PROGRAMMATIC SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
DRAFT PURPOSE AND NEED

1.0 Purpose of and Need for Action

1.1 The Proposed Action: Who, What, and Why?

1.1.1 Summary of the Proposed Action

The National Marine Fisheries Service (NMFS) believes it may be necessary to amend the Pacific Groundfish Fishery Management Plan (FMP) to more fully comply with the Nation’s primary fishery policy established in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS and the Pacific Fishery Management Council (Council) are reviewing the current policies, goals, and objectives of the federal fishing program for west coast groundfish, as well as the overall effectiveness of the groundfish FMP. The Council is considering an amendment to the groundfish FMP to revise its policies, goals and objectives. This FMP amendment and evaluation of the groundfish management program are being conducted in accordance with the National Environmental Policy Act (NEPA); the analysis will be a programmatic supplement to the original environmental impact statement (EIS) for the groundfish program. NEPA requires federal agencies to evaluate the status quo and reasonable alternatives to achieve the agencies' mandates. NMFS and the Council are considering a range of alternatives to the current management program. This programmatic supplemental EIS (PSEIS) will aid the Council and NMFS in planning future actions to achieve the mandates laid out in the Magnuson-Stevens Act.

1.1.2 Purpose and need for action

Many changes have occurred since the mid-1970s when NMFS prepared its preliminary fishery management plan and environmental impact statement (EIS) to regulate foreign groundfish fisheries off the states of Washington, Oregon, and California. In the late 1970s, the Council prepared its FMP and a supplemental EIS (SEIS) for both domestic and foreign fishing, guided by the original Magnuson-Stevens Act (at that time referred to as the Fishery Conservation and Management Act, or FCMA). A primary national policy at that time was to modernize and expand the American fishing industry so it could replace the foreign fisheries occurring in U.S. waters. Foreign fishing vessels were taking much of the available U.S. harvest, and Congress wanted American fishers to receive the benefits of our fish resources. The FMP reflected the goal of fostering U.S. fishery development. That goal was achieved in 1991 when U.S. fishers harvested the entire groundfish harvest for the first time, ending foreign fishing in American waters off the West Coast. Since 1992, much of the management focus has been on allocating the harvest among competing groups of American fishers and maintaining year round opportunities for fishing and marketing.

In 1996, the focus of the Magnuson-Stevens Act shifted from fishery development to preventing overfishing, rebuilding overfished stocks, and protecting essential fish habitat (EFH). Those
changes required substantial revision to all FMPs nationwide, and the groundfish FMP was amended in 1998 to comply with the new provisions.

The abundance of several groundfish stocks has declined substantially since the original FMP was approved, to the point they are now classified as overfished. Harvests of many groundfish species have been reduced, and both the commercial and recreational fisheries are facing severe economic and social stresses. The Council developed a Strategic Plan for addressing these problems and is making changes to the groundfish management program to achieve the Strategic Plan's goals and objectives.

Since the 1996 Magnuson-Stevens Act amendments, the Council, NMFS and the States have established regulations that are much more restrictive and complicated than in the past. Recreational fishing opportunities have been substantially cut back in order to protect stressed and overfished stocks. The commercial fishing industry that has depended on the groundfish resources has been declared an economic disaster. Scientists estimate it will take several decades for some stocks to recover, even with restrictive management. Segments of the public, particularly environmental groups, have expressed concerns that fish habitat destruction has contributed to the overfished condition of these groundfish stocks. They are concerned ocean fish habitat has been seriously degraded by many years of fishing activities, especially bottom trawling.

These social, economic, and environmental changes could properly be considered “cumulative environmental impacts” which have not been evaluated in a comprehensive manner. NMFS has initiated this PSEIS as an integral part of that evaluation. NMFS believes the fundamental goals, policies and available management tools for managing the groundfish fishery are in need of a broad review and evaluation, and that this type of evaluation is best accomplished by a programmatic environmental impact statement. A programmatic EIS is the comprehensive document in which an agency considers a number of related actions or projects being decided within one program. As such, a programmatic EIS looks to the environmental consequences of a program as a whole. One of its purposes is to assess the impact of connected and cumulative actions under one programmatic umbrella in order to determine significant impacts to the environment. In it, the analysis of environmental impacts is tied to an entire program. The individual and cumulative effects of each major component (considered both individually and all components combined) are analyzed in a way which allows senior level decision makers to examine the implications of their programs. A programmatic EIS “examines an entire policy initiative rather than performing a piecemeal analysis, within the structure of a single agency action.”

