or overcapitalization in a fishery to achieve OY. In an unutilized or underutilized fishery, it may be used to reduce the chance that these conditions will adversely affect the fishery in the future, or to provide adequate economic return to pioneers in a new fishery. In some cases, limited entry is a useful ingredient of a conservation scheme, because it facilitates application and enforcement of other management measures.

(1) *Definition.* Limited access (or limited entry) is a management technique that attempts to limit units of effort in a fishery, usually for the purpose of reducing economic waste, improving net economic return to the fishermen, or capturing economic rent for the benefit of the taxpayer or the consumer. Common forms of limited access are licensing of vessels, gear, or fishermen to reduce the number of units of effort, and dividing the total allowable catch into fishermen's quotas (a stock-certificate system). Two forms (i.e., Federal fees for licenses or permits in excess of administrative costs, and taxation) are not permitted under the Act.

(2) *Factors to consider.* The Act ties the use of limited access to the achievement of optimum yield. An FMP that proposes a limited access system must consider the factors listed in section 303(b)(6) of the Act and in section 602.14(c)(3) of these guidelines. In addition, it should consider the criteria for qualifying for a permit, the nature of the interest created, whether to make the permit transferable, and the Act's limitation on returning economic rent to the public under section 304(d)(1). The FMP should also discuss

the costs of achieving an appropriate distribution of fishing privileges.

(d) *Analysis.* An FMP should discuss the extent to which overcapitalization, congestion, economic waste, and inefficient techniques in the fishery reduce the net benefits derived from the management unit and prevent the attainment and appropriate allocation of OY. It should also explain in terms of the FMP's objectives any restriction placed on the use of efficient techniques of harvesting, processing, or marketing. If during FMP development the Council considered imposing a limited-entry system, the FMP should analyze the Council's decision to recommend or reject limited access as a technique to achieve efficient utilization of the resources of the fishing industry.

(e) *Economic allocation.* This standard prohibits only those measures that distribute fishery resources among fishermen on the basis of economic factors alone, and that have economic allocation as their only purpose. Where conservation and management measures are recommended that would change the economic structure of the industry or the economic conditions under which the industry operates, the need for such measures must be justified in light of the biological, ecological, and social objectives of the FMP as well as the economic objectives.

§ 602.16 National Standard 6—Variations and Contingencies.

(a) *Standard 6.* Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(b) *Conservation and management.* Each fishery exhibits unique uncertainties. The phrase "conservation and management" implies the wise use of fishery resources through a management regime that includes some protection against these uncertainties. The particular regime chosen must be flexible enough to allow timely responses to resource, industry, and other national and regional needs. Continual data acquisition and analysis will help the development of management measures to compensate for variations and to reduce the need for substantial buffers. Flexibility in the management regime and the regulatory process will aid in responding to contingencies.

(c) *Variations.* (1) In fishery management terms, variations arise from biological, social, and economic occurrences, as well as from fishing practices. Biological uncertainties and lack of knowledge can hamper attempts

to estimate stock size and strength, stock location in time and space, environmental/habitat changes, and ecological interactions. Economic uncertainty may involve changes in foreign or domestic market conditions, changes in operating costs, drifts toward overcapitalization, and economic perturbations caused by changed fishing patterns. Changes in fishing practices, such as the introduction of new gear, rapid increases or decreases in harvest effort, new fishing strategies, and the effects of new management techniques, may also create uncertainties. Social changes could involve increases or decreases in recreational fishing, or the movement of people into or out of fishing activities due to such factors as age or educational opportunities.

(2) Every effort should be made to develop FMPs that discuss and take into account these vicissitudes. To the extent practicable, FMPs should provide a suitable buffer in favor of conservation. Allowances for uncertainties should be factored into the various elements of an FMP. Examples are:

(i) Reduce OY. Lack of scientific knowledge about the condition of a stock(s) could be a reason to reduce OY.

(ii) Establish a reserve. Creation of a reserve may compensate for uncertainties in estimating domestic harvest, stock conditions, or environmental factors.

(iii) Adjust management techniques. In the absence of adequate data to predict the effects of a new regime, and to avoid creating unwanted variations, a Council could guard against producing drastic changes in fishing patterns, allocations, or practices.

(iv) Highlight habitat conditions. FMPs may address the impact of pollution and the effects of wetland and estuarine degradation on the stocks of fish; identify causes of pollution and habitat degradation and the authorities having jurisdiction to regulate or influence such activities; propose recommendations that the Secretary will convey to those authorities to alleviate such problems; and state the views of the Council on unresolved or anticipated issues.

(d) *Contingencies.* Unpredictable events—such as unexpected resource surges or failures, fishing effort greater than anticipated, disruptive gear conflicts, climatic conditions, or environmental catastrophes—are best handled by establishing a flexible management regime that contains a range of management options through which it is possible to act quickly without amending the FMP or even its regulations.

(1) The FMP should describe the management options and their consequences in the necessary detail to guide the Secretary in responding to changed circumstances, so that the Council preserves its role as policy-setter for the fishery. The description enables the public to understand what may happen under the flexible regime, and to comment on the options.

(2) FMPs should include criteria for the selection of management measures, directions for their application, and mechanisms for timely adjustment of management measures comprising the regime. For example, an FMP could include criteria that allow the Secretary to open and close seasons, close fishing grounds, or make other adjustments in management measures.

(3) Amendment of a flexible FMP would be necessary when circumstances in the fishery change substantially, or when a Council adopts a different management philosophy and objectives.

§ 602.17 National Standard 7—Costs and Benefits.

(a) *Standard 7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.*

(b) *Necessity of Federal management.*

(1) *General.* The principle that not every fishery needs regulation is implicit in this standard. The Act does not require Councils to prepare FMPs for each and every fishery—only for those where regulation would serve some useful purpose and where the present or future benefits of regulation would justify the costs. For example, the need to collect data about a fishery is not, by itself, adequate justification for preparation of an FMP, since there are less costly ways to gather the data (see § 602.13(d)(2)). In some cases, the FMP preparation process itself, even if it does not culminate in a document approved by the Secretary, can be useful in supplying a basis for management by one or more coastal States.

(2) *Criteria.* In deciding whether a fishery needs management through regulations implementing an FMP, the following general factors should be considered, among others:

(i) The importance of the fishery to the Nation and to the regional economy.

(ii) The condition of the stock or stocks of fish and whether an FMP can improve or maintain that condition.

(iii) The extent to which the fishery could be or is already adequately managed by States, by State/Federal programs, by Federal regulations pursuant to FMPs or international commissions, or by industry self-

regulation, consistent with the policies and standards of the Act.

(iv) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.

(v) The economic condition of a fishery and whether an FMP can produce more efficient utilization.

(vi) The needs of a developing fishery, and whether an FMP can foster orderly growth.

(vii) The costs associated with an FMP, balanced against the benefits (see paragraph (d) of this section as a guide).

(c) *Alternative management measures.* Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations, or on Federal, State, or local governments. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative.

(d) *Analysis.* The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. In determining the benefits and costs of management measures, each management strategy considered and its impacts on different user groups in the fishery should be evaluated. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives including the status quo, is adequate. If quantitative estimates are not possible, qualitative estimates will suffice.

(1) *Burdens.* Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with ensuring wise use of the resource and reducing conflict in the fishery. The type and level of burden placed on user groups by the regulations need to be identified. Such an examination should include, for example: capital outlays; operating and maintenance costs; reporting costs; administrative, enforcement, and information costs; and prices to consumers. Management measures may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Redistribution of costs through regulations is likely to generate controversy. A discussion of these and any other burdens placed on the public

through FMP regulations should be a part of the FMP's supporting analyses.

(2) *Gains.* The relative distribution of gains may change as a result of instituting different sets of alternatives, as may the specific type of gain. The analysis of benefits should focus on the specific gains produced by each alternative set of management measures, including the status quo. The benefits to society that result from the alternative management measures should be identified, and the level of gain assessed.

NMFS FISHERY PRODUCTS INSPECTION MANUAL

DATE: March 10, 1964		
PT. I	CH. 1	SEC. 1.5

I. SUBJECT: NMFS Policy on the International Role of the National Seafood Inspection Program

II. POLICY: The National Marine Fisheries Service (NMFS) makes fishery products inspection services available to U.S. exporters on a voluntary, fee-for-service basis. These services are provided pursuant to the Fish and Wildlife Act and the Agricultural Marketing Act for the purpose of assisting the fishing industry and the consumer by promoting better health standards and sanitation; by certifying the class, quality, quantity and condition of fishery products; and by encouraging uniformity and consistency in commercial practices.

Inspection services are also available from non-Federal government agencies and from private, commercial entities. The NMFS may enter into cooperative agreements with State agencies whereby those agencies may certify products on behalf of NMFS. Inspection services at other levels of government or available in the private sector are not so authorized.

To inspect and certify seafood so that U.S. products may be marketed to the best advantage, inspection services should also have information on the particular requirements of import authorities of the principal importing countries. The NMFS has established relationships with such authorities in several countries. It is important that the information obtained by NMFS be made available to the industry and other inspection services. It is equally important that NMFS personnel not use these relationships, be they by personal contact or by other means of communication, as a means of unfairly promoting the use of the NMFS inspection services to foreign governments and importers at the expense of inspection entities which are not able to provide the NMFS certification.

~~Therefore~~, NMFS policy shall be:

To operate its inspection program to assist in the marketing of U.S. fishery products by certifying the wholesomeness, identity and quality of those products. The services are available to whomever desires them on a fee-for-service basis. NMFS will not unfairly promote its services to the detriment of other providers of inspection services. NMFS will assist private efforts to supply industry and consumer needs for quality assurance by sharing its research and knowledge of foreign marketing requirements and preferences.

WILLIAM G. GORDON
FISH AND CHIPS: NEW DIRECTIONS?
NATIONAL FISHERIES INSTITUTE
ANNUAL MEETING
APRIL 16-17, 1985
BOSTON, MASSACHUSETTS

I'LL MAKE SOME GENERAL OBSERVATIONS ABOUT THE CURRENT STATE OF PLAY IN THE "FISH AND CHIPS" GAMES, POINT OUT SOME OF THE LIMITATIONS WE'RE RUNNING INTO, AND SUGGEST SOME CHANGES WE ARE CONSIDERING IN THE WAY WE'RE APPROACHING FISHERIES TRADE PROBLEMS.

FIRST, LET'S BE CLEAR ABOUT WHAT THE "FISH AND CHIPS" POLICY IS. THE U.S. GOVERNMENT, IN RESPONSE TO INDUSTRY'S REQUESTS AND THE CONGRESSIONAL DIRECTIVE IN THE 1980 AMERICAN FISHERIES PROMOTION ACT, HAS TOLD FOREIGN COUNTRIES FISHING IN OUR 200-MILE EXCLUSIVE ECONOMIC ZONE (EEZ) THAT WE WANT FAIR ACCESS TO THEIR MARKETS, SO U.S. FISHERMEN AND PROCESSORS CAN CATCH AND EXPORT MORE FISH. AS SUCH, "FISH AND CHIPS" IS ONLY ONE OF SEVERAL TOOLS NMFS HAS USED IN ITS EFFORTS TO PROMOTE PROGRESS TOWARD THE AGENCY'S BASIC OBJECTIVE: OPTIMUM DOMESTIC UTILIZATION OF THE FISH RESOURCES IN OUR EEZ. IT IS A MEANS TO AN END IN THE AGENCY'S FUNDAMENTAL FISHERIES POLICY. THEREFORE, WE HAVE TO REVIEW ITS PROGRESS FROM TIME TO TIME, AND CHANGE IT WHERE NECESSARY TO EFFECTIVELY SERVE OUR MORE BASIC OBJECTIVE.

THE "FISH AND CHIPS" POLICY HAS COME A LONG WAY AND ACCOMPLISHED A GREAT DEAL SINCE IT WAS ADOPTED IN 1979. OUR CONSULTATIONS WITH G1FA COUNTRIES HAVE RESULTED IN THE RELAXATION OF A NUMBER OF TARIFF AND NON-TARIFF BARRIERS. FOR EXAMPLE, JAPAN HAS LOWERED TARIFFS ON SQUIDS, CRABS, SALMON ROE, HERRING AND HERRING ROES, AND SALTED SALMONS, AND INCREASED THE AMOUNTS OF HERRING THAT MAY BE IMPORTED. KOREA HAS ALLOWED AUTOMATIC IMPORT APPROVAL FOR MANY SPECIES WE REQUESTED, AND AT OUR REQUEST THE

EEC EXCLUDED SALMON FROM A NEW RESTRICTIVE REFERENCE PRICE SYSTEM THAT APPLIES TO MANY OTHER PRODUCTS.

OUR USE OF THE ALLOCATIONS AS LEVERAGE ON FOREIGN COUNTRIES PLAYED AN IMPORTANT PART IN THE GROWTH OF THE SO-CALLED JOINT VENTURES, AT-SEA SALES OF DOMESTICALLY-HARVESTED UNDERUTILIZED SPECIES TO FOREIGN PROCESSOR VESSELS. IT WAS ONLY AFTER THE TEMPORARY WITHHOLDING OF THEIR ALLOCATIONS IN EARLY 1982 THAT THE JAPANESE AGREED TO A DRAMATIC INCREASE IN THESE "OVER-THE-SIDE" ARRANGEMENTS. JOINT VENTURE DELIVERIES MAY APPROACH 1 MILLION METRIC TONS IN 1985. THUS, WE HAVE RAPIDLY REACHED THE POINT WHERE JOINT VENTURE VOLUMES WILL EQUAL AND SURPASS THE LEVELS OF DIRECTED FOREIGN FISHING, A DEVELOPMENT WHICH ONLY A FEW YEARS AGO APPEARED BARELY LIKELY.

WHILE THESE SUCCESSES ARE NOTABLE, WE HAVE TO BE AWARE OF THE PROBLEMS AND SHORTCOMINGS INHERENT IN THE "FISH AND CHIPS" POLICY. WE ARE BEGINNING TO REACH A POINT OF DIMINISHING RETURNS AND I BELIEVE THAT IT IS OUR RESPONSIBILITY TO BEGIN PLANNING NOW FOR THE NEXT PHASE OF OUR ALLOCATIONS AND INDUSTRY DEVELOPMENT POLICIES, INCLUDING THE INTERNATIONAL TRADE AREA.

LET ME DESCRIBE THE LIMITATIONS BUILT INTO THE POLICY--WHICH WE HAVE RECENTLY BECOME ACUTELY AWARE OF IN OUR FISHERIES TRADE NEGOTIATIONS WITH THE G1FA NATIONS AND IN OUR TRADE PERFORMANCE GENERALLY: FIRST, AND THIS WAS AN INEVITABLE DEVELOPMENT, THE AMOUNT OF LEVERAGE IS DIMINISHING. AS DOMESTIC HARVESTS INCREASE AND THE COUNCILS BECOME MORE CREATIVE IN THEIR DEFINITIONS OF OPTIMUM YIELD, TALFFS HAVE BEGUN TO SHRINK.

AT THE SAME TIME, THERE ARE MORE COUNTRIES WISHING TO FISH IN THE NORTHERN PACIFIC - PORTUGAL, NORWAY, SPAIN, ICELAND, PERHAPS EVENTUALLY CHINA - AND THE USSR AND POLAND HAVE BEEN ALLOWED TO RESUME DIRECTED FISHING HERE. AS A RESULT, WHAT LITTLE TALFF THERE IS, MAY BE SPREAD SO THINLY, THAT IT WILL NOT PROVIDE THE SAME NEGOTIATING LEVERAGE IT ONCE DID.

TO BE FRANK, OUR OWN FISHERY MANAGEMENT PROCESSES AND REGULATIONS ARE NOT DESIGNED TO MAKE THE ALLOCATIONS LEVERAGE AN EFFECTIVE INCENTIVE FOR FOREIGNERS. REGULATORY RESTRICTIONS ON FISHING AREAS, SEASONS AND GEAR TYPES; INCREASING FEES AND OBSERVER CHARGES; AND UNPREDICTABILITY OF CHANGES IN THE RULES ALL MAKE THE "CARROT" OF ALLOCATIONS A RATHER WORM-EATEN ONE, AT LEAST FROM THE FOREIGN VIEWPOINT. FROM OUR VIEWPOINT, THIS MAY NOT BE SUCH A BAD THING. AFTER ALL, THE GOAL IS TO DISPLACE FOREIGN FISHING, AND THE "FISH AND CHIPS" POLICY IS SIMPLY AN ATTEMPT TO MAKE THE BEST OF A SECOND-CHOICE SITUATION.

IN THE PAST TWO YEARS, FOREIGN GOVERNMENTS HAVE PROVEN INCREASINGLY RESISTANT TO OUR DEMANDS FOR RELAXATION OF THEIR TARIFF AND NON-TARIFF TRADE BARRIERS. AS THEIR OPPORTUNITIES FOR FISHING IN OUR ZONE DECREASE, THEY ARE UNDERSTANDABLY MAKING EVERY EFFORT TO RESERVE THEIR DOMESTIC MARKETS FOR THEIR OWN FLEETS. I THINK WE OBTAINED ALL THE "EASY" CONCESSIONS IN THE FIRST FEW YEARS, AND NOW, AS WE COME UP AGAINST THE REALLY HARD ISSUES - FOR EXAMPLE, OUR REMAINING ALLOCATIONS LEVERAGE IS NOT SUFFICIENT TO CHANGE JAPAN'S POLLOCK PRODUCTS IMPORT QUOTA.

AND BECAUSE MANY OF THE GIFA COUNTRIES ARE NOT REALLY GOOD LONG TERM PROSPECTS FOR U.S. EXPORTS, THEY ARE NOT GOOD CANDIDATES FOR THE "FISH AND CHIPS" POLICY.

A RELATED PROBLEM IS "CHIPS AND FISH", THE REVERSAL OF OUR LINKING CONTINUED FOREIGN FISHING TO IMPROVED MARKET ACCESS OVERSEAS. LAST YEAR BOTH SPAIN AND PORTUGAL TOLD US THAT THEIR POLICY IS TO RESTRICT MARKET ACCESS FOR THOSE COUNTRIES THAT EXCLUDE THEM FROM THEIR 200-MILE ZONES. THE IMPORT LICENSING SYSTEMS IN THESE COUNTRIES ARE HIGHLY DISCRETIONARY, AND COULD EASILY BE APPLIED IN SUCH A WAY AS TO EXCLUDE U.S. PRODUCTS. WHILE WE WOULD PROTEST THIS THROUGH TRADE CHANNELS, THERE ISN'T REALLY MUCH HOPE OF OPENING A MARKET JUST THROUGH LEGAL OR TREATY LEVERAGE. SO IT MAY BE BETTER TO BEGIN NOW, IN SOME CASES, TO PHASE OUT THE LINKAGE BETWEEN ALLOCATIONS AND TRADE BEFORE WE LOCK OURSELVES INTO A SITUATION WHERE FOREIGN FISHING WOULD BE PERPETUATED.

IN THIS CONNECTION, WE NEED TO EXAMINE THE REAL VALUE OF JOINT VENTURES FOR THE U.S. ALTHOUGH JOINT VENTURES HAVE GIVEN SOME FISHERMEN IMPORTANT OPPORTUNITIES FOR SURVIVAL, WE HAVE TO ACKNOWLEDGE THAT THE LEVEL OF ECONOMIC BENEFITS OBTAINED BY THE U.S. FROM JOINT VENTURES IS LOW, IN VIEW OF THE FACT THAT THE SAME FISH COULD BE PROCESSED BY DOMESTIC OPERATORS (EITHER SHORESIDE OR ON U.S. VESSELS) WITH THE ADDED VALUE ACCRUING TO THE U.S. ALTHOUGH A FEW OF THE JOINT VENTURE APPLICATIONS IN 1984 DID NOT ASK FOR DIRECTED FOREIGN FISHING, MOST OF THESE JOINT VENTURES HAVE PRESUMED CONTINUED ALLOCATIONS. IN THIS WAY, SOME FOREIGN NATIONS ARE ESTABLISHING RELATIONS WITH U.S.

HARVESTERS THAT WILL MAKE IT MORE DIFFICULT TO PHASE IN U.S. PROCESSING CAPABILITY. SO IN BOTH JOINT VENTURES, AND IN MARKET ACCESS, WE SEE THE "FISH AND CHIPS" POLICY PASSING THE POINT WHERE IT HELPS REDUCE FOREIGN FISHING TO A NEW ERA WHERE THIS LINKAGE MAY LEAD TO PERPETUATION OF FOREIGN FISHING IN OUR ZONE.

BY ITS VERY NATURE, THE "FISH AND CHIPS" POLICY WAS A TRANSITIONAL ONE. BY DEFINITION, THE "FISH AND CHIPS" POLICY IS SET UP TO SELF-DESTRUCT. SINCE A FUNDAMENTAL GOAL OF THE NMFS AND THE U.S. INDUSTRY IS OPTIMUM DOMESTIC UTILIZATION, WE MIGHT SAY THAT THE DEMISE OF THE "FISH AND CHIPS" POLICY IS BOTH INEVITABLE AND DESIRABLE.

SO WHAT IS THE NEXT STEP? REALIZING THAT OUR SPECIAL ALLOCATIONS LEVERAGE FOR FISHERIES TRADE ISSUES IS DISAPPEARING, WE MUST BEGIN TO REVIVE OUR PARTICIPATION IN THE GENERAL TRADE POLICY ARENA. WE AS AN AGENCY, AND YOU AS AN INDUSTRY, MUST WORK WITH THE U.S. INTERNATIONAL TRADE ESTABLISHMENT - JUST AS AGRICULTURE, HIGH-TECH, AND OTHER PRODUCT SECTORS ALWAYS HAVE TO IDENTIFY AND PURSUE OUR INTERNATIONAL TRADE INTERESTS.

