

NOAA Supplement to Executive Order 13563 (May 10, 2012)

In early January 2012, the Department provided the Office of Management and Budget a progress report required by Executive Order 13563 (EO). The following narrative summary, along with the NOAA rules listed in the Department's EO progress report table, identifies actions that NOAA has taken to implement the EO regulatory reform plan since that time.

NOAA's Role in Improving DOC Cost-Benefit Analyses

- NMFS economists and social scientists are engaged in innovative long-term research to assess the U.S. public's willingness to pay the costs associated with conservation of protected species and Marine Protected Areas.

- **Protected Species Valuation Project**

NMFS researchers have measured the U.S. public's valuation of recovering marine species protected under the Endangered Species Act and the Marine Mammal Protection Act. These values provide a benefit measure to assist in protected species recovery planning and an estimate of the public value of services provided by marine ecosystems. This research has produced recovery value estimates for sixteen species managed by NMFS, including whales, fish, seals, sea turtles, corals, and plants. Some results from this published research include recovery values for:

- ✓ North Atlantic right whales ~ \$72 per U.S. household
- ✓ Hawaiian monk seals ~ \$66 per U.S. household
- ✓ Loggerhead sea turtles ~ \$44 per U.S. household
- ✓ Puget Sound Chinook salmon ~ \$40 per U.S. household
- ✓ Elkhorn Corals ~ \$40 per U.S. household

NMFS is developing a web site that will include regional and national values for these species, which will inform economic analysis conducted for rulemakings under the Endangered Species Act and the Marine Mammal Protection Act.

- **Marine Protected Area Valuation Project**

Another area of long-term research by NOAA researchers focuses on the value of Marine Protected Areas under either the Endangered Species Act ("critical habitat"), 16 U.S.C. § 1533(a)(3)(A), or the Magnuson-Stevens Act ("essential fish habitat"), 16 U.S.C. § 1853(a)(7). NMFS researchers have estimated regional public values for Marine Protected Areas, and the change in value resulting from changing size and use restrictions within protected area boundaries. These values assist in designing and designating Marine Protected Areas that address both ecological and economic needs.

The first of our projects assessed the economic benefits and trade-offs of proposed alternative essential fish habitat designations in the northeastern United States. The assessment shows that the public in the northeastern United States is willing to pay

for networks that protect marine life and habitat on the sea floor, though the economic value is greater for networks that allow a limited level of commercial fishing as compared to those that are strictly no-take reserves. The study was intended to support an amendment designating essential fish habitat in the Northeast; however, the Regional Fishery Management Council did not pursue development of the amendment.

Regulatory Flexibility Act

- Under § 610 of the Regulatory Flexibility Act, 5 U.S.C. § 610, NOAA conducts ongoing reviews of rules that were identified as having a significant economic impact on a substantial number of small entities.
 - NOAA has completed review of all significant rules published in 2001 and 2002. NOAA is preparing a Federal Register notice that will identify 76 significant rules from 2003 and 2004 to be reviewed by the agency during 2012.

Magnuson-Stevens Act

- In 2007, new requirements for annual catch limits and preventing overfishing went into effect in the Magnuson-Stevens Act. 16 U.S.C. § 1853(a)(15). As a result, NMFS and the Regional Fishery Management Councils have engaged in a comprehensive review of existing fishery management plans and amendments. Through this review, the Councils have undertaken substantial revisions to the existing fishery management plans, addressing inefficiencies in existing processes as well as new statutory requirements.
 - NOAA and the Councils have completed revision of 45 of 46 fishery management plans, implementing new annual catch limits for all of the affected fisheries. The remaining fishery management plan will be completed by the summer of 2012.

Endangered Species Act

- NMFS and the Fish and Wildlife Service (FWS) jointly administer regulations for implementing the Endangered Species Act listing process, including designation of critical habitat, and the interagency consultation process. The agencies are considering changes to the joint Endangered Species Act regulations that are expected to improve efficiency and effectiveness in the implementation of the statute.
 - NMFS and FWS have developed draft regulations that would revise the process for designation of critical habitat and address the phrase “destruction or adverse modification” of critical habitat. The Department is reviewing these regulations prior to submitting them to OMB for review.

Plain Language Training

- NMFS has been conducting Plain Language Training at Headquarters and throughout the Regions and Science Centers. As of April 3, 2012, NMFS had trained 220 supervisors and 1,142 staff for a total of 1,362 employees. Plain language in government communications is required by the Plain Writing Act of 2010 and several Executive Orders. Some benefits to government agencies that use plain language include:
 - Increased efficiency and cost savings.
 - Reduced need for the public to seek clarification from staff.
 - Increased compliance due to improved public understanding of guidance and regulations.
 - Fewer errors on documents submitted by the public, and less staff time spent correcting those errors.

Commercial Remote Sensing Regulatory Affairs Office

- NOAA's Office of Commercial Remote Sensing Regulatory Affairs (CRSRA) periodically reviews and updates, as appropriate, regulations at 15 CFR Part 960 (Licensing of Private Land Remote-Sensing Space Systems) implementing the licensing and compliance provisions contained in the Land Remote Sensing Policy Act, 15 U.S.C. § 60121 et seq., to ensure that they facilitate the growth and international competitiveness of the U.S. commercial remote sensing industry while preserving national security and addressing international obligations.
 - National Environmental Satellite, Data, and Information Service (NESDIS) senior management approved proposed draft regulations addressing the licensing of private land remote sensing space systems. The draft proposed regulations were subsequently provided to DOD, State, Interior and the intelligence community for their informal review and comment. NESDIS and NOAA General Counsel prepared a written response to informal comments and will provide it to the reviewing agencies this month. NOAA CRSRA will then hold a meeting with the agencies to walk them through how we have responded to their comments. After this meeting, NOAA CRSRA will prepare a proposed rulemaking package for NOAA and DOC clearance and ultimate transmittal to OMB for formal interagency review and concurrence. The goal is to publish a proposed rule in the third quarter of this calendar year.