1.1.3 Objectives

Groundfish management goals and objectives are based primarily on the Magnuson-Stevens Act and NMFS's mission. The current goals and objectives were developed by the Council and are included in the FMP. Several of the most important goals have been in place since the original FMP, while others have been added or modified in any of the 13 FMP amendments. The overarching objectives are set in the National Standards as stated in the Magnuson-Stevens Act.
1.1.4 Selection Criteria (TO BE COMPLETED)

1.2 Relation to other NEPA Documents (TO BE COMPLETED)

1.3 Decisions that must be made and other agencies involved in the NEPA analysis (TO BE COMPLETED)

1.4 Purpose of the Proposed Action

In a programmatic EIS or SEIS such as this, the purpose of the proposed action is “the agency’s formulation of a comprehensive management framework to address a wide array of subsequent and perhaps disparate and as yet unknown field activities.” In this case, the program is the groundfish FMP, fishing regulations, and management measures authorized by the FMP, as of January 2002. The proposed action is to amend the FMP.

Five basic components are addressed in a fishery management program: target species; non-target species; habitat, especially EFH; socio-economics; and reporting, record-keeping, and monitoring. Within each component are goals and objectives and various management tools to achieve the specified goals and objectives. These components and management tools overlap considerably, as do the goals and objectives. The current FMP is generally a “framework” or set of procedures the Council and NMFS will follow as the Council makes revisions to the current management program. Although the FMP sets priorities among the goals and objectives when changes are made, many goals and objectives conflict.

The FMP does not include a vision of the future, a clear set of goals, or a direction and plan to achieve the vision. The Council’s Strategic Plan for Groundfish provides a much clearer vision, set of goals, and even a time line to achieve them. NMFS believes the FMP should be amended to reflect such a strategic plan.

The Pacific Coast Groundfish FMP authorizes fishing for about 85 marine fish species within certain constraints. The Magnuson-Stevens Act mandates conservation and management of the Nation’s marine fish resources, requiring fishery management plans to provide opportunities to harvest fish in ways that bring optimum benefits to the Nation while protecting the long term health of these resources for future generations. Appropriate harvest levels are an essential part of any long term management program, and every fish or other marine animal killed or injured by human activities (including bycatch) affects the current and future condition of the resource.

Also, Congress recognized that abundant and productive habitat is essential to the long term reproduction, growth and survival of fish and fish populations. Destruction of habitat and needless waste of useable fish are costs that are contrary to wise use.

The use of other human resources in extracting value from the marine resources is also an issue. That is, the costs of fishing activities (capital, time, etc.) should be less than the benefits (food, monetary, and social values) the Nation receives. Current over-capitalization of fishing and processing sectors contributes to environmental, social and economic conditions and impacts.
1.4.1 Target Species Component, Including Harvest Policies

The purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(11) of the Magnuson-Stevens Act. More specifically, the purpose is to establish measures necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore and promote the long-term health and stability of the fishery. This action is being undertaken to ensure the conservation and management as required under the Magnuson-Stevens Act.

1.4.2 Non-target Species Component, including Fish, Marine Mammals, Seabirds, Turtles and other Marine Animals

The primary purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(11) of the Magnuson-Stevens Act. More specifically, the purpose is to establish conservation and management measures that, to the extent practicable and in the following priority—(A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided. This provision of the Magnuson-Stevens Act refers specifically to fish; however, other non-target marine animals may be affected by the groundfish fishery. The secondary purpose of this action is to evaluate the effects of groundfish fishing on other non-target species to ensure that fishery management does not result in conflicts with other legal mandates. This action is being undertaken to ensure the conservation and management as required under the Magnuson-Stevens Act, Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA) and other applicable federal laws.