FINALLY, WE NEED A BETTER WAY OF IDENTIFYING THE TRADE PROBLEMS WE SHOULD ATTACK. WE HEAR FROM SOME OF YOU EXPORTERS ON AN INDIVIDUAL BASIS, BUT WITH THE EXCEPTION OF THE PACIFIC NORTHWEST COALITION, WE SELDOM HEAR FROM ORGANIZED INDUSTRY GROUPS. I WOULD INVITE EACH OF YOU, AND ANY TRADE ASSOCIATIONS IN WHICH YOU PARTICIPATE, TO BRING US YOUR FISHERY TRADE PROBLEMS, BOTH SO WE CAN APPLY THE REMAINING "FISH AND CHIPS" LEVERAGE TO GOOD END, AND SO WE CAN PARTICIPATE MORE EFFECTIVELY IN GENERAL TRADE POLICY ISSUES. OVER THE NEXT FEW MONTHS WE WILL

BE TALKING WITH THE NFI LEADERSHIP ABOUT IMPROVING OUR ABILITY TO IDENTIFY AND WORK ON YOUR TRADE PROBLEMS. WE WOULD WELCOME YOUR SUGGESTIONS.

TOM BILLY WILL TALK ABOUT THIS IN GREATER DETAIL AT THE INTERNATIONAL TRADE COMMITTEE MEETING ON TUESDAY. FOR THE TIME BEING, I AM PARTICULARLY INTERESTED IN YOUR IDEAS ON THE "FISH AND CHIPS" POLICY, HOW AND WHETHER WE SHOULD CONTINUE IT, AND WHAT SUGGESTIONS YOU MIGHT HAVE FOR ITS IMPROVEMENT.

Hot B-13
PSS
~~1-11~~
1-11

Testimony of
William G. Gordon
Assistant Administrator for Fisheries
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
U.S. Department of Commerce

Before the

Subcommittee on Fisheries and Wildlife
Conservation and the Environment
Committee on Merchant Marine and Fisheries

House of Representatives

February 27, 1985

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to appear before you today to discuss future plans for the living marine resource program of the National Oceanic and Atmospheric Administration (NOAA). As a member of the NOAA team, I strongly support the Administration's efforts to control spending and to reduce the Federal deficit. Our proposals will provide essential research and management programs to fulfill our mission to "achieve a continued optimum utilization of living marine resources for the benefit of the nation."

I will briefly discuss two key concepts and provide a description of the relative industry and Federal roles in the management and development of living marine resources before I elaborate on our FY 1986 budget proposals.

- 2 -

The future of fisheries revolves around two key concepts:

- o the renewable, but vulnerable, nature of living marine resources, which requires appropriate conservation and management to assure the continued productivity and future availability of the resources; and
- o multiple use of these resources, which requires informed decision-making and coordinated response within all levels of government and industry.

Industry and government have complementary roles in achieving the continued optimum utilization of the Nation's living marine resources. Industry (commercial and recreational harvesters, processors, wholesale and retail marketers, and distributors) must provide the financial investments and resource development strategies necessary to achieve full economic benefits from our fisheries resources. On the other hand, the responsibility of government, as the resource manager, is to support research and services to provide timely and accurate resource and fishery information. This must include information on the distribution and abundance of the resources, harvestable surplus, the condition of critical habitats, and the other basic information necessary for the conservation and management of protected species and high priority fisheries resources. Based on this information, and in consultation with the industry and the public, it is the further role of government to formulate, or participate in the formulation of, fishery management plans,

protected species management plans, and habitat conservation programs to achieve optimum yield from the resources. The ultimate goal is to ensure that the Nation's living marine resources remain a productive natural resource for future generations.

If the government conducts its living marine resource management and service activities in a manner which fosters and supports industry initiatives, and which allows for efficient utilization of fishery resources; the result will be solid long-term growth in productivity from these resources as well as economic return for the industry and the Nation.

The President's FY 1986 budget provides a funding level that will allow NMFS to carry out the information and collection and analysis activities to support conservation and management programs for living marine resources and protected species, and their habitats. The FY 1986 budget proposes elimination or reduced funding for lower priority activities that are not essential to our management responsibilities.

In the future, management will be concentrated on fisheries where there is a foreign fishing effort, a critical resource problem, or where a clear and substantial national benefit can be accrued by management. NOAA will work with industry and the Regional Fishery Management Councils to determine which fisheries should be managed and to use the available institutional

structure(s) to obtain the full utilization of the resources available for U.S. exploitation.

I will now provide an overview of our FY 1986 budget request. The FY 1986 request includes a total of \$91.3 million to fund marine fishery resource and related programs. Our efforts will concentrate on the highest priority resources and opportunities. The budget request includes \$84.2 million for Operations, Research and Facilities (OR&F); and \$7.1 million non-OR&F. The non-OR&F includes: \$750 thousand for the Fishermen's Contingency Fund (an increase of \$500 thousand over the FY 1985 appropriation; \$500 thousand supplemental is also proposed to cover higher claims); \$1.8 million for the Fishermen's Guaranty Fund; and \$4.5 million for the Foreign Fishing Observer Fund. These non-OR&F proposals are at the same levels as the FY 1985 appropriations. No appropriation is necessary for the Fishing Vessel and Gear Damage Compensation Fund since sufficient carryover will exist to pay claims for FY 1986. No funding is requested for industry assistance grants and we propose to transfer all Saltonstall-Kennedy (S-K) Fund receipts (\$40 million) as well as one-half of the foreign fishing fees on deposit in the Fisheries Loan Fund (\$57.9 million) to offset general fund appropriation requirements of the OR&F account. The other half of the Fisheries Loan Fund balance will offset appropriations of the U.S. Coast Guard. In addition, as part of the Administration's overall credit policy, we propose that no new direct loans or commitments to guarantee fisheries loans be

- 5 -

made in FY 1986. Also as part of the FY 1986 budget, a supplemental for FY 1985 is proposed for the Federal Ship Financing Fund's Fisheries Obligation Guarantee Program to repay in full the Treasury debt that has been incurred (\$25,104K); and in FY 1985 a rescission for a portion of the Fisheries Loan Fund (\$1,550K). The fishing industry will benefit more from the Administration's effort to stabilize financial markets, cut interest rates, drop burdensome regulations, and control inflation than from direct Federal assistance.

I would like to provide more detail on the \$84.2 million requested for our marine fishery resource programs. The request covers programs in three budget subactivities -- Information Collection and Analysis (\$51.9 million), Conservation and Management Operations (\$28.6 million), and State and Industry Programs (\$3.6 million).

First, the \$51.9 million requested for our Information Collection and Analysis activities will emphasize priority habitat research, fish and protected species stock-assessment services, and maintain high priority catch-effort data and industry economic information needed to support informed public and private sector decisions on optimum use of the Nation's living marine resources, protected species and their habitats. Our programs will focus on living marine resources for which the Federal government has clear management and protection responsibility. The proposed changes in this area involve the elimination of FY

- 6 -

1985 add-ons, reductions in the acquisition of lower priority information, and elimination of non-essential programs. The FY 1986 budget will terminate our stock enhancement and disease research program since the private sector should develop fish and shellfish aquaculture systems for species with sufficient economic potential. The proposed budget of \$51.9 million will maintain high priority information acquisition and dissemination capabilities and allow us to continue to move forward in the implementation of multi-species management planning in cooperation with our partners in the management process.

Second, the \$28.6 million requested for our Conservation and Management Operations programs will focus on fisheries with the highest priority needs. In addition, protected species management, habitat conservation and enforcement programs will be continued. There are currently 30 fishery management plans (FMPs) in operation (23 FMPs and 7 preliminary management plans) with another three FMPs planned for FY 1985 and an additional two for FY 1986. This will bring most major fisheries under management. We are encouraging the consolidation of present fishery management plans and the adoption of multi-year plans which remain in place until amended. This will reduce the number of regulations and increase efficiency. As part of our "regionalization strategy," Regional Directors are playing a larger role in the review and implementation of fishery management plans. We continue our close cooperation with States, especially those with interjurisdictional fishery stocks. However, the States should

and must accept greater responsibility for support of programs for fisheries under their jurisdiction. In addition, the economic value of marine recreational fishing and its dependent industries is growing and we will continue to integrate marine recreational fisheries into our resource conservation programs. The major changes proposed in our conservation and management operations are the transfer of the funding responsibility for the Columbia River fish hatcheries to the Bonneville Power Administration (BPA), a reduction in funding for the Regional Fishery Management Councils and termination of the vessel buy-back program. Legislation will be proposed to transfer funding responsibilities for operations and maintenance of the 22 Mitchell Act hatcheries to BPA. However, in order to carry out its responsibility as manager of ocean fisheries, the Department of Commerce must continue its role in the decision-making about species and release parameters of Mitchell Act hatchery production and related matters. This presents us with a unique opportunity to reduce Federal expenditures without reducing the hatchery program and I would urge the Committee to support this effort.

Finally, the \$3.6 million requested for our State and Industry Assistance Programs will focus on appropriate Federal programs to support the conservation, management and development of the Nation's living marine resources. The budget maintains a core product quality and safety research program, and financial services program administration. Certain product quality and

-8-

safety activities which support our voluntary seafood inspection program will be continued by including these costs in the inspection fees paid by industry for participation in this program. The latter is a good example of how a self-supporting program can be funded by businesses that subscribe to the service. We intend to meet future demand for our inspection services primarily through cooperative inspection agreements with the States and the U.S. Department of Agriculture (USDA). These agreements will provide for training and cross-licensing of State and USDA inspectors.

As an alternative to programs that directly assist industry, we will continue to integrate fisheries development objectives into our fishery management process so that our efforts complement those of industry. For example, fishery managers and industry representatives can identify opportunities for development when reviewing assessment information. This approach worked successfully to help establish a new pollock fishery in the Shelikoff Straits, Alaska. In this way, the fishery management process becomes a forum for identifying development opportunities as well as for fulfilling Federal long-term public trust responsibilities. The major changes proposed in our state and industry assistance programs involve terminating the FY 1985 add-ons: terminating anadromous and commercial fisheries research and development grant programs; terminating fisheries development research and service programs; and reducing low priority research supporting product quality and

- 9 -

safety programs. The grants to states provide little Federal control to insure that Federal needs are met and many of the projects are state and local responsibilities.

In summary, the proposed FY 1986 budget will produce changes in the way we in the National Marine Fisheries Service do business. We will continue to examine our activities and responsibilities for opportunities to provide improved program services at a lower cost. Collectively, the Federal government, states, commercial and recreational fishing industries, conservation groups, the academic community and other constituencies, can successfully meet the significant challenges the Nation faces in the areas of fisheries management, protected species management, and habitat conservation. We in the Fisheries Service look forward to working with you, Mr. Chairman, and the other Members of this Subcommittee and Congress in achieving our national fishery goals.

If you have any questions, I will respond to them.

NATIONAL WEATHER
SERVICE MISSION (A-02)

SECTION 1

1. Purpose. This chapter outlines the National Weather Service's mission, its historical and legal basis, and its relationship to other organizations and groups.

2. Mission. The National Weather Service (NWS), under the National Oceanic and Atmospheric Administration (NOAA) and Department of Commerce, is responsible for providing weather service to the Nation. It is charged with responsibility for observing and reporting the weather and with issuing forecasts and warnings of weather and floods in the interest of national safety and economy. Enabling legislation provides for:

- Public weather service
- River and flood service
- Specialized services to aviation, agricultural, forestry, marine, and commercial interests
- Climatological service (Environmental Data Service (EDS) has primary responsibility under the NOAA organization; the National Weather Service manages the field program for EDS; see section 3.1)
- Basic weather service, i.e., the observing, communications, and processing activities needed to support the other services.

While military services are not part of the mission, the National Weather Service is responsible for providing many basic services to the Department of Defense. These services are coordinated through the Office of the Federal Coordinator. The Department of Defense operates its own weather service agencies to fulfill specialized and unique requirements.

Within the framework outlined above, and in very broad terms, the priorities for service to the Nation are:

1. protection of life,
2. protection of property, and
3. promotion of the Nation's welfare and economy.

The detailed responsibilities of the NWS within each service area will be found in the various parts of this manual as follows:

- Public - Part C
- River and Flood - Part E
- Aviation - Part D
- Agricultural - Part D
- Forestry - Part D
- Marine - Part D
- Commercial - Parts C & D
- Climatological - Part F
- Basic - Parts B, C, & G

2.1 Program Emphasis. The NWS can discharge its responsibilities only insofar as resources are made available to it directly or through cooperative arrangements. Allocating scarce resources is always a problem. Therefore, the plans and programs for carrying out the mission must be constantly reviewed in terms of the changing and ever-growing needs of the Nation, with emphasis among service programs being revised as necessary.

A good example of this changing emphasis is the aviation program. Aviation service demands have continued to grow. In order to help meet this demand, the Environmental Science Services Administration (ESSA), NOAA's predecessor, and the Federal Aviation Administration (FAA) developed the ESSA-FAA Memorandum of Agreement of 1965 under which the FAA assumed primary responsibility for pilot briefing and certain other activities (this will be eventually covered in more detail in D-01, "Aviation Weather Service Program"). This agreement has permitted the National Weather Service to place added emphasis on other activities vital to the various service programs, including aviation.

NATIONAL WEATHER
SERVICE MISSION (A-02)

SECTION 2

2.2 Mission and Employee Work Priorities. The first responsibility of field employees who provide real-time forecast, warning, and observing services is to protect life and property. This means that the acquisition of data on severe or otherwise dangerous weather conditions and the preparation and dissemination of warnings and/or observations of such conditions, as appropriate, must take precedence over all other assigned activities.

Conflicts in priorities occasionally arise, particularly for employees who may be on duty alone performing both surface observing and warning dissemination duties during adverse weather conditions. There are times when these duties seem equally important, usually when severe weather is imminent or occurring at or near the station. The dissemination of a severe weather or flood warning, including any necessary use of a locally available radar display, is the one activity which usually will take precedence over the surface observation. When the timing in the issuance of a warning is not quite so critical, e.g., the distribution of a heavy snow warning, the taking and dissemination of required observations will be given first priority. In the final analysis only the man on duty can properly assess the potential urgency in a given situation and he must make the final determination as to which responsibility, the observation or the warning, takes precedence since both involve life and property.

Issue Date	Org. Code
5-4-70	W22

WEATHER BUREAU

Operations Manual

Program	Part	Chap.
040	E	05

POLICIES ON SPECIAL HYDROLOGIC SERVICES AND AGREEMENTS

Table of Contents:

1. Hydrologic Services to Private Industry
2. Restrictions on Forecast Procedures and Computer Programs
3. Sharing Computer Facilities
4. Cooperative Hydrologic Service Agreements

Exhibits:

- E-05-1 ESSA/WB Agreement with Bonneville Power Administration (BPA)
- E-05-2 ESSA/WB Agreement with U. S. Corps of Engineers (CE) and U.S. Geological Survey (USGS)

* * * * *

1. Hydrologic Services to Private Industry. The general guidelines set forth in Chapter A-55, "Policy on Industrial Meteorology" apply as well to hydrologic forecasts, data, benefit studies, and consulting services when considering whether to furnish such products to private individuals or companies.

The best source of consulting hydrologists is in the classified advertisements of magazines such as the American Society of Civil Engineer's "Civil Engineering", Engineering News-Record, etc.

Hydrologic forecast services should generally not be initiated for points which are of interest only to a single business organization. Exceptions to this policy may occur when a flow forecast is needed in order to produce a downstream forecast or when forecast service is exchanged for observational data or deemed to be in the best interest of the public.

2. Restrictions on Forecast Procedures and Computer Programs. Generalized or typical hydrologic forecast procedures and computer programs may be made available to others when in the interest of the Government or the public and not for private gain. This includes publication in scientific papers which may be widely read. Programs will not be released,

however, unless they are thoroughly tested and well documented. If this requires appreciable time, the guidelines given in the first section of this chapter will apply. As a general policy, forecast procedures, including computer programs, for specific areas should not be released. This would also apply to constants and coefficients for a specific area that are used in a generalized program. This policy is based on the fact that the development of procedures and programs for specific forecasts is largely empirical. It is, thus, virtually impossible to impart to the users the specific limitations and necessary subjective judgments inherent in individual forecast procedures.

Exceptions to these policies should be considered individually on their own merits and each exception should be cleared with the Regional Hydrologist.

3. Sharing Computer Facilities. Aside from official agreements to share computer facilities, there are occasional requests that RFC computer facilities be shared with other offices for non-hydrologic data processing. Occasional sharing should present no problem and might well be arranged in some cases to foster good working relationships. Time sharing of computer facilities on a regular schedule basis should be by formal agreement. However, an occasional use on request and not subject to a schedule may be allowed and not be formalized in an agreement.

4. Cooperative Hydrologic Service Agreements. These service agreements relate cooperative arrangements made with Federal or state agencies on the mutual collection of hydrologic data and/or the providing of river and flood forecasting services. Examples of these agreements are shown in the form of single page abstracts in Exhibits E-05-1 and E-05-2. In several cases, some extending over many years, cooperative projects with outside agencies are handled on a completely informal basis and no documentation is available. These informal arrangements should be limited to the exchange of data and information. Exchange of funds, personnel, equipment or useage of equipment should be formalized in an agreement.

Issue Date	Org. Code
5-20-74	W116

NATIONAL WEATHER SERVICE

Operations Manual

Part	Chap.
D	01

AVIATION WEATHER SERVICE PROGRAM

Table of Contents:

- 1. Purpose
- 2. Program Management
 - 2.1 National
 - 2.2 Regional
 - 2.3 Field (WSFO)
 - 2.4 NMC
 - 2.5 International
- 3. Aviation Weather Service Policy
 - 3.1 Aviation Weather Briefings
 - 3.2 Aviation Weather Observations
 - 3.3 Aviation Weather Communications
 - 3.4 Aviation Weather Forecasts
 - 3.5 Training
 - 3.6 Quality Control

* * * * *

1. Purpose. This chapter describes the program management, organization, and operating policies of the National Weather Service's (NWS) Aviation Weather Service Program.

2. Program Management. The management of the NWS Aviation Weather Service Program is carried out basically at three levels. These are the national, regional, and field.

2.1 National. National aviation weather service policies are developed by the Aviation Branch. After approval of these policies by the Director, NWS, they are implemented by the responsible offices.

2.2 Regional. The Regional Directors implement the national policies through their Meteorological Services Divisions (MSD's), and Aviation Service Operations Meteorologists (ASOM's). Where allowed, some aviation weather service policy options are made by the ASOM and Chief, MSD, with the approval of the Regional Director.

2.3 Field (WSFO). Daily operational program control is exercised by Weather Service Forecast Offices' (WSFO's) MIC's, Weather Service Evaluation Officers (WSEO's), and Lead Forecasters.

2.4 NMC. The Director, National Meteorological Center (NMC) implements national policy for the NMC. At NMC, the daily operational aviation weather service program is under the control of the Chief, Aviation Branch, and Chief, Automation Division.

2.5 International. International aviation weather service policies of the U.S. are made by the Interagency Group for International Aviation (IGIA). The National Oceanic and Atmospheric Administration (NOAA) is represented on this group which includes other U.S. government agencies and user groups. The policies generally follow recommendations of the International Civil Aviation Organization (ICAO) for standards and practices. The Chief, Aviation Branch, implements these policies through the Regional Director and Director, NMC. Liaison with foreign meteorological services is accomplished by the Administrator of NOAA, or Director, NWS.

3. Aviation Weather Service Policy. Aviation weather service policy is based on NOAA directives, United States agreements (in the case of international aviation policy), Federal Laws, Federal Aviation Regulations, and the Federal Aviation Administration (FAA) - ESSA (NOAA) Memorandum of Agreement and on the state of the meteorological art. Except where constrained by law, the philosophy governing aviation weather policy decisions is, "to provide the user with products and services he requires which are within the state of the art and WSFO's and WSO's (Weather Service Office) ability to accomplish at the least possible cost to the taxpayer." This philosophy is difficult to follow completely, and often compromises must be accepted.

3.1 Aviation Weather Briefings. There are seven basic policies on briefings:

1. To the extent practicable, arrangements will be made for one stop/one call pilot briefing service.

2. The FAA Flight Service Station (FSS) will normally handle routine telephone requests for domestic pilot weather briefings. Requests requiring professional meteorological consultation will be referred to the designated NWS office.

3. The NWS will handle the pilot weather briefings at those locations where there is an NWS office but no FSS in the metropolitan area.

4. The NWS will handle all international aviation weather briefings except flights to such places as Canada, Mexico, and certain Caribbean locations which are handled as domestic flights and may be briefed by the FAA.

5. All matters involving domestic aviation weather briefing policy will be coordinated between the NWS and FAA.

SECTION 3

AVIATION WEATHER SERVICE PROGRAM (D-01)

6. The NWS is responsible for providing meteorological assistance to the FAA plus referral briefings when requested by a pilot (ring through).

7. The NWS is responsible for examining and certifying all NWS and FAA pilot weather briefers.

3.2 Aviation Weather Observations. The basic policies for aviation weather observing are:

1. Whenever an NWS office is located at an airport the NWS will take the observations. The FAA will assist, if mutually agreed.

2. At airports staffed by the FAA but not by the NWS the FAA will take the observations subject to mutual agreement.

3. The NWS will set all observing standards.

4. The NWS will examine and certify all personnel designated to participate in aviation weather observing.

5. The NWS and FAA will coordinate all policy matters with regard to making and reporting aviation weather observations.

In addition, the NWS does not normally establish an office just for the purpose of taking aviation-only observations. However, the NWS has agreed with the FAA that on a reimbursable basis, NWS personnel may take aviation-only observations. Also, it has been agreed that FAA personnel may assist in the aviation observation program where necessary, for example, when a WSO is not in operation 24 hours a day.

The domestic code used for aviation observations is as agreed between the Departments of Commerce (DOC), Defense (DOD), and Transportation (DOT). Aviation observations in the domestic code are exchanged internationally with Canada, Mexico, and certain Caribbean countries. No changes in the distribution or coding of observations are to be made without coordination with NWS Headquarters.

3.3 Aviation Weather Communications. Most of the aviation weather teletypewriter communications system, both domestically and internationally, is operated by the FAA. The NWS has agreed to attempt to notify the FAA 18 months prior to the establishment, closure, or relocation of any NWS office which would require a change in the weather communications system. These notifications can initially be at the regional level, but must be coordinated with NWS Headquarters.

Domestic and international facsimile systems, which contain aviation products, are operated by the NWS. Changes to these systems will be made only by NWS Headquarters.

It is U.S. Government policy to exchange operational aviation teletypewriter products internationally on the ICAO Aeronautical Fixed Telecommunications Network (AFTN) and facsimile products on the World Meteorological Organization (WMO) Global Telecommunications System (GTS). However, radio teletypewriter broadcasts are used in the Caribbean, and radio facsimile broadcasts are used in both the Caribbean and Pacific. Additionally, the NWS policy is to use WMO communications formats for all international exchanges (except to Canada, Mexico, and certain Caribbean locations).

3.4 Aviation Weather Forecasts. The present forecast policy is based on the availability of guidance products. The standard time periods for aviation forecasts are 12-, 18-, and 24-hour forecasts with some outlooks beyond these times. Forecasts used internationally are prepared using WMO codes and ICAO standards. Forecasts prepared for domestic consumption, use domestic codes.

The areas covered by and contents of all domestic aviation forecasts are decided by the NWS in consultation with the FAA, DOD, and user groups. The terminal forecasts are prepared for locations which are stated as required by the FAA, provided necessary observations are available. Due to office workload and budget constraints, all FAA requirements for terminal forecasts cannot be met. The areas and contents of all international aviation forecasts are decided by the IGIA.

3.5 Training. The policy for training NWS personnel in the aviation program is that all WSFO/WSO personnel whose daily aviation operational functions include briefing pilots will take the pilot briefer course and become certified Pilot Weather Briefers. Also, all forecast personnel making aviation forecasts and their supervisors, including regional supervisors should be sent to the NWS Advanced Predictions Techniques Course at least once every 10 years. The long range goal is to reduce this to once every 5 years. NWS personnel will be used to instruct FAA personnel in joint training programs where a professional knowledge of meteorology is involved.

3.6 Quality Control. The basic aviation quality control policies are:

1. The NWS is responsible for the quality control of all aviation weather observations and forecasts.

2. Real-time quality control of aviation products and services will be accomplished at both the local office and regional headquarters levels, and occasionally by the WSEO's.

SECTION 3

AVIATION WEATHER SERVICE PROGRAM (D-01)

3. Quality control of aviation products and services in other than real time will be accomplished by WSEO's, regional headquarters and NWS Headquarters.

4. The NWS is responsible for the quality control of all pilot weather briefings, including those of the FAA. However, the FAA provides some assistance in this program.



NATIONAL WEATHER SERVICE
SILVER SPRING, MARYLAND 20910

Operations Manual
Letter 7-75

Date of Issue: March 17, 1975

Effective Date: March 17, 1975

In Reply Refer To: W112x1

File With: C-01

Subject: Limited Public Service at WSMO

WSMO's may now provide local public services when authorized by the RO. This service will consist of recording the local zone forecast on automatic telephone answering equipment. The following guidelines should be followed in providing the service:

1. The WSMO MIC/OIC should request RO approval for the added work if he thinks the service is needed and his staff can handle the added workload.
2. The service is only to be provided where NOAA Weather Radio or weather-by-phone isn't available. The service should be low cost and only be offered where it's convenient.
3. Those WSMO's currently providing public services, additional to those listed in this OML, will slowly phaseout these additional services. At all other WSMO's, no added public services will be initiated.
4. Normally, only the local zone forecast from the WSFO will be recorded. However, if there is a justified need, the RO may permit the addition of the local aviation observation and FT for the nearest metropolitan airport. WSMO personnel won't adapt or modify the forecast or observation.
5. Recorded messages advising the public that a severe weather situation exists and that they should tune in their radio or television for further details should be substituted for the routine recording when the staff is too busy with severe weather duties.
6. The service shouldn't interfere with routine station duties (i.e., the equipment shouldn't be of the ring thru type).
7. If a forecast update is needed, the WSMO will request it from the WSFO and turn the system off until the update is available.
8. The regional office should keep WSH (W112x1) informed when such services are OK'd.

George P. Cressman
George P. Cressman
Director, National Weather Service



MARINE WEATHER SERVICE PROGRAM (D-07)

SECTION 1

1. Purpose. The purpose of this chapter is to state the policies concerning the Marine Weather Service Program. This program is defined in WSOM Chapters C-43, D-51, D-52, and D-53.

2. Program Objectives.

2.1 General Statement. The objective of the marine weather service is to provide meteorological support services that will further the safety of life and property and improve the efficiency of marine operations on the high seas, within offshore waters, along the coasts, on the Great Lakes, and on other inland waterways such as rivers, lakes and reservoirs. Users include those engaged in vessel navigation, fishing operations, offshore drilling and mining, and marine recreational activities. These services are also designed for alerting coastal communities subject to waves, surge, and sea ice jams. See Chapter C-50 for tsunamis.

2.2 National Weather Service (NWS) Responsibilities.

a. Under Title 15, USC, the National Weather Service has a statutory responsibility for "...the forecasting of weather, the issue of storm warnings, the display of weather and flood signals, the collection and transmission of marine intelligence for the benefit of commerce and navigation." See Chapter A-02 for a complete discussion of the National Weather Service mission.

b. The objectives of the National Oil and Hazardous Substances Pollution Contingency Plan, February 10, 1975, are to provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges, including containment, dispersal and removal. The NWS responsibility is contained within Paragraph 1510.22 (c), which states:

"The Department of Commerce through NOAA, provides support to the National Response Team, Regional Response Team, and the On-Scene Coordinator with respect to: marine environmental data; living marine resources; current and predicted meteorological, hydrologic and oceanographic conditions for the high seas, coastal and inland waters; and maps and charts, including tides and currents for coastal and territorial waters and the Great Lakes."

c. The National Search and Rescue Plan was distributed as Coast Guard Commandant Notice 3130, dated October 22, 1969. Principal parties to the plan are the Department of Commerce, Department of

SECTION 2

MARINE WEATHER SERVICE PROGRAM (D-07)

Transportation, Department of Defense, National Aeronautics and Space Administration, and the Federal Communications Commission. Pertinent extracts read as follows:

"The United States Coast Guard has statutory responsibility for developing, establishing, maintaining, and operating rescue facilities for the promotion of safety on and over the high seas and waters subject to the jurisdiction of the United States..." and "...NOAA provides nautical and aeronautical charting, information on tides and tidal currents, and marine environmental forecasts and warnings for the high seas and for coastal and inland waterways."

3. Relationship with the U.S. Coast Guard. Because of commonalities of interest, the marine weather service program of NWS has a special relationship with the Coast Guard. In addition to the liaison between the NWS Ocean Services Division and Coast Guard Headquarters, each NWS region should maintain active liaison with appropriate Coast Guard Districts. WSFO's and WSO's are encouraged to set up local arrangements and maintain liaison with Coast Guard stations within their area of responsibility. However, where national or regional policy changes may be involved, the local office must first coordinate with regional headquarters.

The NWS and Coast Guard will work together at all levels in monitoring the marine weather service program. The Coast Guard has been delegated authority by NWS to initiate small craft displays. Detailed instructions are given in Chapter D-51.

4. Organization.

4.1 Service Areas. The marine weather service program has been divided into services for the high seas and offshore areas (Chapter D-51), coastal waters (Chapter D-51), the Great Lakes (Chapter D-52), and other inland waterways (proposed Chapter D-53). Generally, services for the high seas and offshore areas are intended to serve shipping and fishing interests and industrial operations, while services for coastal waters emphasize services for recreational boating.

4.2 NWS Headquarters. The overall responsibility for insuring that the weather service to marine users is as effective as available resources will permit rests with the Director, National Weather Service. Staff assistance in developing policy and guidance is provided by the Chief, Marine Weather Services Branch, Ocean Services Division, who also acts as coordinator of the marine weather services between NWS regions and with other agencies.

4.3 Regional. The specific responsibility for coordinating and managing the marine weather service program within each region rests with the Regional Director. Regional program leadership is provided by the Chief, Meteorological Services Division, or Chief, Operations Division and his staff. Each regional headquarters provides technical and administrative guidance to the marine service offices, identifies marine user needs and ensures that these needs are met within available resources.

4.4 Local. The marine weather service field responsibilities are assigned to WSFO's or WSO's as appropriate. Specific services assigned are described in the individual office program letter for the station and in the D-50 series of WSOM chapters.

4.5 Personnel. Meteorologists with special training in marine meteorology and physical oceanography will be used, when available and appropriate, to staff the marine weather service program.

5. Dissemination.

5.1 Radio. The marine public is often difficult to reach. In order for the NWS to effectively carry out its responsibility to warn and advise marine users of weather information, it is our policy to encourage other agencies and commercial communication interests to cooperate in distributing warnings, forecasts, observations, and other material by radio. Rebroadcast of NOAA Weather Radio and broadcast of messages from marine automatic telephone are authorized and encouraged.

5.2 Visual Displays. Visual displays have been a traditional part of our service to marine interests. However, with the advent of commercial radio and television, increased Coast Guard dissemination, and our own NOAA Weather Radio, visual displays have generally become less essential, and the program is being de-emphasized, except at Coast Guard stations and on patrol craft. The obvious disadvantage of displays is that the visual range is very restricted, and there are sizeable problems in ensuring that signals are started and stopped at required times. Every opportunity should be taken to phase back on the display program, taking due account of local interest in the display site, particularly where the displayman cannot maintain our standards or where there is local NOAA Weather Radio coverage.

As an exception to this policy, a new display may be approved by a regional headquarters when (1) there is a strong local interest; (2) arrangements have been made by local interests to supply the pole or mast, as well as all other expenses, except for pennants and flags; and (3) there is an arrangement for alerting the displayman which will be without cost to NWS.

SECTION 6

MARINE WEATHER SERVICE PROGRAM (D-07)

6. Relationship with Marine Interests. MIC/OIC of field offices providing marine weather services and all Port Meteorological Officers (PMO's) available should maintain close relations with ships' officers, U.S. Power Squadrons, Coast Guard Auxiliary, commercial fishermen, shippers, and other marine interests. Frequent contacts with users will help acquaint them with our services and help ensure that our services are responsive to their needs.

<i>Issue Date</i>	<i>Org. Code</i>
2-18-76	W113

NATIONAL WEATHER SERVICE

Operations Manual

<i>Part</i>	<i>Chap.</i>
D	05

AGRICULTURAL WEATHER SERVICE PROGRAM

Table of Contents:

	<u>Page</u>
1. Purpose	2
2. Requirements	2
3. Abbreviations	2
4. Services	2
4.1 Forecast Services	2
4.1.1 Daily Agricultural Forecasts	3
4.1.2 Specialized Forecasts	3
4.1.3 Fruit Frost Services	3
4.2 Advisory Services	3
4.2.1 Environmental Study Service Center (ESSC)	4
4.2.2 Agricultural Weather Service Office (AWSO)	5
5. Cooperation with Other Agencies	5
5.1 Field and Agriculture Experiment Stations	5
5.2 Substation Personnel	5
6. Operational Program Elements and Responsibilities	5
6.1 National Weather Service Headquarters	6
6.2 Regional Headquarters	6
6.2.1 Environmental Study Service Center Agricultural Weather Service Office	6
6.2.2 Weather Service Forecast Office and/or Weather Service Office	7
6.2.3 Other Stations	7
7. Reports	8
7.1 Routine National Weather Service Reports	8
7.2 Nonroutine National Weather Service Reports	8
7.3 Progress Reports	8
* 7.3.1 Progress Report by MIC, ESSC	8
* 7.3.2 Progress Report of AAM's	8
8. Station Files	9
9. Forecast Quality Control and Verification	10

1.e Purpose. The basic mission of the Agricultural Weather Service is to provide the agricultural industry with weather services which will help: (a) increase food and fiber production; (b) reduce cost of agricultural production; (c) reduce weather related agricultural losses; (d) minimize land, water, and air pollution from agricultural operations; and (e) minimize energy requirements for agricultural operations.

2.e Requirements. The Agricultural Weather Service Program fulfill the basic mission by providing: (a) timely and detailed weather forecasts and observations tailored to the current agricultural activities; (b) interpretative statements or advisories relating meteorological events and climatological data to agricultural activities; and (c) communication of updated weather information including agricultural weather forecasts and advisories to the farm community via mass news disseminators, Extension Services, etc.

The forecast and advisory requirements are supported by: (a) research in agriculture-weather relationships and, (b) specialized meteorological observations in agricultural production areas.

3. Abbreviations. The most frequently used abbreviations of this chapter are:

a. ESSC - Environmental Study Service Center usually located at a Land Grant University in the area served.

b.e AWSO - Agricultural Weather Service Office located at agricultural experiment stations, agricultural colleges, universities or other Federal agencies in the area served.

c.e WSFO - Weather Service Forecast Office. The staff of WSFO provides agricultural forecasts for the agricultural program area.

d.e WSO - Weather Service Office.

e.e AAM - Advisory Agricultural Meteorologist (MIC, AWSO).

f. MICE - Meteorologist in Charge

g.e FP(Ag) - Focal Point or Special Program Meteorologist (Agriculture). Represents agricultural interests in a WSFO.

4.e Services. A brief description of the different types of services follows.

4.1 Forecast Services. Forecast services can be grouped into three general types.

SECTION 4

AGRICULTURAL WEATHER SERVICE PROGRAM (D-05)

4.1.1 Daily Agricultural Forecasts. Agricultural forecasts covering meteorological parameters relating directly to agriculture are prepared twice daily in those areas of the United States having an agricultural weather program. The agricultural weather information is tailored to the needs of the agricultural industry for the state in which the forecast is issued. Forecasts generally cover a single state, however, separate agricultural forecasts for two or more areas of a state may be prepared for those states in which the agriculture-weather situation varies distinctly from one part of the state to another.

WSOM Chapter D-40 contains a complete description of this and other agricultural service products.

4.1.2 Specialized Forecasts. Some states are regularly being furnished tailored agricultural weather services even though specific authorization and funding have not been provided by the Congress. In these states (e.g. Nebraska and the Dakotas), cooperative arrangements have been made for representatives of the Land Grant University and the State Agricultural Extension Service to provide liaison with the appropriate WSFO. The WSFO, in turn, provides specialized agricultural weather forecast for the area. Specialized forecasts may be prepared by any WSFO's during one or more periods of the year in order to satisfy the weather forecast requirements of certain segments of agribusiness. The type and timing of these forecasts should be coordinated with the ESSC and/or AWSO involved.

4.1.3 Fruit Frost Service. This service provides minimum temperature forecasts during the winter and early spring seasons for the fruit growing areas of the Western States, the peninsular areas of Florida, and the cranberry producing area of Wisconsin.

In the Western United States, the forecasting services are decentralized. Each fruit frost specialist, using data from the NWS teletypewriter circuits and local observations, prepares the forecast for his district. In addition, each fruit frost specialist conducts a continuing field-study program to determine better forecast methods and more efficient frost protection practices relevant to his area.

The service in Florida is a centralized system with all forecasts provided by a single National Weather Service Office (WSO) located at Ruskin. Distribution of forecasts is via the NOAA Weather Wire to mass news disseminators who relay the forecasts to the growers or directly to growers and extension personnel who have receivers on the weather wire.

4.2 Advisory Services. The advisory services are organized to provide general weather advisory service to agriculture.

The advisory services are provided by either a centralized office known as an Environmental Study Service Center or by decentralized offices known as Agricultural Weather Services Offices.

4.2.1 Environmental Study Service Center (ESSC). The ESSC is a centralized office in which a number of highly qualified scientists are brought together to formulate the interpretative statements or advisories relating meteorological events and climatological data to the diversified agribusiness of a large area which may include several large states. Personnel at the ESSC coordinate with the State and Federal Extension Services and the Experiment Stations of the states involved in the issuance of cooperative advisories to promote efficient management decisions by the agribusiness community.

ESSC personnel also provide farm activity and crop stage information to the WSFO so that weather elements having the greatest influence on current operations can be emphasized in the forecasts for the various production areas in the WSFO's area of responsibility.

Finally, the ESSC personnel, regarded as authorities in the field of agricultural meteorology, are often called upon for advice and assistance in evaluating biometeorological relationships by other scientists who are competent professionals themselves.

Personnel of the ESSC cooperate in research and technical studies with other scientists to gain a better understanding of weather related problems of agriculture. All research is conducted for the purpose of supporting the basic function of the ESSC; i.e., the advisory function. Therefore, the research is directed toward producing agrometeorological findings which will result in one or more of the following: (a) information which can be used at the ESSC in preparation of timely weather advisories for one or more segments of the agricultural industry; (b) information which can be used by forecasters in the issuances of timely agricultural forecasts tailored to the needs of the agriculture industry; and (c) information which can be used by State Extension Services in educating the agricultural community in the interpretation and utilization of weather information in day-to-day operations.

A micrometeorological station designed for agricultural purposes is established at the university location of the ESSC, and/or at the principal locations where ESSC personnel conduct research, to provide the detailed measurements of the station climate necessary for cooperative studies. In addition to the micrometeorological station, the ESSC uses a network of agricultural weather reporting substations in the principal crop production centers of the ESSC's area of responsibility.

SECTION 4

AGRICULTURAL WEATHER SERVICE PROGRAM (D-05)

ESSC personnel are expected to use new techniques where they are needed and when possible. This may include new crop modeling techniques or use of satellite data to fill gaps in conventional data. Other resource data such as crop and livestock statistics are used to study distribution of agricultural activity which is reflected in the agricultural advisories.

Details of both the reporting substation instrumentation and that of the micrometeorological station are found in WSOM B-18.

4.2.2 Agricultural Weather Service Office (AWSO). AWSO staffed with a single Advisory Agricultural Meteorologist (AAM) provides advisory services for localized areas or single states. The responsibilities, qualifications, and functions of the AAM are similar to those of the ESSC personnel. A micrometeorological station and a network of substations supply needed observational material to support the advisory program and technical studies which the AAM conducts in cooperation with the experiment station personnel.

The principal differences between the ESSC and the AWSO are the result of a multi-disciplines team working under the supervision and guidance of a Director or Meteorologist in Charge.

5. Cooperation with Other Agencies. The National Weather Service cooperates with other Federal agencies, state agencies, and local groups on a share-the-cost basis. Some of the cooperators having agreements with the National Weather Service are discussed in the subsection below.

5.1 Field and Agriculture Experiment Stations. These include Agricultural Experiment Stations of the U.S. Department of Agriculture, agricultural experiment stations of state universities and colleges, and agricultural research field stations. Most of these agencies furnish office space, utilities, and a plot for a micrometeorological observation station. In return, the National Weather Service provides advisory service to promote the effective use of weather information in making operational decisions on all weather related agricultural activity.

5.2 Substation Personnel. Most of these observers provide gratis daily observations of various weather parameters used in the preparations of daily forecasts and climatic studies of the crop growing areas. Communications charges are generally handled through telephone credit card arrangements.

6. Operational Program Elements and Responsibilities. This section discusses the various line elements of the Agricultural Weather Service Program, their functions, and responsibilities.

6.1 National Weather Service Headquarters. The overall responsibility for insuring that the weather service provided by the National Weather Service meets the needs of those engaged in the planning, production, and protection of agriculture, in the most effective and timely manner that modern technology and available resources can provide, rests with the Director of the National Weather Service. Staff assistance in directing these services is provided by the Associate Director, Office of Meteorology and Oceanography with the Chief, Agricultural Services Branch, Meteorological Services Division, serving as principal advisor. It is the function of this Branch to develop plans, policies, standards, procedures and briefing services, and communications necessary for data collection and dissemination of weather information to the agribusiness community. Also, the responsibility for updating the Federal Plan for a National Agricultural Weather Service rests with this Branch.

6.2 Regional Headquarters. The specific responsibility for coordinating and managing the Agricultural Weather Service Program within each region rests with the Regional Director. Staff assistance in directing these services is provided by the Chief, Meteorological Services Division, or where assigned, the Agricultural Service Operations Meteorologist. The regional staff assistant performs duties and functions similar to those described in subsection 6.1, above.

6.2.1 Environmental Study Service Center and Agricultural Weather Service Office. Staffing of the ESSC and the AWSO has been detailed in subsections 3.2.1 and 3.2.2 above. The Director of the ESSC or the AAM as the case may be has the responsibility for:

a. Coordinating the operation of the Agricultural Weather Services with the MIC of the WSFO, the State User Services Representative and the regional headquarters Meteorological Services Division (MSD) in promoting the maximum distribution of weather data, forecasts, and outlooks by the various means of mass dissemination.

b. Acquainting the FP(Ag) weather forecasters (through the MIC) with the requirements of agriculture for weather data and forecasts (on weekly and/or seasonal basis). (Note: In case of a difference of opinion regarding any portion of the Agricultural Weather Service Program, between the Director of the ESSC, the AAM, and the MIC, the matter will be referred to the regional headquarters for final decision.)

c. Cooperating with the Agricultural Experiment Station Scientists in technical studies relevant to agriculture-weather relationships and the application of these relationships to the weather service and to farming practices.

SECTION 6

AGRICULTURAL WEATHER SERVICE PROGRAM (D-05)

d. Coordination with MIC's of stations within his area and with field aides in establishing a network of representative agricultural weather observing stations. (See Chapter B-18).

e. Releases (after coordination with Experiment Station and Extension Specialists) or agricultural interpretations of the daily and other meteorological forecasts.

f. In coordination with the MIC's of the WSFO's and WSO's, liaison with mass news disseminators.

g. Liaison with all segments of agribusiness in states of responsibility.

6.2.2 Weather Service Forecast Office and/or Weather Service Office. The responsibility for the preparation and dissemination of all agricultural weather forecasts rests with the MIC. In the case of WSFO's much of the responsibility is delegated to the focal point Meteorologist for Agriculture (FP(Ag)). It is the responsibility of the Director of the ESSC or the AAM's to keep the MIC's and the FP(Ag) informed on the changing requirements. The MIC of the WSFO or the WSO, as the case may be, is also responsible for:

a. Coordinating agricultural service products with regional headquarters and the ESSC or the AWSO.

b. Maintaining a continuous surveillance of forecast products assuring a high level of responsiveness to user needs.

c. Scheduling the forecast personnel to provide the most effective forecast service to the agricultural community.

d. Scheduling forecast release and transmission times to provide the most effective service to the agricultural industry.

e. Arranging for continuing training and familiarization program in agricultural meteorology for his staff.

The MIC should also encourage work on station to develop improved forecasting techniques and procedures in the agricultural forecast program.

6.2.3 Other Stations. There are many areas of the country where agriculture is an important activity and where the specialized Agricultural Weather Service has not been established. In these areas, local offices will continue to furnish forecasts for farming operations. However, new or additional requests for agricultural weather service

should be submitted, with station recommendations, to regional headquarters for documentation, coordination, and approval.