1.4.3 Habitat, Including Essential Fish Habitat

The purpose of this action is to amend the FMP and its implementing regulations to comply with section 303(a)(7) of the Magnuson-Stevens Act. More specifically, the purpose is to describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. This action is being undertaken to ensure the conservation and enhancement of EFH as required under the Magnuson-Stevens Act.

1.4.4 Socio-economic Component, Including the Balance Between Harvest Capacity and Established Harvest Levels

The purpose of this action is to achieve social and economic benefits from the groundfish resources, including benefits to fishing communities. One component of the action is to reduce the harvest capacity of the commercial groundfish sector to bring it into balance with current and future harvest levels. Specifically, the purpose is to amend the FMP and its implementing regulations, consistent with sections 303(b)(3) and (4) of the Magnuson-Stevens Act: (3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the — (A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors); (4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such
vessels...; and (6) establish a limited access system for the fishery in order to achieve optimum yield... These actions are being undertaken to ensure the conservation and management of west coast groundfish as required under the Magnuson-Stevens Act.

1.4.5 Reporting, Record keeping and Monitoring Component

The purpose of this action is to amend the FMP and its implementing regulations to comply with sections 303(a)(5) and (11) and (discretionary) section 303(b)(8) of the Magnuson-Stevens Act. More specifically, the purpose is to (a)(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, [and] number of hauls... (11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery; and (b)(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery.

1.5 Need for Action

Each major issue and need for action is discussed separately below.

1.5.1 Target Species Management, Including Harvest Policies

Prevention of overfishing and rebuilding overfished stocks are essential for the long-term health and stability of the fishery and the needs of fishing communities. Each FMP must include provisions to limit harvest and to account for amounts harvested. Harvest includes all fish that are captured, whether intentional or not, and all fish that are killed, whether retained by the fisher.

Numerous stock assessments in recent years have demonstrated that abundance of many important groundfish species has declined substantially, with several at such low levels of abundance they are considered overfished. Recent scientific advances have concluded that past harvest policies, although based on the best scientific information available at the time, allowed too many groundfish to be caught. New information about ocean climate changes indicates productivity of many long-lived groundfish species has been far below previous estimates. Now, several stocks must be rebuilt, which will require substantial harvest reductions for a number of years.

The management policies and types of management tools used to prevent overfishing, and those related to avoiding harvest of depleted groundfish species, are in need of review and evaluation. Are the current management policies and tools appropriate in light of the current state of science and information availability? Do they adequately account for natural variations in stock abundance, climate change, and other factors that are outside human control? As a policy, what level of precaution is appropriate?
1.5.2  Non-target Species Management

Groundfish are one component of the marine ecosystem, and fishing for groundfish affects other components of the marine environment. Non-groundfish species may be captured and/or killed directly by groundfish fishing gears or fishing methods. Even some groundfish species may be subjected to additional mortality, such as being captured and released. Groundfish fishing may reduce food sources (forage) for other marine animals. In some cases, groundfish species may be the forage. In other cases, the forage may be other species that are affected by groundfish fishing.

Harvest includes all fish that are captured, whether intentional or not, and all fish that are killed, whether retained by the fisher. Fish that are captured and released or discarded are called bycatch. In addition, groundfish fishing could directly or indirectly affect other marine animals such as marine mammals, seabirds, and turtles. Policies relating to non-target species should be considered. The PSEIS will evaluate such potential effects and could indicate the need for management measures to mitigate such impacts.

1.5.3  Habitat, Including Essential Fish Habitat (EFH)

In the 1996 reauthorization of the Magnuson-Stevens Act, Congress recognized one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. To ensure habitat considerations receive increased attention for the conservation and management of fishery resources, the amendments to the Magnuson-Stevens Act included new EFH requirements, and each fishery management plan must now include specific EFH provisions.

As required by the Magnuson-Stevens Act, NMFS developed guidelines at 50 CFR part 600, Subpart J, to assist the Councils in the description and identification of EFH and in the consideration of actions to ensure the conservation and enhancement of EFH. There is a critical need to evaluate the current habitat protection policies and alternatives to those policies, including designation of EFH, identification of habitat areas of particular concern (HAPCs), and the types of management measures appropriate to implement the habitat protection policies.