7. Reports. This section discusses the type, content, and procedure to be followed in submitting reports from the field.

7.1 Routine National Weather Service Reports. Administrative and fiscal reports required by the National Weather Service Headquarters and the regional headquarters will be accomplished by the Meteorologist in Charge of the ESSC or the AWSO as required.

7.2 Nonroutine National Weather Service Reports. All requests for nonroutine reports or questionnaires which are applicable to ESSC or AWSO activities will be accomplished as directed by the regional headquarters. If any part of a report deals with the activities of the WSFO, that portion of the report will be coordinated with the MIC of the WSFO and a copy of the final report will be forwarded to the WSFO.

7.3 Progress Reports. Progress reports are essential in keeping the regional headquarters and the National Weather Service Headquarters informed of the activities at the ESSC or the AWSO. Portions of the report concerning WSFO activities should be coordinated and a copy furnished, as outlined above.

* 7.3.1 Progress Report by MIC, ESSC. Annual progress reports will be rendered to the Director of the regional headquarters by the MIC of the ESSC with a copy for the NWS Headquarters. Contents of the reports will cover all phases of the ESSC's operations during the year.

7.3.2 Progress Report of AAM's. Annual progress reports will be rendered to the Director of the regional headquarters by the AAM.

The reports from both the ESSC's and the AWSO's should be forwarded to the regional headquarters with a copy for the National Weather Service Headquarters. The regional headquarters should consolidate the reports and forward them to the Meteorological Services Division, Weather Service Headquarters. The MSD Division will further consolidate the technical study portion of the progress reports and distribute as a national collection to each regional headquarters for redistribution to each AWSO and ESSC.

* Content, due date, and suggested format for the annual reports are:

a. Advisories - Due March 15

(1) Description of current (through past year) advisories and an estimate of effectiveness.

SECTION 7

AGRICULTURAL WEATHER SERVICE PROGRAM (D-05)

(2) Advisories to be issued during the upcoming crop season.

(3) Discussion of need for additional advisories.

(4) Method of delivery of advisories to user. Discuss new methods tried or contemplated.

b. Liaison - Due June 15

(1) Summary of AAM contacts with agricultural interests.

(2) Summary of contact with disseminators and organizations.

c. Observations - Due September 15

(1) List of agricultural substations or changes of past year in the network.

(a) Elements observed

(b) Route by which they reach area teletype circuits

(c) Adequacy of network

(d) Date of last visit and check and calibration of instrumentation

(2) Microstation - changes during last year.

(a) Elements observed

(b) Adequacy

(c) Data processing or recording

d. Technical Studies - Due September 15

(1) Summary of each project with abstract showing how the results of the research will support the objectives of the Agriculture Weather Program.

(2) List of technical papers, published or in process of preparation, including papers presented at meetings but not otherwise published.

8. Station Files. ESSC and AWSO should maintain a file for information on:

a. Personnel

b. Micrometeorology station facilities

- c. Cooperative observer stations
- d. Mass news disseminator subscribers
- e. Communications.

9. Forecast Quality Control and Verification. To date no system has been developed for Agricultural Weather Service Quality Control that can be used on a national scale. Forecasters at the various forecast offices have developed verification methods which are being used locally.

Forecast offices are expected to continue with the verification systems now in use. Any office not now following this practice is urged to begin a verification program as a step toward effective quality control. Further guidance may be obtained by contacting the WSFO Special Programs Meteorologist (Evaluation).

27-11 NOAA POLICY ON INDUSTRIAL METEOROLOGY

1. Purpose - The purpose of this directive is to provide guidance for all NOAA elements in the appropriate support of private (industrial) meteorology without jeopardizing the integrity of NOAA operations.

2. Policy - NOAA encourages the development and maintenance of a strong private (industrial) sector of meteorology and climatology in the United States since, to a considerable degree, such meteorologists and climatologists supplement and extend service NOAA provides as part of its mission. To this end, NOAA will provide support as indicated in Section 4 below to non-Government meteorologists and climatologists whenever such support can be given within available resources, without partiality, and without compromise of regulations concerning release of information. NOAA will avoid providing services which properly should be provided by private meteorologists or climatologists.

3. Liaison with Private Meteorologists - A special Assistant for Industrial Meteorology (AD) has been named by the Administrator to maintain relationships between meteorologists of the private sector and those of NOAA. The Special Assistant may be contacted on matters of interpretation of this policy and should be advised immediately of any dispute with private meteorologists.

4. Support to Private Sector Meteorologists

a. Products and Services - Any products and services produced by NOAA elements will be made available to private meteorologists for the appropriate cost of reproduction or servicing with the understanding that NOAA will also make them equally available to any requester. It should be understood that such products and services may be withheld under certain circumstances, such as, for example, when there is existence of proprietary rights. NOAA offices will arrange access to available data and information under conditions that will not interfere with efficient operation of the office, or the performance of NOAA's mission.

b. Professional Cooperation - In general, NOAA meteorologists will cooperate with non-Government meteorologists

CH	SEC
27	11

NOAA Directives Manual

DATE
1-17-77

27-11 NOAA POLICY ON INDUSTRIAL METEOROLOGY

in assisting them with their technical activities in whatever ways that do not interfere with the normal performance of the NOAA missions and activities. In such cases, impartiality must be maintained and care should be taken to see that additional expenses are not incurred solely for private benefit. Questions regarding the propriety of specific cooperative activities should be referred to the Director of the Major Line Component and, if further clarification is required, the Special Assistant for Industrial Meteorology should be contacted. ★

5. Meteorological Services to Business and Industry

a. Routine - Products regularly prepared for the general public are, of course, equally available to business and industrial firms and, in some cases where the general welfare is served, products are routinely prepared for specific industries: e.g., aviation, agriculture, and marine.

b. Special - NOAA organizations will not provide special services to non-Federal requesters when the service, if provided, would unfairly compete with commercial enterprise. In this regard, unfair competition may be expected to exist when a special service is currently offered or can be offered by commercial enterprise. On the other hand, services authorized by law and a part of the NOAA mission are not to be conceived of as offering unfair competition. In addition, services which can only be provided by NOAA, and for which no commercial capability exists, can be provided to business and industry, only if appropriate charges are assessed in accordance with the provisions of the NOAA Finance Handbook, Chapter 9.

c. Referrals - When employees of NOAA are requested to provide special meteorological services or products which cannot be provided in accordance with the policy set forth herein, they should refer the requester to the professional directory of the American Meteorological Society or in special circumstances, to the Special Assistant for Industrial Meteorology.

6. Standards of Conduct

a. General - While there is no general bar to employees engaging in private enterprise on their own time, there are

★ Added

1-17-77

NOAA Directives Manual

CI	SEC
27	11

27-11 NOAA POLICY ON INDUSTRIAL METEOROLOGY

constraints surrounding such private employment. These constraints are set forth in Department of Commerce Administrative Orders 202-735 and 202-735A (15 CFR, part O, Subtitle A), relating to employee responsibilities and conduct. In general, an employee shall avoid any action, whether or not specifically prohibited by the above orders, which might result in, or create the appearances of a conflict of interest. For example:

(1) Employees shall not engage in outside employment or other outside activity not compatible (a) with their duties and responsibilities as Government employees, (b) with the policies or interests of the Department or (c) with the maintenance of the highest standards of ethical and moral conduct.

(2) Employees must not receive compensation or other remuneration from a private source for the performance of a service if that service is within their official responsibilities and for which they are paid by the Government. (See NDM 27-13 regarding employment in Radio and TV.)

(3) Employees shall not, either with or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of their Government employment, except when that information has been, or will be, made available to the general public.

b. Clearances - Conflict of interest is a very sensitive matter and each outside employment of a NOAA meteorologist or climatologist in the private meteorological or climatological sector must be cleared through the POE Director and the Assistant Administrator for Administration. Assistance in the determinations will be provided as required by ~~the~~ conflict-of-interest counselor in the Office of General Counsel and by the Special Assistant for Industrial Meteorology.

c. References - In addition to the above reference to the Department's Conflict of Interest Orders and Regulations, further information can be gained from the NOAA Personnel Handbook, Chapter 16, Personnel Relations and Services.

Please file as NOAA Directives Manual 16-11

SUBJECT: NOAA Policy on Management of Environmental Data and Environmental Science Information

TO: All NOAA Elements

Unclassified environmental data and environmental science information produced, sponsored, collected, or obtained (by domestic or foreign exchange, purchase, or gift) by NOAA or other Federal or Federally supported activities are public property. It is, therefore, the policy of the Department of Commerce and NOAA to make available these worldwide environmental data and environmental science information on the basis of exchange, loan, or sale at cost.

As used in this policy statement, (1) environmental data include recorded observations and measurements of the physical, chemical, biological, geological, or geophysical properties or conditions of the oceans, atmosphere (including space), and solid earth, as well as necessary related documentation; and (2) environmental science information includes current NOAA R&D project summaries and scientific and technical publications and their relevant documentation, including catalogs, abstracts, indexes, and bibliographies, that embody or give access to records of man's accumulated knowledge in the sciences and related technologies of the oceans, the atmosphere, and the solid earth.

The Environmental Data Service has the NOAA program responsibility in the management of (1) environmental data for nonreal-time application, both in NOAA itself and in the national and international user communities, once the real-time (e.g. forecasting) purposes for which the data are collected have been satisfied; and (2) environmental science information including its production by NOAA (editing and publishing), its acquisition, reference, and loan by NOAA (library operations), and its technical processing (abstracting, indexing, storing, retrieving, and disseminating) for accessibility to all NOAA user communities, national and international.

The Environmental Data Service (EDS) is a major line component (MLC) of NOAA. EDS's mission is to acquire, inventory, process, analyze, quality control, store, recall, and disseminate environmental data and environmental science information; to review, edit, analyze, and interpret data and technical information as required for preparation and publication of data and information products (e.g., statistical summaries, charts, atlases, primary scientific journals and serials, technical reports, technical manuals, technical planning reports, technical services publications, indexes, abstracts, bibliographies, catalogs, and announcements). Environmental data, data products, primary scientific and technical publications, and secondary environmental science information products are provided by EDS for use by

Governmental agencies, the national and international scientific and engineering community, industry, commerce, agriculture, and the general public. Many of the international activities are through such organizations as World Data Center A (established by NAS) and in cooperation with the World Organizations.

Implicit in this mission is the need for orderly and expeditious flow of environmental data and environmental science information from generating sources to EDS facilities for data and information processing, storage, and dissemination. It is also essential that all NOAA activities, contractors, and cooperators make timely submissions of (1) data inventories and related descriptive documentation; (2) scientific and technical publications and related review, clearance, and publication record forms; and (3) R&D project summaries so that EDS may keep the user community informed of the existence, status, and availability of the environmental data and environmental science information.

Environmental data collected by NOAA, its contractors, or its cooperators for operational uses (real-time or nonreal-time) shall be submitted to EDS as soon as these needs have been reasonably satisfied. Environmental data generated by research programs shall be submitted to EDS when the proprietary use of the data has been satisfied. In either case, the time between data collection and submission to EDS should generally not exceed one year.

In addition, whether for real-time or nonreal-time programs, a complete inventory of all data and samples collected and the related documentation must be forwarded to EDS within three months after the completion of the data collection phase, or periodically for continuing observations, if there is a significant change in location, type, or frequency of such observations.

In the interim between data collection and submission to EDS, NOAA activities, contractors, and collaborators are urged to cooperate as fully as possible in the direct exchange of data with other authorized users, pending archiving by EDS.

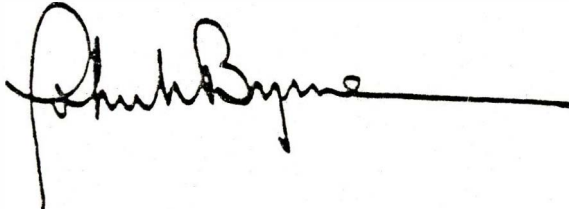
Similar to the above policies on submitting data to EDS, NOAA policy requires that NOAA activities, contractors, and cooperators promptly submit to EDS their scientific and technical publications and related documentation and R&D research project summaries. Detailed instructions will be issued elsewhere in the NOAA directives system.

Finally, all NOAA elements, in planning for operational, monitoring, or research programs or experiments that will generate environmental data or scientific and technical publications, or will result in requirements for data, data products, scientific and technical publications, or environmental science information products and services from EDS, are required to include and specifically identify in their budget estimates for new programs, the costs of handling the data and information

NOAA Administrator's Letter No. 38

March 16, 1983

TO: All NOAA Employees
FROM: John Byrne, Administrator
SUBJECT: NOAA Operations



Recently there have been numerous newspaper articles and telecasts concerning three major initiatives affecting NOAA operations:

- The President's announced intention to transfer the Nation's civil operational remote sensing satellites to the private sector;
- Our contract with Booz Allen and Hamilton to establish a basis for the long-term development of the National Weather Service;
- Participation in the government-wide program of studies of various functions as required by OMB Circular A-76, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government."

To assure that each of you understands them, I have attached a copy of the statement I issued to the news media at a news conference on March 8, 1983.

Each of the above initiatives will require substantial effort and further study to develop more specific data and action plans. Transfer of the NOAA satellites to the private sector will require legislation. Decisions to contract out any other functions will be made only following detailed analyses and cost comparison, typically requiring a year to complete. As we proceed with this work I will keep you fully informed. Should a decision be reached as a result of our reviews that changes are needed in NOAA's workforce, all legal and regulatory rights of employees will be strictly observed.

Within a few days, I will send you a more detailed memorandum explaining our plans to conduct reviews of NOAA activities, to determine the most effective method of operation, either in-house or on contract under OMB Circular A-76.

These are changing times and I ask for your continued support in the outstanding manner that has made NOAA one of the finest agencies in the Federal Government.

Attachment

STATEMENT BY DR. JOHN V. BYRNE, ADMINISTRATOR
DELIVERED AT NEWS CONFERENCE
U.S. DEPARTMENT OF COMMERCE
MARCH 8, 1983

This morning, President Reagan announced his intention to transfer the Nation's civil operational remote sensing satellites to the private sector. This transfer includes the present land observing system, known as Landsat, and the weather satellites--as well as the responsibility for any future ocean observing systems which may come about. Transfer will be carried out by a competitive process which will allow private firms to enter bids on the land or weather satellites either as separate systems or to enter a single bid for both systems.

In carrying out this action, we are not dismantling or selling any part of the National Weather Service. The satellite system is a part of the National Environmental Satellite, Data and Information Service. It serves not only the Weather Service but various other parts of NOAA and a great many other users.

In approaching the transfer to the private sector of the operation of the satellites, the Department of Commerce will oversee the transfer to the private sector as soon as possible. The selection of the private entity would occur under conditions of competition among U.S. firms only. Transfer will be guided by the following principles:

(1)s National security and foreign policy concerns must be appropriately addressed in preparing legislation, requesting proposals, and in overseeing the private entity or entities.

(2)s The selection of the private entity would occur under competitive conditions. Private firms will have the option of bidding separately for the land or weather satellite system or preparing a joint submission for both. The financial and program justifications will be presented in such a manner that separate submissions can be appropriately compared to joint submissions.

(3)s The Department of Commerce will establish an interagency coordinating body to prepare for this transfer as soon as possible.

There are two other issues which I would like to address. These pertain to the Weather Service and to other activities within the National Oceanic and Atmospheric Administration. NOAA is currently conducting a study of present and future Weather Service operations under a contract with Bobb Allen and Hamilton. The study is designed to chart the Weather Service's course through the rest of this century. It is being done with the goal of producing a highly professional, cost effective service which will distinguish between functions the Federal Government should undertake and those which we believe properly belong to the private sector.

We are relying on this study--this fresh approach to looking at our Weather Service operation--to assist us in determining which of the functions should be maintained by the Federal Government and which conceivably should be taken on by the private sector.

The second issue which has arisen is with respect to our activities in contracting out many of our procedures and many of our functions. We are separately conducting studies under OMB Circular A-76, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, which cut across the entire Agency, all of NOAA, to determine which functions are the proper work of the government in-house, and which should be contracted to external contractors.

I emphasize that this study is across NOAA. It is not directed specifically at any single element of NOAA. Across NOAA, a maximum of 3500 positions will come under, or may come under, review but it is obvious that, whatever changes take place, figures will be smaller and we simply don't know until the studies are made whether or not it is more efficient, more economical, to contract some of these activities out or to keep them in-house.



CH-13

Ex2:JLP

DEC 05 1984

D-3

TO: E - John H. McElroy
FROM: Ex2 - Margaret E. Courain *Margaret E. Courain*
SUBJECT: NESDIS Information Services Criteria for Exceptions to
Advance Payment Policy

Attached are the proposed NESDIS Information Services exception criteria to the NOAA Directive 21-25 advance payment policy for sales of mission information to non-Federal organizations or individuals. We also need an exception for services from the National Environmental Data Referral Service (NEDRES) program.

NOAA Directive 21-25 was updated September 13, 1984. The portion of paragraph 5.c. applicable to prepayment criteria states:

It is NOAA policy based on Department of Commerce guidelines to require advance payment on the sale of mission information to non-Federal organizations or individuals. Department Administrative Order (DAO) 203-5, "User Charges", in paragraph 3.07, requires that "all non-Federal applicants make payment in advance of the estimated cost of the service unless the head of the operating unit determines in each case that such a requirement is not feasible." Based upon an opinion of the Comptroller General (B-177617), the use of major credit cards is permissible and shall be considered as advance payment.

5.c.(1) If a NOAA Line Office wishes to grant exceptions to this advance payment policy, the following conditions must be met:

(a) For sales of \$100 or greater the Line Office must develop stringent and uniform criteria for granting any exceptions. These criteria must include:

- Justifiable reasons for which exceptions may be granted.
- Designation of officials with authority to approve exceptions.
- Type of supporting documentation required for approval.



Line Offices must file a copy of this exception criteria approved by the appropriate Assistant Administrator with the Finance Division, BF2.

(b)e For sales under \$100 the following criteria must be applied:

- The customer must be a local, state, or foreign government or an educational institution whose own regulations forbid payment until receipt of the service or product.

- A copy of the regulation prohibiting prepayment as well as a valid purchase order must be received from the customer prior to the start of work.

- A waiver must be signed by the Head of the Financial Management Center or designee.

- An additional fee, currently \$7.50, will be imposed on the customer to cover the costs of invoicing. Customers must be made aware of this additional fee prior to the start of work.

Once I have your approval of the proposed criteria, I will file them with BF2 and take the necessary steps to implement the advance payment policy.

Attachment

APPROVE GMS-E

DISAPPROVE _____

cc: E/AI31 - Jack Foreman

NESDIS Information Services

Criteria for Exceptions to Advance Payment Policy

Reference: NOAA Directive 21-25, update 9/13/84, paragraph 5.c.(1)

1.e Criteria for granting exceptions to advance payment for sales of \$100 or greater.e

a.e Justifiable Reasons for Which Exceptions May be Granted.e

- * Timeliness precludes the possibility of prepayment, and the use of credit card payments or deposit accounts is not feasible. Examples: supply of information to the press; life-threatening applications; applications involving significant financial loss to the user.
- * The service is requested by a major established organization in the non-governmental sector, and it is judged that application of the prepayment requirement would cause a significant adverse impact on the operations of the non-governmental organization.
- * The service requested is so complex that the total cost of providing the service cannot be estimated in advance of the provision of the service.
- *e Congressional intervention has occurred.e

b. Designation of officials with authority to approve exceptions.

- *e The Center Director or, in his/her absence, the Acting Director or his/her designee is the official with authority to approve exceptions.e

c. Type of supporting documentation required for approval.

- * Description of data/service to be provided.e
- *e Reason(s) for exception request (see the above list).e
- *e Credit standing of the customer.e

2.e Exception for services from the National Environmental Datae Referral Service (NEDRES) program.e

NEDRES is a new service aimed at carrying out NOAA's data and information dissemination mission. It resides on a commercial information retrieval system under contract. After signing a user agreement (established with the concurrence of the General Counsel's Office), the user receives a password and instructions on how to access NEDRES. A standard user charge policy and price list exists. Actual charges depend on the number of queries posed to the system and on the user's skill in executing the queries. Each user's usage is accumulated during a month and billed at the end of the month.

Services from the NEDRES program are exempt from prepayment for the following reasons:

- * The NEDRES database is one of hundreds available through online computer information retrieval systems, none of which require advance payment.e
- * It is impossible to estimate user charges in advance, as the use of the database is completely under the control of the user, with no intervention by NOAA employees.e
- * The experience of the online database services fields (both Government and private) has been that users will not establish deposit accounts to pay for this type of service because they generally are very uncertain about how much service they will use.e



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL ENVIRONMENTAL SATELLITE, DATA,
AND INFORMATION SERVICE
3300 Whitehaven Street, NW
Washington, DC 20235

D-4

E/AIx2:JF

OCT 12 1984

TO: E - John H. McElroy
FROM: Ex2 - Margaret E. Courain *Margaret E Courain*
SUBJECT: NESDIS Information Services Policy on
Data Exchange and Free Data

Attached is the proposed NESDIS Information Services Policy on Data Exchange and Free Data. This proposed policy is in response to the GAO Report/GGD-85-61, July 27, 1983, on NESDIS Cost Recovery Practices.

The policy was developed by the NESDIS Cost Recovery Practices Task Force I established August 15, 1983. The task force members are - Chair, Jack Foreman, AISC; Steve Doty, NCDC; Joe Allen, Jim Lander, Arza Straight, NGDC; Jim Churgin, NOLC; Rick Heuwinkel, PP; Tony Rudez and Bob Wolin, BF. The proposed policy was approved by my Center Directors, July 18, 1984.

Once I have your approval of the proposed policy, I will take the necessary steps to implement it.

Attachment (1)

APPROVE

JME
J 11/5/84

DISAPPROVE



I. Free NESDIS Data/Information Products

NESDIS may provide free information products and/or data in amounts specified by the Center Directors under any of the following criteria:

- 1.0 To respond to members of the U.S. Congress, the Executive Office of the President, the Office of the Secretary of Commerce, and the Office of the Administrator of NOAA.
- 2.0 To answer a general question about information products, services, and/or data (e.g., a free sample) that are available from NESDIS components.
- 3.0 To answer questions from members of the news media and other public information media. NOAA/NESDIS should be given proper acknowledgment for these contributions. An information copy of the request should be forwarded to PA.
- 4.0 As required by law; e.g., to authorized Depository Libraries.
- 5.0 Where required by a Federal agency using the NESDIS product or data for Government investigation of violations of laws, regulations, etc.
- 6.0 As required by other NESDIS Centers and Offices in performance of their functions. Charges to other Centers and offices shall be made only where necessary to cover the cost for equipment and for expense incurred in increasing the level of operations (ref. NESDIS Policy and Guidance Manual, 62-3 NESDIS Inter-Center and Office charges for Computer Services, revised). The Centers and Offices which receive the free products and/or data should use it only to perform their functions and should not distribute it further.
- 7.0 To assist agency education and marketing efforts. Limited amounts of free data/information products may be provided for outreach programs, data utilization workshops, user awareness programs, and marketing activities.

II. Data Exchange

NESDIS data/information products may be provided on an exchange basis to those who contribute data to NESDIS. This includes exchanges required by international agreement or cooperative agreements (e.g., World Data Center exchanges). Such exchanges must be certified as fair and reasonable by the Center Director or a designee and specific agreements shall be referenced when documenting the information products and/or data. Records shall be forwarded to the Deputy Assistant Administrator for Information Services.

A limited number of NESDIS publications (10 copies or less of each publication) or other data/information products may be given to contributors who help generate NESDIS products; for example, State Climatologists who provide quality control services, NWS offices which submit severe weather reports for inclusion in publications, or observers of environmental phenomena whose data are included in NESDIS publications.

III. Reporting

The provision of free or exchange data/information products shall be approved by the appropriate Center Director or designee and duly documented. A copy of this documentation shall be retained by each Center. A summary of free and exchange data/information products shall be prepared for each fiscal year by each Center and submitted, by October 15, to the Deputy Assistant Administrator for Information Services. This report will list, by categories above, the number of users receiving these data/information products.

7-27-78

NOAA Directives Manual

CH	SEC
12	51

12-51 DOCUMENTATION OF ONGOING RESEARCH AND DEVELOPMENT FOR SCIENTIFIC AND TECHNICAL INFORMATION EXCHANGE

1. Purpose - This directive describes the system for documenting and reporting the status and progress of ongoing NOAA research and development projects.

2. Policy - It is NOAA policy to document and exchange scientific and technical information from all unclassified NOAA research and development programs.

3. Definition - For the purpose of this system, research and development includes all unclassified activities directed toward (1) the systematic investigation and increased knowledge of natural phenomena, the environment, and living and nonliving marine resources, and (2) the practical application of research results and other scientific and engineering knowledge.

4. Objective - The objective of this system is to assist in promoting an effective flow of information concerning NOAA research, development, and technology by making available brief descriptions of current research and technology efforts to scientists, engineers, and managers in NOAA and elsewhere. NOAA's internal and external management requirements (see par. 5 and 6) are used to implement this objective.

5. Internal NOAA Management Requirements - The monthly listing of task codes maintained by the Office of Management and Computer Systems (OMCS) is used to meet management reference requirements for NOAA headquarters staff. Each entry in the listing consists of a descriptive title and the name of the individual to contact for information.

a. NOAA headquarters staff will use the listing as a directory to contact responsible individuals directly for information when the need arises.

b. Each Major Program Element (MPE) is responsible to OMCS for keeping its entries current and informative. Instructions will be included in the call for Task Codes prior to the beginning of each fiscal year.

6. External Requirements - Non-NOAA parties requesting information concerning ongoing NOAA research and development projects should be advised to submit such requests to the Smithsonian Science Information Exchange (SSIE), a national data base for information on research in progress. (SSIE's address is: 1730 M Street, N.W., Washington, D.C. 20036.)

7-2

NOAA Administrator's Letter No. 17

April 3, 1978

SUBJECT: Environmental Impact Statements

TO: All NOAA Elements

As Administrator of NOAA, I intend to see that this Agency continues to maintain the highest standards in carrying out our responsibilities under the National Environmental Policy Act of 1969 ("NEPA"). We have done a good job in the past, and I want to see our NEPA efforts continue to improve. The Office of Ecology and Conservation ("PP/EC"), reporting to me through the Assistant Administrator for Policy and Planning, in coordination with the Office of the General Counsel ("GC"), will be responsible for guidance in this area.

The Council on Environmental Quality has under consideration proposed regulations to implement NEPA which, when ultimately adopted, will substantially affect our NEPA review process. In the interim, however, I want to stress several ways in which, both with respect to our own environmental impact statement ("EIS") preparation and our comments on other agencies' statements, we can and should strengthen our commitment to sound environmental review.

(1) Preparation of EIS's Within NOAA

A growing number of NOAA activities require the preparation of EIS documents. All program directors should allow adequate time for the full EIS process, which includes preparing preliminary EIS documents for Commerce review, as well as formal EIS documents for interagency and public review. Typically, four months is required to complete the EIS process after the discussion paper for Commerce review has been prepared.

- 3 -

will discuss other policy and legal considerations, in addition to environmental factors, and explain why, if the environmentally preferable alternative has not been recommended, those other considerations have predominated. This will permit us to make the soundest possible environmental judgments.

(2) Review of EIS's of Other Agencies

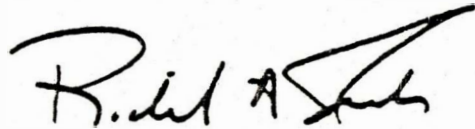
It is NOAA policy to provide considered, timely and factual comments on other agencies' draft EIS's. This key NEPA activity, which is likely to be made a mandatory duty by CEQ regulation, provides the means for exerting a significant positive influence on the plans and projects of other agencies. NOAA's influence has been substantial; it will continue to be strong only if we maintain high standards and continue to give high priority to preparing EIS comments. I recognize that this represents a significant workload on some individuals in the organization who already have full schedules. I want each AA to inform me whenever the press of other work makes it difficult to comment on EIS's containing matter within his or her purview.

PP/EC will coordinate the NOAA response to EIS's written by other agencies. Guidance for preparing comments is available from PP/EC and NOAA Directive 02-10. In particular, in preparing comments, the following considerations should be kept in mind:

- It is essential that comments be restricted to areas within the reviewer's competence, and that conclusions be supportable by facts. Each comment should be treated as a specialized piece of scientific writing that must stand up under scrutiny by the reviewer's peers.

- 5 -

I believe NOAA should play a pivotal role in making NEPA work well. We should help to assure that Federal programs, including our own, are planned and carried out in ways that maximize environmental benefits, minimize environmental costs, and conserve resources. NOAA is unique in its breadth of expertise in marine, coastal zone, and air resources. NEPA provides an important opportunity to apply this expertise. It is important to NOAA and to the Nation that we take this opportunity seriously.

A handwritten signature in black ink, appearing to read "Richard A. Frank". The signature is stylized with a large, sweeping initial "R" and a long, horizontal stroke extending to the right.

Richard A. Frank
Administrator

NOAA Administrator's Letter No. 30

Please file as NOAA Directive 69-01

October 26, 1981

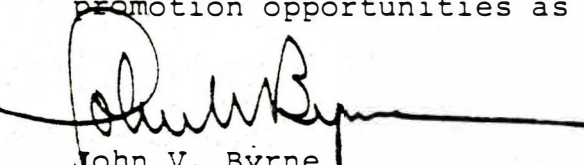
SUBJECT: Policy Statement on Equal Opportunity

TO: All NOAA Employees

The purpose of this Administrator's Letter is to reaffirm the policy of the National Oceanic and Atmospheric Administration to promote equal employment opportunity at all levels of the agency. Those in management positions should make every effort to eliminate practices or procedures that have the effect of denying equal employment opportunity to any group or individual in NOAA. If discrimination complaints do arise, they should be processed in a timely manner with the goal of reaching an informal resolution of the issues raised whenever possible.

Managers and supervisors should be actively involved in establishing realistic goals for affirmative action planning and equal opportunity activities. I intend to put increased emphasis on evaluating the impacts of our equal employment opportunity efforts and request your cooperation toward that end.

I join with Secretary Baldrige in support of the Department's Civil Rights Program and expect the continued support of each of you in achieving its goals. Together we can assure that every NOAA employee has equal access to advancement and promotion opportunities as they become available.



John V. Byrne
Administrator

10/26/81
JVB

DATE
1-31-83

NOAA Directives Manual

CH	SEC
36	16

36-16 POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES
NEEDED BY NOAA (Reference: ATx1, 443-8222)

<u>Paragraph No. and Topic</u>	<u>Page</u>
1. Purpose	1
2. Effect on Other Instructions	1
3. Policy	1
4. Applicability and Scope	2
5. Definitions	3
6. Responsibility and Authority	4
7. Review Requirements	6
a. Inventories and Schedules	6
b. Content of Inventories	6
c. Content of Reviews	8
d. Coordination With the Budget Cycle	10
8. Procedure for Conducting Cost Comparisons	10
9. Procedure for Conducting Reviews Other Than Cost Comparisons	14
10. Appeals	16
11. Effect on Reviews in Progress	17

- Appendix A. Sample A-76 Milestone Chart
- Appendix B. Sample A-76 Notice of Intent
- Appendix C. Sample Cost Comparison Form
- Appendix D. Sample Review Report Forms (CD-236A and 236B)
- Appendix E. General and Administrative (G&A) Expense Rates
- Appendix F. Examples of Commercial and Industrial Activities

1.e Purpose - This section contains policies and procedures for determining whether products and services are to be procured from private enterprise through "service contracts" or whether they are to be provided by either a component of NOAA as a "commercial or industrial activity" or from another Federal agency. The section implements the provisions of Office of Management and Budget (OMB) Circular No. A-76 and the Department Administrative Order (DAO) 201-41 and the omission of any subject is not to be considered as diminishing the effect of these documents upon NOAA if they are otherwise applicable.

2.e Effect on Other Instructions - NOAA Directive 36-16 (TM #557) dated 3/19/81 is hereby superseded.

3.e Policy - In obtaining products or services NOAA will rely upon private enterprise to the maximum extent consistent with economical accomplishment of missions and programs. In particular, all new programs and expansions will be reviewed in accordance with this section for potential operation through contract. Commercial and Industrial Activities currently operated within NOAA having annual costs of \$100,000 or more which are considered candidates for conversion to contract operation will also be the subject of a formal review. Periodic follow-up reviews will be conducted to assure that these activities continue to be conducted in the most economical manner either through a service contract or as a NOAA commercial and industrial activity.

CM	SEC
36	16

NOAA Directives Manual

DATE
1-31-83

36-16 POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES NEEDED BY NOAA (Cont'd)

4. Applicability and Scope

a. The provisions of this section apply to all organizational elements in NOAA.

b. This section is based on policies contained in Office of Management and Budget Circular No. A-76 (including Supplement No. 1, the Cost Comparison Handbook) and the Department of Commerce Administrative Order 201-41.

c. This section applies to all commercial and industrial activities managed by NOAA unless specifically excepted, whether the activities are performed under contract with private sources or in-house using Government facilities and personnel. This section does not:

(1) Serve as authority to enter into contracts if such authority does not otherwise exist.

(2) Authorize the award of any contract which establishes a situation tantamount to an employer-employee relationship between NOAA and individual contract personnel.

(3) Justify departure from any law or regulation of the Office of Personnel Management or other appropriate authority, or authorize procurement from a private source when such procurement is contrary to statute.

(4) Serve as the authority for avoiding established limitations on salary or personnel.

(5) Alter the existing requirement that each NOAA component must perform such basic functions as the selection and direction of Government employees, assignment of organizational responsibilities, establishment of performance goals and priorities, planning of programs, and evaluation of performance in order to retain control over its programs.

(6) Apply to printing and binding which is subject to the provisions of Title 44 of the U.S. Code.

(7) Apply when it is contrary to law or inconsistent with the terms of any treaty or international agreement.

(8) Apply to consulting services which are purely advisory in nature.

DATE
1-31-83

NOAA Directives Manual

CH SEC
36 16

E-4

36-16 POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES NEEDED BY NOAA (Cont'd)

5.e Definitions - Comprehensive definitions of the various terms used in connection with this section are contained in paragraph 5 of OMB Circular A-76 and in Section 3 of DAO 201-41. For ease of reference most of these definitions are presented below.

a.e Governmental Function - A function which must be performed by the Government in the exercise of its inherent responsibilities. These include:

(1)e Discretionary application of Government authority, as in investigations, prosecutions and other judicial functions; in management of Government programs requiring value judgments, as in directing the national defense; management and direction of the Armed Services; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulations of the use of space, oceans, navigable rivers and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

(2)e Monetary transactions and entitlements, as in Government benefit programs, tax collection and revenue disbursements by the Government; control of the public treasury, accounts, and money supply; and the administration of public trusts.

(3)e Research and development. The definition of this function will be issued after OMB has acted on the final report by the Ad Hoc Interagency Committee on the Application of OMB Circular A-76 to Research and Development.

b.e Government Commercial or Industrial Activity - An activity operated and managed by a Federal executive agency which provides a product or service that could be obtained from a private source. An activity can be identified with an organization or a type of work, but must be (1) separable from other functions so as to be suitable for performance either in-house or by contract, and (2) a regularly needed activity of an operational nature, not a one-time activity of short duration associated with support of a particular project.

c.e Service Contract - An activity conducted through a private sourcee having annual costs in excess of \$100,000, which could be performed by a Government commercial or industrial activity. Contracts awarded under an authorized set-aside program are not considered service contracts under this section.

d. Expansion - A modernization, replacement, upgrading, or enlargement of a Government commercial or industrial activity involving an additional capital investment of at least \$100,000 or additional annual operating costs of at least \$200,000, provided that the increase exceeds 20 percent of the total investment or annual operating costs. An expansion which increases capital investment or annual operating cost by at least 100 percent is defined as a new start.

CH	SEC
36	15

NOAA Directives Manual

DATE
1-31-83

E-4

36-16 POLICIES FOR ACQUIRING COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES NEEDED BY NOAA (Cont'd)

e.e Conversion - The transfer of work from a Government commercial or industrial activity to performance by private enterprise.

f.e New Start - A newly established Government commercial or industrial activity, including a transfer of work from contract to a Government commercial or industrial activity. An expansion which increases capital investment or annual operating cost by at least 100 percent is also a new start.

g.e Private Source - A private business, university, or other non-Federal activity located within the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico, which provides a commercial or industrial product or service required by the Government.

h.e Cost Comparison Study - A cost comparison made in accordance with the Cost Comparison Handbook (Supplement No. 1 to OMB Circular No. A-75) and paragraph 8 of this section. The cost comparison will be reported on a Form CD-236A or Form CD-236B and supported by a Cost Comparison Form and Decision Summary Form.

i.e Principal Reviewer or Team Leader - A NOAA employee appointed to conduct a review pursuant to the requirements of this section.

j.e Independent Reviewer - An accountant within NOAA qualified by training and experience to review the adequacy of a cost comparison and who will execute the audit certification on the Cost Comparison Form.

6.e Responsibility and Authority

a.e The Administrator is responsible for ensuring that the policies and provisions of OMB Circular No. A-76 and DAO 201-41 are implemented within NOAA and effectively followed.

b.e The Deputy Administrator shall serve as the final approving authority for reviews of all activities, service contracts, and new starts involving capital investment or annual costs of \$100,000 or more administered by NOAA, except for those reviews for which the Assistant Secretary of Commerce for Administration is the approving authority

c.e The Associate Administrator shall determine and review those opportunities which should be considered for contract; develop a complete annual inventory of commercial and industrial activities and schedule periodic reviews; establish milestones for each scheduled review; and make recommendations and comments with respect to completed reviews of all activities, service contracts, and new starts involving capital investments or annual cost of \$100,000 or more.




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

E-5

THE ADMINISTRATOR

August 24, 1983

TO: N - Kelly Taggart
F - Bill Gordon
E - John McElroy
W - Richard Hallgren
R - Ned Osterbo

FROM: John V. Byrne 

SUBJECT: User Fee Pricing Study

The Thursday, August 25, meeting on user fee pricing policy (my office at 1:30 p.m.) is to accomplish two purposes: (1) discussion of four user fee pricing principles, and (2) discussion of a workplan to complete the pricing policy.

I believe it is necessary for NOAA to agree on certain user fee principles now in order to be consistent in our response to challenges from GAO, OMB, and Commerce on our handling of user fees in NOAA. These principles will guide our thinking and planning but will not, by themselves, necessitate immediate implementation steps. I do not believe further study of these four principles is necessary before decisions are made.

The four principles for Thursday's meeting are listed below and elaborated upon in an attachment:

- o adoption of the net cost recovery principle
- o identification of NOAA's public beneficiary programs
- o policy for allocating joint costs
- o data exchange policy

A work schedule to address policy elements beyond these four will be presented and discussed at the meeting. Addressing these four principles now will take some of the pressure off the work schedule so that it can be slipped, as requested by several of you in Thursday's staff meeting.

Attachment

cc: Carey
McManus



10TH ANNIVERSARY 1970-1980
National Oceanic and Atmospheric Administration
A young agency with a historic
tradition of service to the Nation

1. Adopt the net cost recovery policy in principle.

The user fee statutes and the OMB, Departmental, and NOAA directives start from the principle of full cost recovery. They allow exceptions to full cost recovery but the exceptions are poorly defined, and so have not been consistently used in NOAA or other Federal agencies. Federal audits of user fee programs invariably start from full cost recovery except where impractical.

Recommendation: NOAA should adopt the pricing principle of net cost recovery, which is full cost recovery less deductions, and should define a standard list of deduction categories which are implementable and defensible.

- Pros:
- Net cost recovery is fully consistent with the current, general user fee statute. It has the advantage of being explicit and defensible.
 - Early acceptance of the principle will focus NOAA's energy on defining the deduction categories.
 - The deductions will guide NOAA program managers and provide a coherent rationale for net cost recovery to external critics.
- Cons:
- Implementation of net cost recovery may require significant management effort, initially.
 - The policy will reduce LO flexibility in setting pricing policy in individual programs.

2. Identify NOAA's public beneficiary programs

An exception to established, federal user fee policy is any program that provides benefits to the general public. However, the concept of "benefits to the general public" is not well defined. Two categories of programs that are safely defined as "general-public-benefits" are national defense programs and programs that provide benefits to such a wide cross section of the public that fee incidence (if fees were employed) would be as widespread as the incidence of Federal income taxes.

Recommendation: Identify the major public beneficiary programs in NOAA so that there is a consistent, coherent rationale for exempting their costs from fees. Other public beneficiary programs can be identified later.

Information products and services that NOAA provides to the military, where NOAA is the sole source, should be considered public beneficiary programs. They could include at least:

- nautical charts and tide data ordered by DOD
- public weather service system backup to DOD

- aeronautical charts ordered by DOD (NOAA could consider these an FAA responsibility and require full reimbursement from FAA)
- a portion of the weather satellite system that is backup to DOD

Other NOAA information programs that meet the public beneficiary test (where fee incidence and Federal income tax incidence are virtually identical) could include at least the following:

- public weather forecasts and warnings
- climate data acquisition, data base management, and data analysis essential to public policy understanding and decision making on acid rain, CO₂, global climate change, U.S. agricultural policy, etc.
- ocean pollution assessments necessary to develop models that will predict the consequences of pollutant loading (as distinct from predictions or scientific advice provided to specialized users)

Pros: - Provides coherent rationale for eliminating certain, major programs from further consideration for user fees.

- Provides early internal guidance at least on the major public beneficiary programs identified.

- Reduces the number of unresolved deductions.

Cons: - May be misconstrued, internally, as the final list of public beneficiary programs.

3. Determine policy on allocation of joint costs

NOAA is using both incremental costing and average costing in allocating joint costs, those are common to more than one product stream. NOAA's approach is inconsistent because both methods are used or proposed in our public beneficiary programs. The weather service uses incremental costing in pricing raw data from the public weather program to external users. That is, in the public weather program, special beneficiaries will pay only incremental costs associated with servicing their needs. All joint costs are allocated to the public weather program. The nautical chart program, is proposing to use average costing. Special beneficiaries, which are the private and commercial chart users, would pay both incremental and joint costs of chart production as would DOD.

Recommendation: Incremental costing should be used throughout NOAA to allocate joint costs in public beneficiary programs. Average costing should be employed to allocate joint costs in all other NOAA programs. To elaborate:

Incremental costing should be used in public beneficiary programs.
All joint costs should be borne by the public beneficiary component of a mixed program and only unique costs should be attributed to the special beneficiary portion. The weather service practices incremental costing.

- Pros:
- o It is reasonable for the general public to bear the joint costs in a public beneficiary program because those costs, by definition, are essential to the provision of the public service.
 - o Average costing would be unequitable for special beneficiaries because they would be subsidizing public beneficiaries.
 - o Prices to private and commercial chart users would be much lower in incremental costing than in the currently proposed average costing.
 - o Prices to external users of weather data will remain much lower under incremental costing than they would under average costing.
- Cons:
- o The cost recovery potential will be lower in an incremental costing program.

Average costing should be used in other programs

Joint costs should be allocated to all product lines in programs that have no public beneficiary component.

- Pros:
- o Average costing has higher cost recovery potential than incremental costing.
 - o It is equitable in that all users share the joint cost burden without subsidizing the general public.
- Cons:
- o Prices, notwithstanding other deductions, may be driven higher than the market can bear.

4. Determine data exchange policy

NOAA receives data from numerous external sources, sometimes free and sometimes at some cost. Payment may be in dollars (rarely) or in-kind, with other data or finished products. These payments are presently treated as program costs in some instances but not in others.

Recommendation: Payments, in dollars and in-kind, for data provided by outside sources should be treated as program costs for user fee pricing purposes. Program managers will be responsible for insuring that NOAA and NOAA's users receive fair value for those payments.

- Pros:
- o Treatment as costs is equitable to special beneficiaries and results in lower allocation of costs to general tax revenues.
 - o No additional cost accounting is required in that dollar payments are already known and the value of in-kind payments is directly calculable from cost-based prices paid by regular customers.
- Cons:
- o There is some risk of antagonizing the regular customers if the payments greatly exceed the value of the incoming data.