1.5.4  Socio-Economic Management, Including Allocation and the Balance Between Harvest Capacity and Established Harvest Levels

In line with federal fishery development policies of the 1970s and 1980s, the West Coast groundfish fleet expanded and modernized in order to take the entire allowable harvest each year. During that period, groundfish stocks were larger than today, and harvest levels were set much higher, in some cases at unsustainably high levels. Harvest capacity increased as stock abundance decreased, and harvest capacity greatly exceeds sustainable harvest levels. The Council took steps to slow the expansion by establishing a license limitation program that went into effect in 1994. In retrospect, that program allowed too many participants to continue fishing, and also provided an opening for new entrants. The open access fishery was intended to allow small scale fishers to continue and new fishers to work their way up from entry-level to full participation in the limited entry fishery. Overcapacity has resulted in excessive competition...
within and between user groups, severe economic impacts, and excessive bycatch. The social and economic well-being of West Coast fishing communities has also been impacted.

The Council's Strategic Plan for Groundfish states there is a need to reduce fleet fishing capacity by at least 50% in order to bring commercial catching capacity into balance with current harvest levels. Since the strategic plan was adopted, additional harvest reductions have been implemented, meaning capacity would need to be reduced even more. The Magnuson-Stevens Act provides ways to reduce the number of fishery participants, but not the means to compensate displaced fishers. FMPs may include provisions to limit catch and also prohibit or limit the number of fishing vessels or equipment for such vessels.

The appropriate level of capacity reduction needs to be reevaluated in view of current and projected future conditions. Potential methods of achieving capacity reduction should be identified and evaluated. Other policies relating to social and economic issues should also be evaluated.

1.5.5 Reporting, Record keeping and Monitoring Component

The Magnuson-Stevens Act requires each FMP to identify the information necessary for conservation and management of the fishery, and to specify the pertinent data which shall be submitted to the Secretary. This includes information about both intended catch and unintended/discharged catch (i.e., bycatch). In order to determine the effectiveness of the groundfish management program, a monitoring program is necessary. Such a program must at least focus on the amount of groundfish captured and also to gather information necessary to assess the health of the resources. The current management program requires fishers to discard all groundfish in excess of the specified landing limits but does not require that information about discards be recorded and reported.

The Magnuson-Stevens Act requires that each FMP establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery. Policies relating to information collection need to be reevaluated in light of current federal law, fishery monitoring methods should be evaluated, and standards should be established.

1.6 The NEPA Analysis and Fishery Management Plan Actions

NEPA provides a mechanism for identifying and evaluating the full spectrum of environmental issues associated with Federal actions, and for considering a reasonable range of alternatives to avoid or minimize adverse environmental impacts. NMFS and the Council will consider any new information and alternatives discussed in the EIS to determine whether changes to the EFH provisions of the fishery management plans previously approved by NMFS are warranted. The alternatives NMFS must consider under NEPA are not restricted to the options originally presented in FMP and regulatory amendments submitted by the Council.

1.7 Scoping Process
NMFS published a Notice of Intent (NOI) to prepare a supplemental EIS for the EFH components of the Pacific Coast Groundfish Fishery Management Plan on April 10, 2001. The public comment period was open until June 30, 2001. NMFS solicited public comment to identify a range of alternatives for identifying and describing EFH and HAPCs and requested information on adverse effects of fishing activities on EFH and HAPCs. NMFS solicited public comment on appropriate management measures and alternatives to minimize, to the extent practicable, any adverse effects of fishing on EFH. NMFS held 6 public scoping meetings. The meetings occurred in Newport, Oregon; Astoria, Oregon; Eureka, California; Los Alamitos, California; Seattle, Washington; and Burlingame, California. A summary of the public comments and primary issues raised during the meetings is in the Scoping Report (Appendix X).

NMFS and the Council will consider any new information and alternatives discussed in the EIS to determine whether changes to the harvest policy, bycatch and capacity provisions of the groundfish FMP and regulations previously approved by NMFS are warranted. As noted above, the alternatives NMFS must consider under NEPA are not restricted to the options originally presented in previous FMP amendments and regulatory amendments. In addition, NMFS is mandated to ensure its procedures comply with NEPA.