ATTACHMENT A

NOAA INFORMATION PRODUCT PRICING POLICY

Richard J. Heuwinkel
Office of Policy and
Planning

August 1984

TABLE OF CONTENTS

	<u>Page</u>
I. PURPOSE.....	1
II.. OBJECTIVES OF REVISING NOAA USER FEE POLICY.....	1
A. To Maximize Taxpayers Equity.....	1
B. To Improve Program Efficiency.....	1
C. To Achieve Interagency Accountability.....	1
D. To Provide Better Guidance within NUAA.....	1
E. To Provide Alternative Financing.....	2
F. To Achieve Greater Budget Stability.....	2
G. To Promote Administration Policy.....	2
III.. APPROACH AND FINDINGS.....	2
Table - NOAA Information Product Groupings and Their Costs.....	3
A.. Financial Results.....	4
B.. Data Sources.....	4
C.. Information Product User Groups.....	4
IV.. NOAA INFORMATION PRODUCT PRICING POLICY.....	4
A.. Exceptions to Full Cost Recovery.....	5
B.. Definition of Exceptions to Full Cost Recovery.....	6
C.. Treatment of Joint Costs.....	9
D.. Data Exchanges.....	9
E.. Joint Projects.....	10.
F. Actual Cost Pricing.....	10.
G.. Gradual Price Increases.....	10
V.. ANNUAL PRICING PROCEDURE FOR NOAA INFORMATION PRODUCTS.....	10.
ATTACHMENT A. Supporting Analysis for Policy Revision.....	A-1
A. Present User Fee and Reimbursement Collection.....	A-1
Table 1- Ratios of Reimbursements and User Fees to LO Information Product Groupings' Total Costs and Production Costs.....	A-1
Table 2- Adjusted Ratios of Reimbursements and User Fees to LO Information Product Groupings' Total Costs and Production Costs.....	A-2
B. Data Sources and Production of Products.....	A-2
Table 3- Distribution of Product Groups by Source of Data and by Proportions of Data Received from Source.	A-3
C. Information Product User Groups.....	A-3
Table 4- Distribution of Product Groups by Users and by Proportion of Production Consumed by Each User Group.....	A-4
D. Magnitude of Capital Costs.....	A-5
E. Functional Cost to Total Costs Ratios.....	A-5
F. Marketing Efforts.....	A-6

APPENDICES

- Appendix I
- Appendices II - IX

-3-

NOAA Information Product Groupings and Their Budgets in 1982

LO/Product Grouping	Total FY 82 Costs ¹ (Millions)	LO/Product Grouping	Total FY 82 Costs ¹ (Millions)
<u>NWS</u>		<u>NESDIS</u>	
Public Weather -- Forecasts/ Warnings.....	284.3	Polar Orbiting Sat.....	56.4
Weather Data(included in above)		Geostationary Sat.....	48.3
Aviation Weather.....	38.7	Landsat.....	20.0
Agr. & Fire Weather.....	10.3	Oceanographic Info.....	5.2
		Climate Information.....	15.5
		Geophysical and Solar Information.....	5.2
<u>NOS</u>		Library & Bibliographic Information.....	3.1
Geodetic Information.....	19.5	Environmental/Economic Assessments.....	2.6
Nautical Charts.....	52.1		
Aeronautical Charts.....	22.2	<u>F</u>	
Tides, Currents and Water Levels.....	13.4	Fishery Information.....	2.4
Ocean Pollution Assessments...	24.4	Environmental Assessments...	1.3
Living Marine Resources Assessment.....	.1	National Seafood Insp.....	3.2
Coastal Pollution Discharge Inventory.....	.3	Resource Statistics.....	NA
Coastal Zone Information.....	NA		
<u>RD</u>			
Space Envir. Forecasts.....	3.7		

Grand Total FY 82 Costs \$632.2 million (incomplete)

¹ These represent budget authority in FY 82 financed by a combination of user fees paid to NOAA, general taxes appropriated to NOAA, and interagency reimbursements paid to NOAA. Reimbursements may have originated from general taxes appropriated, or user fees paid to the Federal agency making reimbursement to NOAA.

NOAA INFORMATION PRODUCT PRICING POLICY

I.e PURPOSE

This policy is for determining which costs of producing NOAA information products are recoverable through user fees. Information products, including tangible and intangible information products and services, constitute just one of four generic types of NOAA outputs. The other three output categories (financial assistance and promotion products, regulatory decisions products, and general research products) are not covered by this policy.

II.e OBJECTIVES OF REVISING NOAA USER FEE POLICY

There are several objectives of this revision of NOAA user fee policy. The first three below constitute the classic objectives of user fees that underlie the general user fee statute, the Independent Office Appropriation Act (31 U.S.C. 9701), as well as the statute governing interagency reimbursements, the Economy Act (31 U.S.C. 1535 & 1536).

A.e To Maximize Taxpayer Equity. The President, in his State of the Union Message in 1982, reiterated this principle when he stated that the purpose of user fees is to insure that special beneficiaries, not the general taxpayers, bear the costs of special benefits.

B.e To Improve Program Efficiency. Users, if required to pay even a nominal fee for products and services, will tend to demand only the quantities they actually need. This principle works to discourage wasteful consumption by both governmental and non-governmental users. The closer the fee approaches the true costs of production, the more unnecessary consumption is discouraged and the stronger the case that the program is cost-beneficial. Of course, excessive fees, especially those greater than costs, can inhibit societally productive consumption.

C.e To Achieve Interagency Accountability. If user Federal agencies reimburse supplying Federal agencies for products/services received, the total costs of categorical programs can be determined. For example, if the various Federal agencies that provide products and services in support of national defense are reimbursed by DOD, the entire cost of national defense is presented in the DOD appropriations request. If the supplying agencies are not reimbursed, the DOD budget will underrepresent the true cost of national defense, and furthermore, there will be no way to directly determine the true cost of national defense from the Federal budget.

Other objectives, of more immediate utility to NOAA are:

D.e To Provide Better Guidance within NOAA. Present user fee policy in NOAA is unclear, particularly with respect to cost recovery levels, treatment of joint costs, and coherent rationale for when not to assess fees. As a result, NOAA is vulnerable to findings of inconsistent application of user fee policy (e.g., GAO report, 1983, on NESDIS cost recovery practices) and to selection of NOAA programs for full cost recovery without examination of some public policy and practical obstacles to such high fees (e.g., full cost recovery for Landsat and charting in recent years).

This policy should correct these deficiencies, provide better guidance to NOAA managers, and solidify NOAA's position vis-a-vis external investigations and budget cutting thrusts.

E.e To Provide Alternative Financing. NOAA's budget is financed by general taxes appropriated directly to NOAA, reimbursements from other agencies, and user fees. Because of the large Federal deficit, Congress and the Executive Branch will try to reduce general tax appropriations during the foreseeable future. With increased user fee and interagency reimbursement revenues, NOAA could maintain or even increase its total outlays or reduce expenditures of general tax revenues in the face of constant or declining general tax appropriations.

The so-called P.L. 91-412 trust fund can be used (within certain constraints) to bank user fee receipts. User fee receipts, even if deposited in Miscellaneous Receipts at Treasury, can be earmarked as offsetting receipts to lower general tax appropriations.

F.e To Achieve Greater Budget Stability. Many NOAA programs yield very high benefit to cost ratios. Yet some of these programs are underfunded by Congress. It is conceivable that some of them would be more highly and consistently funded on a user fee basis than on a general tax basis, especially in these fiscally conservative times.

G.e To Promote Administration Policy. The Administration has proposed new or additional fees for aviation, highways, Coast Guard operations, selected Department of Agriculture and Department of the Interior operations, patents, and ports and waterways and has been at least partially successful on all of these proposals except for Coast Guard operations.

NOAA has raised fees in several areas and taken steps to initiate new fees in others. The NESDIS data centers have raised fees more than the amount required to offset inflation. NESDIS has implemented major fee increases for Landsat products to recover full operating costs. Legislation to enable NOAA to charge up to full cost recovery fees for tide tables, aeronautical charts, and nautical charts has been proposed.

Notwithstanding these NOAA initiatives, the clearcut Administration's interest in user fees on equity grounds plus the worsening budget deficit pressures will continue to pressure NOAA for increased user fees.

III.e APPROACH AND FINDINGS

The policy revision effort utilized an analysis of NOAA's information production programs (see Attachment and Appendices for detailed findings). Each of the five NOAA Line Organizations (LOs) produces at least some information products. NWS, NOS, and NESDIS are virtually 100% information production while only part of the Fisheries and Oceanic and Atmospheric Research LOs are in the information business. Overall, about three-fourths of NOAA budget outlays in FY 82 were for information production.

NOAA's information programs were broken down into twenty-five "information product groupings." Information product groupings are loose aggregations, along program and user lines, of individual information products and product lines within an LO.

The 25 product groupings, whose total outlays were about \$635 million in FY 82, are presented in the following table. The number of groupings and their boundaries should be considered changeable.

A.e Financial Results. Twenty-three of the 25 information product groupings reported FY 82 outlays totaling \$634 million. These total outlays were financed by Congressional appropriations to NOAA (86%), inter-federal agency reimbursements (9%), user fees (5%), and funds received by individual LOs from other NOAA components (<1%).

Eighteen of the 25 information product groupings, whose combined outlays were \$606 million in FY 82, reported costs broken down into five categories: data acquisition (\$283 million or 47%); data base management and systems (\$39 million or 6%); production (\$264 million or 44%); marketing (\$1 million or <1%); and R&D (\$19 million or 3%). Had all reimbursements (\$56 million) and fees (\$30 million) collected in these 18 programs in that year been applied to production costs alone, cost recovery would have been 33% of those production costs (\$86 million in reimbursables and fees divided by \$264 million in production costs) as opposed to 14% of total costs.

B.e Data Sources. NOAA supplies most of its own data, but it also receives data from other Federal agencies, state and local governments, universities, international entities, commercial enterprises, and private sources.

The most important outside data sources are other federal agencies. Private and commercial entities, foreign entities, state and local governments, and universities, in descending order, provide much less data.

C.e Information Product User Groups. Private and commercial users consume more of NOAA's products than any other user group. NOAA is its own second highest user followed closely by other Federal agencies. Universities, states, and foreign users (in descending order) are on the low end of the user continuum. However, the user communities of individual NOAA components may differ widely from this overall NOAA profile.

IV.e NOAA INFORMATION PRODUCT PRICING POLICY

This policy elaborates upon the basic user fee statutes in order to provide detailed guidance for determining which costs of NOAA information products are recoverable through user fees.

The first statute, the Independent Offices Appropriation Act (31 U.S.C. 483a), is the basic user fee statute applying to all agencies of the Federal Government and to all types of products, including information products, for which fees may be assessed. OMB Circular A-25 implements the Act, and the general policy section of A-25 states:

"Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service" (underlining added).

A-25 goes on to identify some exceptions to the full cost recovery requirements which will be discussed in the section below.

The second statute, Section 601 of the Economy Act (31 U.S.C. 686), permits Federal agencies to provide products and services to one another but requires full reimbursement. Similarly, title III of the Intergovernmental Cooperation

Act of 1968 (42 U.S.C. 4222) authorizes Federal agencies to provide specialized or technical services to states and local governments on a reimbursable basis. No exceptions to these reimbursable service arrangements are stated or implied.

Full costs include all capital (calculated as depreciation) and operating costs and overheads as prescribed in the DAO 203-4 "Accounting Principles and Standards" and DAO 203-5 "User Charges".

This NOAA policy is based upon the full cost recovery standard (from the Independent Offices Appropriation Act and the Economy Act) with very limited exceptions for Federal users, but with several exceptions for other governmental entities (state, local, and international) and for commercial and private users. Some of these exceptions are stipulated in A-25 and the remainder are developed by this policy.

A. Exceptions to Full Cost Recovery. OMB Circular A-25 sets out a full cost recovery standard but provides four exceptions (Paragraph 5.b.), in addition to the "public-at-large" exception. These exceptions are shown in the left column in the following table: two of the A-25 exceptions have been combined into the fourth bullet in the table.

This NOAA policy builds upon A-25 by adding nine exceptions under which costs may be deducted from full costs to determine net recoverable costs. The right hand column of the following table lists the original A-25 exception along with the nine added NOAA exceptions. Together these thirteen exceptions constitute the costs for NOAA information programs that shall be either tax financed or reimbursed from other Federal agencies.

Comparison of User Fee Exceptions

Exceptions Under A-25	Exceptions Under NOAA Policy
- costs of serving public-at-large	<ul style="list-style-type: none"> - costs of products to public-at-large - costs of public policy development and supporting research in NOAA - costs of products to other Federal agencies - costs of certain intermediate products - costs of products to "free riders" - certain costs of uncopyrighted mass produced products
- certain costs of products to international governmental entities	<ul style="list-style-type: none"> - certain costs of products to international governmental entities - costs of statutorily free products - certain costs of statutorily price capped products
- costs of products where fee collection costs would be excessive	- costs of products where fee collection costs would be excessive
- costs of products to state, local, and non-profit users in certain circumstances	<ul style="list-style-type: none"> - costs of products to state, local, and non-profit users in certain circumstances - selected program costs during market development - costs of NOAA products printed, distributed, and priced exclusively by GPO.

B.e Definition of Exceptions to Full Cost Recovery. Exceptions to full cost recovery are those activities to be tax financed (i.e., through NOAA budget authority from general tax revenues) as well as those to be financed through interagency reimbursables. Both types of exceptions, listed in the foregoing table, are defined in the paragraphs below. All costs not covered by these exceptions are to be recovered through user fees.

1.e Costs of products to public-at-Large. The costs of producing and disseminating NOAA information products directly to the public-at-large shall be tax financed, i.e., borne by general taxes appropriated to NOAA. Such costs include all associated joint costs (see paragraph IV-C below).

Public-at-large means the large majority of U.S. citizens. "Direct" means primary or first use. For example, general weather forecasts and warnings are used directly by the majority of U.S. citizens on a daily basis. Indirect use by the public-at-large does not qualify for a user fee exemption. For example, the fact that agricultural weather forecasts might result in more efficient food production and thereby lower food prices for the public-at-large does not change the status of the public-at-large as indirect beneficiaries. Farmers are the primary or direct users of agricultural weather forecasts.

The incremental costs of producing by-products for use by private, commercial or governmental entities shall be recoverable through user fees or interagency reimbursables. By-products are information products other than those consumed by the public-at-large.

2.e Costs of public policy development and supporting research in NOAA. The costs of the portions of information programs (including all associated joint costs) essential to public policy development and supporting research in NOAA shall be tax financed.

Public policy development includes those activities that affect the entire U.S. citizenry but are not products or services directly used by individuals. Examples would be the development of a NOAA position on acid rain or CO₂ or the monitoring of long-term climate change as an input to potential, future public policy decisions. An example of supporting research might be various baseline environmental assessments and monitoring necessary to the understanding of a problem which has uncertain, future public policy or service ramifications.

The incremental costs of by-products (to these public policy development and supporting research activities) shall be recoverable through fees and reimbursements in accordance with other elements of this policy. Incremental costs would include all equipment, facilities and operations costs of data acquisition, data base development and maintenance, applied research, enhanced retrieval, processing, and analysis capacity, and other operations that are beyond the minimum necessary for public policy development. For example, if additional observations are taken or a larger computer or more sophisticated data base management system is used than would be necessary for the public policy requirements, the incremental costs would be the difference between costs of the actual system that serves both the public policy and the private/commercial needs and the estimated costs of a smaller system that would suffice for the public policy needs.

3.e Costs of products to other Federal agencies. NOAA's costs of producing information products used by other Federal agencies shall be reimbursed from those agencies regardless of their uses of the information (pursuant to

the Economy Act) in accordance with elements IV. 9, 10, and 12 below. Reimbursements may be in-kind or in dollars (see paragraph IV-D). Reimbursement shall be on an incremental cost basis (see paragraph IV.C.) if the products are generated by a NOAA program serving the public-at-large, formulating public policy or supporting research (see paragraphs IV.B.1. and 2.). Reimbursement shall be on an average cost basis (paragraph IV.C.) if it is a joint program between NOAA and the user agency or if it is a NOAA program for purposes other than public policy formulation or serving the public-at-large. If the NOAA program is established primarily to service the user Federal agency, that agency shall reimburse NOAA for all the joint costs plus relevant incremental costs.

4.0 Costs of certain intermediate information products. These costs shall be tax financed.

Information products produced by one part of NOAA for use by another part of NOAA are termed intermediate products. If user fees are assessed on the final NOAA product (whose production consumes the intermediate product), the costs of the intermediate product shall be recovered in the price of the final product. If the final product is not feasible, the costs of the intermediate product shall be tax financed.

This exception does not cover information products produced by NOAA for another Federal agency. Such products are to be reimbursed by the user Federal agency (under the Economy Act) regardless of their ultimate use.

5.0 Costs of products to "free riders." The costs of producing information products consumed by "free riders" shall be tax financed.

Free riders are those users who cannot be identified and therefore cannot be forced to pay. An example would be a broadcast recipient: short of using broadcast coders and decoders, broadcast recipients cannot be forced to identify themselves and to pay fees.

If only part of an information program's outputs are consumed by free riders only the proportionate share of program costs shall be tax financed. The balance of the costs shall be user fee or reimbursement financed in accordance with the other components of this policy.

6. Certain costs of uncopyrighted mass produced products. The costs beyond 120% of reproduction and dissemination of uncopyrighted mass reproduced information products consumed by non-Federal users shall be tax financed.

Costs at or below the 120% level are recoverable from all users in accordance with other components of this policy. Full costs of copyrighted and uncopyrighted information products are reimbursable from other Federal users in accordance with other components of this policy.

The reason for the copyright exception is that outside vendors have a price competitive advantage in markets for mass produced NOAA products. Their competitive advantage stems from the fact that they have no front-end costs of producing the first copy of a mass produced product. They need to recover only reproduction and distribution costs, their costs of money, and their profit (each of the last two is conservatively set at 10%) which would total about 120% of NOAA's most efficient reproduction and distribution costs. If NOAA

prices for mass produced products remain at the 120% line, neither NOAA nor the outside vendor enjoys a competitive advantage.

7. Certain costs of products to international governmental entities. As provided in international agreement, the costs of free products and the proportionate costs of partially subsidized products consumed by foreign or international governmental entities shall be tax financed. Such costs may be carried in NOAA's Budget Authority (BA) or reimbursed from the BA of Department of State or some other agency that is responsible for the international agreement.

8. Costs of statutorily free information products. Such costs shall be tax financed.

An example would be the charting statute which provides that Members of Congress are entitled to a specified number of free charts. Other statutes provide for free copies of information products for the Federal Depository Libraries around the country. Production costs for these free products shall be tax financed while the costs for the same products consumed by other users shall be user fee financed in accordance with other components of this policy.

9. Certain costs of statutorily price-capped products. Costs, above statutory price ceilings, of producing information products shall be tax financed.

Presently the only instance in NOAA of such a price ceiling is in the nautical and aeronautical charting statute (44 U.S.C. 1307) where prices are capped at the cost of reproduction and distribution. All costs beyond these functions must be tax financed unless the statute is changed.

10. Costs of information products where fee collection costs would be excessive. Such costs shall be tax financed.

For purposes of this policy component, fee collection costs are excessive if they exceed production costs during normal operations, i.e., after the fee collection system is installed and operating smoothly. The cost comparison should not include development and implementation of the fee collection system unless it is amortized over its useful life.

11. Costs of products to state, local, and non-profit users in certain circumstances. Such costs shall be tax financed.

Tax financing would be limited to two circumstances, (a) those where users are non-profit entities, are doing public health, safety, or welfare work vital to NOAA's missions, and are unable to continue that work if required to pay user fees; and (b) those where users are state and local governments and nonprofit entities who cannot pay full fees and whose nonparticipation would be detrimental to NOAA.

Since these exceptions are highly subjective, their successful employment will depend upon convincing demonstrations that fees will lead to significant impairment of NOAA's mission and that other alternatives to tax financing have been considered and are not cost-effective. While the public health and safety argument has intuitive appeal, it will be necessary to demonstrate that tax financing is the only way to avert measureable increases in public health or

life losses, and this may be difficult since there are many successful public health and safety programs where tax financing is not employed. For example, auto seat belts, life preservers in boats, navigational charts for commercial vessels, and many types of licensing (e.g., pilots, nuclear power plants, auto drivers) are required by government in the name of public health and safety but are paid for by the private users or licensees.

12.e Selected program costs during market development. Such costs may be tax financed. Selected program development, operations and marketing costs for new programs or for existing programs in which major fee increases are planned may be tax financed to allow gradual phase-in of fees and reimbursables over a specified period (e.g., 3 to 5 years) and under a specific market development plan.

To qualify for tax financing during the market development period, the program must demonstrate that the market cannot reasonably bear the prices that would be assessed to recover the program costs left after the exceptions (defined in paragraphs B.1. through B.11. above) have been applied. For example, users may be willing to pay full prices only if prices are raised gradually over a period of years, if products are modified to better meet users' needs, or if NOAA's prices are in line with those for similar products from other agencies. Tax financing, at decreasing levels over time, will allow time for users to adjust to higher prices, for market testing of new and modified products, and for negotiations with OMB and other agencies to achieve price interagency consistency.

13.e Costs of NOAA products printed, distributed, and priced exclusively by GPO. Such costs shall be tax financed until NOAA gains agreement from GPO for sales revenue passbacks to cover some or all of NOAA's recoverable costs.

C.e Treatment of Joint Costs. NOAA shall use average costing, in which joint costs are allocated to each related information product on a proportionate basis, except when (1) the products are for the public-at-large, (2) the program exists for public policy development or supporting research, or (3) the program exists primarily or exclusively to service another governmental agency. In those cases, NOAA shall use incremental costing in which joint costs are allocated entirely to the products serving the public or interagency requirements, and only incremental costs are allocated to the feeable portions of the programs.

Joint costs are those costs common to the production of more than one information product, product line, or product grouping. For example, basic weather observations are joint costs, common to both public weather and aviation weather (two separate product groupings).

D.e Data Exchanges. Data exchanges, where NOAA provides information products to a user in exchange for data and information from that user, all without cash payments, may be continued in user fee programs so long as the exchanges are equitable. This provision applies to data exchanges with governmental as well as commercial and private users. "Equitable" means that the outgoing NOAA information products are a reasonable and fair exchange for the data and information received by NOAA, in the judgment of the responsible NOAA program manager. In calculating the recoverable costs of a program involving a data exchange, the costs of NOAA's outgoing information products

used in the exchange shall be considered a recoverable cost in accordance with other elements of this policy.

If data exchanges are not equitable in the sense that the value of NOAA's outgoing information products exceed the value of the incoming data and information, NOAA shall bill the data exchange partner for the net amount measured in terms of the costs of the excess outgoing information products.

NOAA managers will need to exercise careful judgment in determining the equity of various data exchanges to avoid the trap of underestimating NOAA's value added contribution and winding up with no or too few paying customers. An extreme example would be one in which data contributors were the only users in a particular information program so that if the data exchanges involved were liberally interpreted to be equitable, NOAA would be unable to recover any of the costs of its value added work. A more realistic appraisal of these particular data exchanges would be that they were not equitable, that value of NOAA's outgoing information products exceeded the value of the incoming data and information by the amount of the value added work performed by NOAA. The remedy is to assess a fee to the data contributors to cover the cost of the value added work performed on their data.

E. Joint Projects. The rules for negotiating cooperative agreements and for apportioning costs for joint projects shall be governed by Section 5, DAO 203-5 and by this policy. Wherever contradictions exist, DAO-5 shall take precedence. NOAA's costs of such joint projects shall be subject to cost recovery under this policy.

F. Actual Cost Pricing. Actual cost prices shall be used, if practical, wherever average cost prices would mask wide variations in actual costs from product to product within a given product line or grouping. This is consistent with current policy stated in DAO 203-5, Section 4.01 c. & d., and is equitable in that it precludes cross price subsidization, i.e., overpricing low cost products in order to offset revenue shortfalls from underpricing high cost products.

G. Gradual Price Increases. New fees or substantial increases in fees should be phased in over a period of years in order to lessen price shocks and to allow time for the program to adjust to the market. The phase-in period shall be determined in advance by the Assistant Administrator in charge of the program.

V. ANNUAL PRICING PROCEDURE FOR NOAA INFORMATION PRODUCTS

The following describes the procedure for allocating costs to NOAA information production programs and for pricing NOAA information products. The procedure is based upon the policy established above.

1. Separate final outputs into an information products category and an "all other products" bin for each LO. The latter encompasses the other three NOAA output categories not covered by this policy: (1) financial assistance and promotional outputs, (2) regulatory decisions outputs, and (3) research products.

2. Assign the information products to information product grouping within each LO. Assignments should be made along user or scientific discipline lines (or other criteria selected by the LOs) to result in a manageable number of mutually exclusive output categories, product groupings, for the remaining steps in this procedure.

3. Apply the policy to the information product groupings. Qualitatively describe the products or product lines within each information product grouping that qualify for tax or reimbursement financing.

4. Segment the budget between information production and all other production (for the other three output categories in 1. above) for each LO.

5. Determine the full costs of each information product grouping
by:

- a. allocating each LO's entire information production budget among their information product groupings.
- b. adding the DOC, NOAA, and other overheads.
- c. observing the rules for joint cost allocation

6. Determine which costs within each product grouping are to be financed by taxes, reimbursables, and user fees.

7. Determine unit prices for each information product using established NOAA/DOC pricing methods, sufficient to recover the non-tax-financed portion of the program.

NWS TRAINING POLICIES AND RESPONSIBILITIES (I-01)

SECTION 1

1.s Purpose. This chapter defines National Weather Service (NWS) training objectives and policy and assigns those responsibilities necessary to accomplish training.s

2.s Objective. The objective of the NWS training program is to develop and increase to the maximum level employee knowledge, skill, and ability to perform assigned work. Accomplishment of this objective is necessary to increase effectiveness and economy of the operations of the NWS, raise the quality of performance by employees of their official duties, and enhance service to the public and other user groups.s

3.s General Policies. In conformance with law and regulation, the Assistant Administrator for Weather Services (AA/WS) has adopted the following basic training policies. These policies apply broadly to all NWS training programs and activities. Special policies of limited application are furnished in specific directives, as applicable.s

NWS training encompasses scientific, professional, technical, administrative, and management training. Such training will be accomplished within limits of applicable laws, regulations, policies, and under principles of equal opportunity and the avoidance of discrimination.

3.1 Purpose and Scope of Training. The purposes of NWS training are to maximize employee proficiency and potential, to maintain the highest standards of performance, to build and retain a skilled and efficient workforce using fair and equitable treatment of employees, and to initiate and use appropriate techniques within each discipline.

3.1.1 Authorities.

a.s Chapter 410, Employee Development, Federal Personnel Manual.s

b.s Chapter 271, Subchapter 7, Training Agreements, Federal Personnel Manual.

c.s Chapter 41, Training, Government Organization and Employees, Public Law 89-554, 5 U.S.C.

d.s Executive Order 11348, 5 U.S.C. 4103.s

e.s 5 CFR, Part 410, Training.s

3.2 Definition of Official Duties. For purposes of this chapter, "official duties" means those authorized duties which an employee is currently required to perform or can be reasonably expected to perform in the future. This includes potential duties in a different job at the same or higher level than the one currently held by the employee.

DATE
5-2-84

NOAA Directives Manual

CH	SEC
52	01

52-01 STAFFING POLICY FOR NOAA CORPS AND NOAA CIVILIAN PERSONNEL
 (Reference: AT/PER3, 443-8834)

1.e Purpose - This directive contains policy and procedures established by the Director, NOAA Corps and the Chief, Personnel Division for the assignment of officers and civilians in the NOAA work force.

2.e Reference: Policies and procedures for Administration of the NOAA Corps are contained in NDM Chapter 56. Similarly, policies and procedures for administration of NOAA civilian personnel are published in the NOAA Personnel Handbook.

3.e Background - While the preponderance of positions in NOAA are staffed from the civil service, NOAA also utilizes the commissioned personnel system because the attributes of the system contribute significantly to the accomplishment of NOAA program objectives. The NOAA Corps provides program managers with technically proficient, professional personnel available for field or office duty with experience across a wide range of program areas. In addition, it offers flexibility to the various Line or Staff Offices in the position management and staffing processes.

Management has the option of requesting a NOAA Corps billet or establishing a position in the civil service. It is the manager's continuing responsibility when exercising the staffing option, to be mindful of the Corps' capabilities and to consider the mix of civil service positions and commissioned officer billets which will promote the efficiency of operations as well as the development of commissioned officers and civil service employees.

4.e Policy - Technically, positions within NOAA may not be designated for competition between NOAA Corps officers and civilian employees. Program managers must request authority to fill a billet vacated by a commissioned officer with a civilian or to fill a position to be vacated by a civilian with a commissioned officer.

Civilians must occupy approved positions. Commissioned officers occupy approved billets. The Director, NOAA Corps will be responsible for approving billet additions, deletions, and changes. Program managers have the authority to request commissioned officer billets, or establish civilian positions, assign work and/or terminate tasks commensurate with delegated responsibilities.

Managers will consider the capabilities of NOAA Corps members and the staffing flexibility offered by the use of NOAA Corps billets when work is identified, resources are projected, and positions are established and/or allocated. This applies to positions in the Senior Executive Service, Merit Pay, and General Schedule.

CH	SEC
52	01

NOAA Directives Manual

DATE
5-2-84

52-01 STAFFING POLICY FOR NOAA CORPS AND NOAA CIVILIAN PERSONNEL (Cont'd)

The career aspirations of both NOAA Corps and Federal civilian personnel will be fully considered in establishing and staffing developmental positions and making developmental assignments.

5. Procedure

a. Employee Qualifications - Civilian employees will meet minimum education and experience requirements as well as selective factors before being placed in a particular position. Commissioned officers will be technically competent to perform the work of the billet to which assigned. Responsibility for reviewing officer skills, strengths, and utilization will rest with the Director, NOAA Corps. Civilian qualifications will be determined by the Chief, Personnel Division or a designee.

b. Position and Billet Descriptions and Assignments - Position and billet descriptions will be sufficiently detailed to allow management to determine relative duties, responsibilities, and hierarchical relationships within the organization. Civilian positions will be documented in the format required by the civilian personnel system. Criteria for civilian positions can be found in the Federal classification standards and may comprise some of the same categories of work listed for billet assignment. A commissioned officer billet may be approved if it meets any of the following criteria:

- (1) Requires the direction or operation of NOAA vessels or aircraft;
- (2) Requires a significant level of interaction with other uniformed services, the public, government agencies, or consumer groups where a commissioned officer's presence is appropriate;
- (3) Requires command of, or professional service with, operational or support units;
- (4) Requires integration of field experience vertically through specific program or administrative areas;
- (5) Requires integration of interdisciplinary experience horizontally across specific program or administrative areas, promotes the transfer of technology or techniques, or promotes communication between agencies or programs through liaison activities;
- (6) Is part of a flexible staffing situation in response to changing NOAA program needs;
- (7) Requires mobile, remote, deployed, or hazardous duty;

DATE
5-2-84

NOAA Directives Manual

CM	SEC
52	01

52-01 STAFFING POLICY FOR NOAA CORPS AND NOAA CIVILIAN PERSONNEL (Cont'd)

(8) Uses the special skills or knowledge of an individual commissioned officer to the benefit of NOAA;

(9) Requires supervision of other commissioned officers or administration of the commissioned personnel system.

c. Staffing - Program managers may request the establishment of a permanent or temporary officer billet by submitting a memorandum to the Director, NOAA Corps. When a request for a temporary officer billet is approved, a position will be temporarily converted to a billet for the duration of the assignment. Upon reassignment of the officer, the temporary billet will be reviewed by the Director, NOAA Corps, the Chief, Personnel Division, and the appropriate Line or Staff Office for consideration of either continuation as an officer assignment or reestablishment as a civilian position. A billet which is converted temporarily to a civilian position must be structured for the civilian to permit staffing by detail, term or temporary appointment, term or temporary promotion, or as a recognized rotational assignment. These situations should be discussed with the servicing personnel office to ensure that the rights of civilian personnel are fully considered before assignments are made.

It should be recognized that normal reassignment of officers in the Corps' personnel system usually requires a lead time of up to 7 months. Consequently, the Director, NOAA Corps, needs to be apprised of likely staffing needs well in advance of vacancies. However, in emergencies or for special requirements, the NOAA Corps can respond more quickly.

6. FTE Ceiling Requirements

NOAA Corps officers' work efforts (their Full-Time Equivalent [FTE] hours) are not charged against the organization to which they are assigned, but rather to the NOAA Corps. Civilian personnel work efforts are charged against the organization to which the civilians are assigned.



R. Engelmann
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Rockville, Md. 20852

July 23, 1985

To: PP - Thomas J. Maginnis
From: R/PDC - Rudolf J. Engelmann *[Signature]*
Subject: Additions to Compendium of NOAA policies

I think it is an excellent idea to create a compendium of policies, and particularly to identify those areas in which policy development would be useful. Such documents would be helpful in promulgating a common viewpoint on issues in Washington and at field locations. (I have attached some documents that express policy on Great Lakes research for inclusion.) I suggest that NOAA consider developing policy statements on the following topics.

This list is not in any kind of priority order. In most cases, the topic title alone will be sufficient for deciding the appropriateness of developing policy statements.

- oi International: support of Department of State goals and objectives, response to DOS, balancing NOAA research goals with foreign policies.i
- oi Assistance provided to State and local governments: nature of assistance, and level of approval needed.
- oi Guidance regarding representation to interagency committees.i
- oi NOAA representation to, and interaction with, NAS/NRC.i
- oi Regional versus national research issues.i
- oi Inter-LO coordination requirements and guidelines.i
- oi Process of obtaining agency positions.i
- oi NOAA role in Solar Terrestrial services.i
- oi Reviews: guidelines, reporting, attendance, scheduling, outside persons, participation within NOAA...
- oi NOAA's role in the Arctic: research, services, and monitoring.i



- oi NOAA's role in the EEZ: research, surveying, monitoring, and agreements with other agencies (e.g., MMS, USGS).
 - oi NOAA's role in the Great Lakes: research services (special attention to hydrology and ice forecasting) (See attachment 1), monitoring, and cooperation with Canadians.i
 - oi NOAA's role in the provision of Ocean Services.i
 - oi Use and funding of NOAA Research Ships: ship-time approval process, funding, and NOAA vs. other agency ship-use priorities.i
 - oi Use and funding of NOAA Research Aircraft: flight proposal review and approval process, flight-time allocation and funding, and use of aircraft by non-NOAA investigators.i
 - oi NOAA's role in Global Habitability/IGBP Research.i
 - oi Review and updating of policies on international correspondence and NOAA participation in international programs.i
 - oi Joint NOAA-private sector research projects: funding, and treatment of proprietary data.i
 - oi Use of NOAA facilities by private sector.i
 - oi Ingestion, archival, and dissemination of NOAA data. Use of research data by operational NOAA elements and dissemination to end users.i
 - oi NOAA policy on radio, TV, dissemination (Source: NOAA Directives Manual Ch. 27, Sec. 13, 1975): consider changes to allow for broader participation by NOAA scientists whose NOAA duties do not include weather forecasting; to clarify NOAA scientist participation in non-commercial radio and TV broadcasts.i
 - oi NOAA's participation in classified research.i
 - oi NOAA's participation in "Nuclear Winter" research.i
 - oi NOAA's responsibilities in user needs identification.i
 - oi Technology transfer to private sector and other Government agencies.i
- I will follow this with additional topics when I identify them.

Attachment



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL ENVIRONMENTAL SATELLITE, DATA,
AND INFORMATION SERVICE
Washington, D.C. 20233

May 15, 1985

E/ER: JMC

TO: PP - Mary Barber
FROM: E/ER - Jennifer M. Clapp ^{TMC}
SUBJECT: Compendium of NOAA Policies

Attached are NESDIS suggested inputs to the Compendium of NOAA Policies. On the satellite side, as we discussed, we are providing a document entitled, "U.S. Government Policies Concerning U.S. Civil Operational Meteorological Satellite Programs," which summarizes several policies regarding the U.S. civil operational remote sensing satellite programs that were examined and affirmed during the process of determining whether or not these satellite programs should be transferred to the private sector. On the data side, we are providing four recent directives on data fee and payment policy:

- NESDIS Information Services Policy on Data Exchange and Free Data
- NESDIS Information Centers Standard Fees
- NESDIS Information Services Criteria for Exceptions to Advance Payment Policy (NOAA Directive 21-25)
- Advance Payment on the Sale of Mission Information to Non-Federal Organization or Individuals (Implementation of NOAA Directive 21-25)

In addition, with respect to areas where new policies should be written, Mr. Edward Tiernan, Director of the NOAA Office Research and Technology Applications (ORTA), which is located in NESDIS, suggests that there should be a NOAA policy statement on technology transfer and the responsibilities of NOAA laboratories to participate in ORTA activities pursuant to the Stevenson-Wyder Action of 1970.

Please let me know if you need additional information.

cc: Ex1 - W. Bishop
Ex2 - M. Courain





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Washington, D.C. 20230
N/PS:DM

MAY 29 1985

TO: PP - Thomas Maginnis
FROM: N - Paul M. Wolff *Paul M. Wolff*
SUBJECT: NOAA Policy Documentation

In response to your request, we have reviewed the Compendium of NOAA Policies and would make the following comments.

- (1) A number of areas are currently being addressed by our line organizations and are expected to result in the formulation of related NOAA policies. These areas include: release of bathymetric data from the Exclusive Economic Zone (EEZ); Ocean Service Center responsibilities vis-a-vis the private sector; and public-private partnership agreements, particularly for the provision of real-time water level and current observations and predictions. We will keep you apprised as specific policies are developed and approved.
- (2) The February 21, 1984, memorandum on deep seabed minerals issues should be deleted from your compilation. It is no longer relevant or necessary since the Deep Seabed Hard Mineral Resources Act was reauthorized.
- (3) Several policy statements have been prepared for the programs of the Office of Ocean and Coastal Resource Management (OCRM). They are provided for consideration in the Compendium recognizing that in some instances they represent mission statements for NOS program rather than NOAA approved policy statements.

Attachments



Coastal Zone Management Policy Statement

Coastal Zone Management Policies:

The Coastal Zone Management Act (CZMA) declares it is national policy "to preserve, protect, develop and, where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations." (Section 303(1)). It further declares that the key to more effective protection and use of coastal resources is "to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone..." (Section 303(2)).

The 1980 Amendments to the CZMA confirmed the basic structure of the CZM program and, in addition, identified nine national coastal management objective areas in which states are required to make "significant improvements" as part of their CZM programs:

- Protection of natural resources,
- Management of coastal development to avoid hazardous areas,
- Priority consideration given to coastal dependent uses and energy facility siting,
- Public shorefront access,
- Assistance in redevelopment of urban waterfronts and ports,
- Coordination and simplification of governmental procedures to ensure expedited governmental decisionmaking for management of coastal resources,
- Consultation and coordination with Federal agencies,
- Public participation in coastal decisionmaking, and
- Comprehensive planning, conservation, and management of living marine resources. (Section 303(2)(A)-(I))

Funding Policy

Since 1974, the Federal Government has provided approximately \$250 million to the coastal states to develop and implement their coastal programs. Currently 28 coastal states and territories are implementing federally-approved programs covering over 90 percent of the United States coastline and one state, Virginia, is funding its own effort to develop a federally-approvable program. Following an appraisal of the success of coastal management efforts, the need for fiscal restraint, and in accord with the original intent of the

legislation, the Administration has sought to have the states and territories assume greater financial responsibility for continuing their CZM programs. In March 28, 1985 testimony on the reauthorization of the CZMA, NOAA Acting Administrator Calio presented the Administration position, which proposed continued Federal funding for Section 315 (Estuarine Sanctuary Grants) and Section 318(5) (Federal Program Management) for a five-year period, and recommended no Federal funding for Section 306 (state Program Administration Grants), Section 306A (Resource Management Improvement Grants), Section 308 (Coastal Energy Impact Program Grants and Loans) and Section 309 (Interstate Grants). The Administration recommended no other changes in the statute.

As the states assume a greater responsibility for funding coastal management, the role of the Federal Office of Ocean and Coastal Resource Management (OCRM) is changing. Although OCRM will continue to award Federal funds appropriated by the Congress for coastal zone management, its emphasis will change from grants management to technical assistance and liaison between other Federal agencies and the states.

Policy Coordination

As part of the NOAA reorganization in 1982, OCRM retained responsibility for coordinating and developing NOAA-wide policy on Outer Continental Shelf oil and gas exploration and development, and assumed a similar role concerning coastal hazards and marine transportation. These responsibilities form the basis for further assistance to the states and other Federal agencies on coastal issues.

Federal Consistency

OCRM also provides policy guidance to states and other Federal agencies on the administration of the Section 307 consistency provisions and on the application of consistency to specific actions, thereby enhancing the State/Federal partnership set forth in the CZMA for the management of the Nation's coastal resources. OCRM recently released for review a draft report of the Federal Consistency Study. The objectives of this Study are:

- 1.e To document the experiences of state and Federal agencies, as well as affected parties, with the implementation of the Federal consistency provisions of Section 307 of the CZMA, and
- 2.e To identify any issues surrounding the implementation of the Federal consistency process and to document any areas of conflict.

While OCRM does not believe that any of the issues raised in the Study require statutory change, OCRM will use the results to consider whether new administrative or regulatory approaches or improvements are needed to increase the efficiency and effectiveness of coastal zone management and the Federal consistency process. OCRM also expects to publish soon in the Federal Register our final rule conforming the Federal consistency regulations to the 1984 Supreme Court decision, which held that OCS oil and

gas lease sales were not Federal activities directly affecting the coastal zone and, therefore, did not have to be reviewed for consistency with state coastal management programs. OCRM strongly supports the Supreme Court's decision.

Program Evaluation

OCRM also will continue to exercise the Federal responsibility under Section 312 of the CZMA to evaluate the efforts of the states in light of national coastal management objectives and to assure the maintenance of approvable programs. Recently OCRM has initiated changes in the evaluation process to improve the conduct of evaluations. First, to assure a balance among proponents of the various interests involved in coastal issues, OCRM is seeking contact and interviews with individuals and groups representing all positions affected by the coastal management program. Second, OCRM now informs the State's Governor of the evaluation and contacts directly both the Senators and affected members of Congress for comments. Third, OCRM has acted to increase public knowledge of evaluation site-visits by preparing a press release for distribution by the NOAA Public Affairs Office which informs the media of the site-visit schedule, the location of the public meetings, and the relevant state and Federal Government contacts. Fourth, the evaluations seek to assess the on-the-ground impacts of selected state coastal management decisions. Fifth, enhancing the cost effectiveness of coastal management has become an interegral part of the evaluations and they seek to highlight and transmit information on successful cost effective techniques. Sixth, to improve the timeliness of the evaluation findings, OCRM now prepares preliminary recommendations within three weeks of the site visit and seeks to complete the draft findings within 2 months.

As the states respond to evolving coastal management issues, in part through changes in their programs, OCRM will continue to review and assess these changes to assure compliance with the CZMA. As the state programs mature, the cumulative impact of program changes may become substantial, requiring careful cooperation between the states and OCRM to assure that states are able to exercise their full programmatic and consistency authorities.

Background:

The coastal zone, where land and water meet, contains some of the Nation's most productive natural resources. Its wetlands and estuaries are a vital link in the food chain, providing breeding and feeding grounds for countless species of fish, shellfish, birds and mammals. These same areas form a natural pollution control mechanism that cleanses inland waters on their way to the sea and, together with sandy beaches, shifting dunes, and barrier islands, they form a protective buffer for the mainland against storms, flooding and the erosive action of wind and waves.

By the late 1960's, there was a growing awareness that these areas were under increasing stress from population growth, industrial development, waste disposal, marine transportation and recreation. Escalating demands on the

coastal zone focused national attention on the need for better planning and more cohesive and comprehensive management of the Nation's shoreline to prevent conflict among coastal users and degradation of the resource base.

The Coastal Zone Management Act of 1972 (CZMA) authorized the first national program to promote the wise use and protection of coastal land and water resources. The CZMA provides funds, policy guidance, and technical assistance to coastal state and territorial governments to help them establish and maintain coastal zone management (CZM) programs that meet Federal standards. CZMA amendments in 1976 and 1978 added the Coastal Energy Impact Program (CEIP) which was designed to assist states and territories financially in planning for and mitigating the environmental and socio-economic impacts of offshore oil and gas development and other coastal energy activity. Section 315 of the Act established the National Estuarine Sanctuary Program to assist states in acquiring and managing estuarine areas as natural field laboratories for long-term research and educational opportunities.

National Marine Sanctuary Program

Policy Statement

It is the policy of the National Marine Sanctuary Program to conserve and manage special marine areas of national significance comprehensively for the long-term benefit and enjoyment of the public. Marine sanctuaries will include, to the maximum extent feasible, multiple uses of the site by public and private interests. This includes recreational and commercial uses so long as these activities do not threaten the basic integrity of the site's resource values. The Program is not intended to be used as a means to block or unduly restrict human use and development of marine resources; rather, it can be thought of as a management tool in a broader national-interest approach to marine resource development, conservation, and utilization.

Only sites of special national significance due to resource or human use values will be selected for marine sanctuary status. Sites will be selected for consideration from the Site Evaluation List (SEL), a pool of suitable sites which have been carefully evaluated on the merits of these values and the public benefits to be derived from sanctuary status.

Sanctuary sizes will vary, but generally will be the smallest area possible in which to achieve management objectives. By example, existing sanctuaries vary from the 1-mile diameter U.S.S. MONITOR site to the 1,252 square-nautical mile Channel Islands Sanctuary, with the latter likely representing the upper size limit for future sites.

The Program serves to provide a more comprehensive management approach where fragmented, single-purpose authorities exist. Enhanced enforcement, surveillance, and monitoring may be provided by a sanctuary where existing authorities are inadequately enforced. New regulations are imposed within sanctuaries only if existing laws are inadequate in scope or implementation to protect or manage the resources of the site. Normally, this means that new regulations may be added where needed to augment existing regulatory authority.

A site-specific Management Plan will be prepared for each proposed Marine Sanctuary during the EIS phase of the designation process. This will allow for early and detailed public comment and discussion on the proposed purposes and effects of sanctuary designation.

Background

Title III of the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA), as amended authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries for the purpose of protecting their conservation, recreational, ecological, historical, research, educational or esthetic qualities which give them special national significance.

The mission of the National Marine Sanctuary Program is the establishment of a system based on the identification, designation, and comprehensive management of these sites for the long-term benefit and enjoyment of the public.

Specific sanctuaries are designated to meet the following goals:

- Enhance resource protection through the implementation of a comprehensive, long-term management plan tailored to the specific resources;
- Promote and coordinate research to expand scientific knowledge of significant marine resources and improve management decisionmaking;
- Enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs; and
- Provide for optimum compatible public and private use of special marine areas.

Estuarine Sanctuary Program Policy Statement

Policy Statement

It is the policy of the National Estuarine Sanctuary Program to establish and manage, through Federal-state cooperation, a national system of estuarine sanctuaries representative of the various regions and estuarine types in the United States. Estuarine sanctuaries will be established to provide opportunities for long-term research, education, and interpretation.

Candidate sites for estuarine sanctuary designation will be identified and evaluated based on a revised biogeographical classification scheme and typology of estuarine areas. The classification scheme contains the 11 biogeographic regions representative of U.S. coastal waters that were identified in the 1974 estuarine sanctuary guidelines, as well as 27 subregions identified by Clark in, "Assessing the National Estuarine Sanctuary Program: Action Summary," March, 1982. The typology system recognizes that there are significant differences in estuary characteristics not related to regional location. Such factors include water source, water depth, type of circulation, inlet dynamics, basin configuration, watershed type, and dominant ecological community.

NOAA places great emphasis on management planning by the affected state early in the process of evaluating a potential site. A draft management plan will be prepared for each site, concurrent with the preparation of an environmental impact statement (EIS). Multiple uses of designated estuarine sanctuaries are encouraged to the degree compatible with the sanctuary's overall purpose as provided in the management plan and consistent with the goals and policies of the National Estuarine Sanctuary Program. While the Program is aimed at protecting natural, pristine sites, NOAA recognizes that many estuarine areas have undergone ecological change as a result of human activities. Although restoration of degraded areas is not a primary purpose of the Program, some restorative activities may be permitted in an estuarine sanctuary as specified in the management plan.

Lands already in protected status by another Federal, state, local government or private organization can be included within national estuarine sanctuaries only if the managing entity commits to long-term non-manipulative management. Federal lands already in protected status cannot comprise the key land and water areas of a sanctuary.

Programmatic evaluations of designated estuarine sanctuaries will be conducted during the period of operation and management awards (or under the initial acquisition and development award if the sanctuary is not designated within two years) and biennially after Federal funding has expired.

To foster scientific studies within national estuarine sanctuaries, NOAA is setting aside funds for research within sites with approved final management plans. Certain manipulative research activities may be allowed on a limited basis, but only if specified in the management plan and only if the activity is consistent with overall sanctuary purposes and the sanctuary resources are protected. However, habitat manipulation for resource management purposes is not permitted within national estuarine sanctuaries. NOAA will

coordinate research and education information exchange throughout the national estuarine sanctuary system.

Background

The National Estuarine Sanctuary Program is a Federal-state cooperative effort to establish natural field laboratories to provide information to assist coastal management decisionmakers through estuarine research and public education. The Program is authorized by Section 315 of the Coastal Zone Management Act of 1972 (P.L. 92-583), as amended. Its goals are to:

- (1) Enhance resource protection by implementing a long-term management plan tailored to the site's specific resources;
- (2) Provide opportunities for long-term scientific and educational programs in estuarine areas to develop information for improved coastal decisionmaking;
- (3) Enhance public awareness and understanding of the estuarine environment through resource interpretive programs; and
- (4) Promote Federal-state cooperative efforts in managing estuarine areas.

NOAA provides fifty percent matching grants to states to select, develop and manage areas designated as national estuarine sanctuaries in accordance with Federal policies and regulations (15 CFR Part 921). These regulations specify the limits on Federal assistance and the need for a commitment by the state to do long-term resource management planning, and to operate research and education programs oriented toward solving coastal management problems. Sanctuary lands are acquired, owned and operated by the states.

The designation of a national estuarine sanctuary signifies that a state has agreed to long-term management of the area for the advancement of estuarine science and for access by the general public where, through interpretive programs, they can learn to appreciate coastal and estuarine ecology in an out-of-doors setting. A secondary benefit of designation is the preservation of habitats that are vital to estuarine dependent life, including endangered species.

NOAA Coastal Hazards Policy Coordination
Policy Statement

Policy Statement

To implement its NOAA-wide coastal hazards policy coordination responsibilities, OCRM's policy will be to:

- ° assist coastal states and territories in improving their ability to deal with coastal hazards and to exercise effectively their responsibilities to protect people and property.
- ° encourage effective coordination among NOAA's coastal hazard related programs through the NOAA Coastal Hazards Committee,
- ° encourage effective interagency coordination through active participation in the Interagency Committee on Hurricanes and the Interagency Hazard Mitigation Teams, and through effective implementation of Annex D of the NOAA/FEMA MOU,
- ° coordinate the development of NOAA positions on cross-cutting coastal hazards issues, and
- ° enhance the proper use of NOAA's scientific and technical capabilities and services at the state and local level.

Background

Natural hazards pose a large and growing threat to lives and property along much of the Nation's shoreline. For several reasons, the efforts of all levels of government to date to deal with natural hazards have not been effective in curbing the trend towards mounting property losses and increasing vulnerability to catastrophic loss of life. At the state and local level, the obstacles include inadequate standards for properly locating and constructing new development, lack of expertise to do evacuation planning, lack of pre-disaster planning to guide reconstruction following a disaster, and legal challenges to state and local programs designed to avert or mitigate hazard damage. At the Federal level, the biggest problem is the lack of a consistent and coordinated policy to minimize development in hazardous areas. Development in hazardous areas has been encouraged by Federal financial assistance programs which do not distinguish adequately between development in hazardous areas and development in safer locations, by the National Flood Insurance Program which reduces the risk of development in hazardous areas, and by flood and erosion control projects which can give the false impression that development in these areas is safe.

(1) Protection and Safety Mission - A major element of NOAA's legislative mandate is to protect people, property and resources from natural hazards. NOAA carries out this mission by providing natural hazards forecasts and warnings, disaster preparedness services, environmental data, coastal mapping, and hazard-related research.

(2) Coastal Zone Management Mission - Under the Coastal Zone Management Act, NOAA is responsible for providing financial and technical assistance to states to help them implement Federally-approved, comprehensive management plans that balance conservation and development of their coastal zones. The 1980 amendments to the Act recognize natural hazard management as one of nine national coastal management objectives. The legislation declares it is national policy to:

"...provide for...the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geologic hazard and erosion-prone areas and in areas of subsidence and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands." (Section 303(2)(B)).

Recognizing the potential of an agency-wide coordinated effort, the NOAA Coastal Hazards Program (NCHP) was initiated in 1980. The Program Development Plan (PDP) for this initiative reflected the intent to bring to bear all relevant NOAA program efforts in the development of 39 regional comprehensive hazards assessments encompassing: storm surge modelling, climate data packages, storm evacuation mapping, hazard warnings, evacuation planning, land use controls through state coastal management programs, and public education. The PDP was based on a budget initiative which did not receive a high enough priority to be funded in the NOAA budget. As a result, the NCHP Office became a small technical services group, concentrating on developing and disseminating a limited range of mapping and charting products and services.

In November, 1982, the NCHP Office was merged into NOS's Office of Ocean and Coastal Resource Management (OCRM) as part of a major NOAA reorganization which gave OCRM responsibility for NOAA-wide policy coordination on coastal hazards. At that time, OCRM undertook an analysis of the purpose and scope of this policy coordination responsibility and of the future direction of the NCHP. The analysis recognized that recent changes in Federal policy have increased the incentives for state and local governments to plan to avoid or minimize hazards losses. These changes include:

- ° significant increases in flood insurance rates in high risk coastal areas, especially "V" zones.
- ° the October, 1982 enactment of the Coastal Barrier Resources Act, under which Federal direct expenditures, financial assistance and (after October, 1983) flood insurance are generally prohibited in designated undeveloped coastal barrier areas; and

- most important, a new Federal policy requiring 25% state/local cost sharing in disaster relief.

The assessment concluded that NOAA is in a unique position to help states and communities to respond to changing Federal hazards policy, not only through its disaster preparedness assistance programs, but through its coastal zone management programs, which have the experience with growth and development planning that is essential to avert or minimize hazards losses. However, to be most useful, NOAA should move toward a more balanced approach between its traditional technical services for emergency preparedness and assistance, and the state and local planning efforts that are essential for hazard mitigation. This change reflects the need to move from a philosophy of merely providing storm warnings and evacuation procedures, to one of motivating individual property owners and state and local officials to take site-specific and statewide and community actions to reduce the vulnerability of existing, as well as new, coastal populations and development to hazard losses. Approved recommendations to implement this refocusing include:

- Redirecting the NCHP to encourage comprehensive coastal hazards planning and mitigation by states and communities, while continuing and improving the use of NOAA's operational expertise in issuing warnings and assisting in evacuations.
- Establishing a regular mechanism for coordinating NOAA's coastal hazards programs.
- Improving the packaging and delivery of NOAA's products and services to support this comprehensive planning effort.
- Improving NOAA's interagency and intergovernmental coordination on coastal hazards.

NOAA OCS Oil and Gas Policy Coordination
Policy Statement

Policy Statement

Oil and gas leasing on the OCS is one of the most controversial ocean resource use activities affecting the marine environment. All NOAA components are involved to some extent with the OCS leasing policies and operations of the Department of the Interior (DOI). Effective and timely coordination of responses by the various NOAA program elements to DOI planning needs is essential to the orderly conduct of the OCS leasing program. The coordination effort organizes and analyzes the information prepared by each of the NOAA components to develop a unified and consistent agency-wide response to DOI. This information serves as the basis for subsequent discussions between DOI and NOAA concerning size, timing, location and potential mitigating measures appropriate for individual lease sales.

Background:

NOAA has management and research responsibilities in the marine environment pursuant to the Fishery Conservation and Management (Magnuson) Act, Coastal Zone Management Act, Fish and Wildlife Coordination Act, Marine Mammal Protection Act, Endangered Species Act, Marine Protection, Research and Sanctuaries Act, Outer Continental Shelf Lands Act Amendments and other authorities which directly or indirectly relate to leasing, exploration and development of oil and gas in the Outer Continental Shelf. These statutes provide the basis for NOAA comments on the oil and gas leasing program.

NOAA opportunities for comment on the Department of Interior oil and gas leasing process are established by the DOI pre-lease sale planning process. The various steps of the OCS pre-leasing process are designed to organize information with which to make decisions regarding the timing of the sale, the area selected for leasing, and lease sale stipulations. The pre-lease sale process can be divided into three principle phases: (1) area selection; (2) environmental analysis; and (3) the lease sale decision. DOI develops at least three documents during the area selection phase--the resource inventory request, call for information, and area identification. The draft and final EIS are produced during the environmental analysis phase. The proposed notice of sale and final notice of sale are developed through the lease sale decision phase.

In preparing its response to the resource inventory request and call for information, NOAA develops descriptive material for DOI that identifies fishery and marine mammal resources in the planning area and the status of NOAA's various management programs such as marine and estuarine sanctuaries, and assesses the current levels of relevant NOAA research in the area and the data gaps that may exist. This information is used by DOI in the second phase of the pre-lease process, which is the development of the environmental analyses.

NOAA policy recommendations begin to develop fully with the publication of the draft EIS. NOAA review now focuses on the specific area proposed for leasing and the lease stipulations and sale alternatives being considered by DOI. DOI officially responds to the NOAA recommendations in the final EIS. If differences between the DOI and NOAA exist regarding the terms and conditions of sale, NOAA may respond formally with comments on the proposed notice of sale. Discussions between NOAA and DOI are arranged by OCRM to determine if substantive differences remain between the two agencies.

NOAA policy recommendations for particular lease sales developed through the first two phases of the pre-lease sale process, i.e., area identification and environmental analysis, are reviewed and transmitted to DOI by OCRM during the final or lease sale decision phase.

NOAA Marine Transportation Policy Coordination Policy Statement

Policy Statement

The OCRM policy coordination role addresses regular, daily concerns such as coordinating comments on regulations and legislation to assure consideration of all line offices views and to negotiate a NOAA position when necessary. The policy coordination mechanism also addresses NOAA and Federal Government-wide issues and initiatives in marine transportation by establishing an appropriate mechanism for coordinating NOAA's planning on products and services, resource management issues, marine pollution issues (other than accidental spills covered by Superfund and ocean dumping unrelated to port planning), and response to state and local marine transportation concerns and initiatives.

NOAA-wide policy coordination, through daily, routine matters, serves to elevate marine transportation as a key objective of NOAA. It serves as a focal point and contact for coordination of user outreach programs and agency planning.

The OCRM staff coordinator, as the NOAA point of contact, coordinates responses to regulations, legislation, and other agency proposals, disseminates information, and provides policy contact to other Federal agencies on marine transportation. This point of contact has been located in OCRM because the CZM program has the most comprehensive responsibility for resource management in NOAA, is located in NUS and has strong ties to state and local governments. OCRM also has demonstrated policy coordination ability in NOAA-wide efforts in coastal hazards, and OCS leasing.

This effort provides NOAA with an ability to coordinate its marine transportation policy statements and present more useful and credible information to the Federal community.

Background:

NOAA is a major collector and disseminator of data which concern mariners. The data NOAA compiles and distributes include bathymetric, coastal, and harbor mapping, tidal strength and frequency, wind velocity and direction, waterway currents, sea surface temperature, marine and coastal weather, severe storm warnings, wave information, and ice analysis. These data are important in ship movement and navigation not only in a broad sense but specifically to determine the most economic routes or departure times for individual vessels.

The Coastal Zone Management Program (CZM), which authorizes Federal approval and funding of state CZM programs and requires NOAA to evaluate the state CZM programs for continuing Federal approvability, gives NOAA additional responsibilities in the marine transportation area. CZM programs are designed to balance coastal development and natural resource protection. State CZM programs must include provisions for siting water-dependent facilities such as port facilities and must address natural resource conservation. As the Federal liaison to state CZM programs, NOAA, through its component Office of

Ocean and Coastal Resource Management, monitors legislative and regulatory developments affecting states such as U.S. Army Corps of Engineers (COE) permitting, COE port and navigational projects, and marine transportation pollution issues. OCRM has acted as a catalyst in development of a special area management plan (SAMP) in Port of Grays Harbor, Washington and has provided funding through state CZM programs for port area SAMPs in Mississippi.

State CZM programs have been very active in projects evaluating the effect of specific dredge spoil disposal sites, funding port planning and expansion projects for local communities, identifying and evaluating critical habitat areas, and evaluating the effects of hazardous material transportation and storage. The Coastal Energy Impact Program (CEIP) has funded a number of energy facility siting projects involving marine transportation, particularly coal transportation.

The National Marine Fisheries Service (NMFS), while regulating the U.S. marine fishing industry, provides comments on COE projects and permits through its responsibilities under the Fish & Wildlife Coordination Act, and comments upon Coast Guard (CG) navigational lanes and other port-related proposals from the perspective of conserving fishery and other living marine resource habitats, and promotes the U.S. commercial fishing industry.

NOAA conducts an extensive ocean research program both in-house and through the National Sea Grant College Program. Most of the research conducted or funded by NOAA is applied research on ocean resources or marine management issues. NOAA operates a National Marine Pollution Program Office which monitors research on marine pollution issues conducted by other Federal agencies. NOAA also conducts a number of other generic user outreach programs to business and industry.

These NOAA programs serve a diverse marine transportation clientele, including other Federal agencies, the maritime industry, state and local governments, including CZM programs, port authorities, the value-added industries (which provide individual route maps and custom weather forecasts to shippers), scientists, environmental groups, commercial fishermen, and coastal recreational users, such as boaters and swimmers. Often NOAA must balance the needs and desires of its varied constituency in order to address fully the national interest in pursuing its statutory responsibilities.

Deep Seabed Mining Policy Statement

Policy Statement

NOAA will continue to carry out the purposes and requirements of the Deep Seabed Hard Mineral Resources Act (DSHMRA).

Pursuant to the Act and NOAA regulations at 15 C.F.R. Part 970, NOAA has processed and issued four exploration licenses. As part of its ongoing responsibilities under the Act in the future NOAA will process license modifications and prepare supplemental license environmental impact statements for mining system tests, as required.

In light of the near-term decisions that industry may need to make, such as whether to commit significant new levels of resources to further technological development, NOAA is proceeding with the development of commercial recovery regulations necessary to complete the legal structure called for in the Act. U.S. companies then will be able to assess and plan for the complete legal framework under which they would operate.

Research will continue to be focused on those environmental impact concerns not resolved during NOAA's Deep Ocean Mining Environmental Study (DOMES) project. Future marine environmental research will emphasize the assessment of benthic impacts. By this research NOAA will attempt to define the most cost effective terms, conditions and restrictions and monitoring strategies for commercial recovery.

NOAA will also monitor and evaluate our own and other nations' seabed mining regulations to identify competitive disadvantages that may be placed on U.S. operators and to minimize or eliminate those disadvantages. In addition, NOAA will continue to investigate factors other than the legal regime that might constitute resolvable impediments to commercial seabed mining development, including tax policy, antitrust policy, equipment and leasing terms available under present law, and working with other Federal agencies to streamline regulatory and paperwork requirements.

NOAA further will continue to contribute to the potential development of other deep seabed hard minerals.

Background

Under the DSHMRA, NOAA is responsible for establishing a legal regime whereby U.S. citizens may engage in exploration for and commercial recovery of manganese nodules in an orderly and environmentally sound manner.

The United States is dependent on potentially politically unstable foreign sources for two of the strategic metals found in manganese nodules: cobalt and manganese. Cobalt, which we import primarily from Zaire and Zambia, is used for the high-temperature alloys necessary in the aerospace industry. Manganese, imported primarily from Australia, Brazil, and South Africa (which is expected to be our major source in 15 to 25 years), is required in the

steel industry. The other important metals found in the nodules are nickel and copper. Nickel, used mainly in stainless steel and other high temperature steel alloys, is supplied by Australia and Canada - nations generally friendly to the U.S. Copper, in which the U.S. is nearly self-sufficient, is used mainly in electrical equipment.

Dependence on foreign sources of metals can lead to uncertainties in supply ranging from cost instability to supply disruption. In addition to the possibility of political instability, foreign producers may retain more of their domestic output as they acquire their own capability to manufacture finished products. Also, as the sources of supply become more restricted, the ability of the mines to meet world demand can become a factor in determining both supply and price.

The establishment of a domestic deep seabed manganese nodule mining industry would provide the United States with: (a) a stable supply of strategic metals important to the economy at competitive prices, (b) a reduced annual balance of payments deficit, (c) increased investment in a basic industry, (d) regional employment benefits, and (e) continued leadership in new ocean technologies.

The presently depressed level of world metal markets has dimmed prospects for commercial mining in this decade. Nevertheless, nodule mining appears to be competitive with new sources of these metals and so must remain an option for United States industry in the decades ahead.

Ocean Thermal Energy Conversion (OTEC) Policy Statement

Policy Statement

In implementation of the requirements of the Ocean Thermal Energy Conversion Act of 1980, as amended, and NOAA regulations at 15 C.F.R. Part 981, NOAA will assure it is prepared to review and process license applications for ocean thermal energy conversion (OTEC) facilities, as such applications occur. NOAA also will complete the development of a required report to Congress on mechanisms for facilitating the export of U.S. OTEC technology.

Background

The Ocean Thermal Energy Conversion Act of 1980, as amended (42 U.S.C. 9101, et. seq., P.L. 96-320, amended by P.L. 98-623), known as the OTEC Act, was passed by Congress to facilitate continued OTEC development by U.S. companies by establishing a more certain and stable legal regime for development of OTEC facilities located in U.S. territorial waters or connected to the United States by pipeline or cable. The Act requires that one must obtain a license from the National Oceanic and Atmospheric Administration (NOAA) in order to own, construct, or operate such a facility or plantship. The OTEC Act of 1980 and the implementing regulations provide the framework for resolving many of the uncertainties which otherwise would have presented serious barriers to private investment and the development of a commercial U.S. OTEC industry. NOAA has developed a procedure for preapplication consultations with likely applicants which assist in implementing a one-stop licensing process for all relevant Federal permits.