

NMFS REPORT ON NEW NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
PROCESSES FOR DEVELOPING FISHERIES ACTIONS

NMFS's headquarters recently revised nation-wide processes for developing actions under NEPA analyses. One notable change is that our headquarters has delegated authority to the Regional Administrators (D. Robert Lohn for the Northwest Region and Rod McInnis for the Southwest Region) to sign Findings of No Significant Impact (FONSIs) for Environmental Assessments and, with some possible exceptions, Records of Decision (RODs) for Environmental Impact Statements (EISs).

As part of the delegation of authority to the regions, the regions are required to conduct early internal scoping meetings on actions likely needing analysis under NEPA. Among other topics, these meetings are intended to discuss: a rough schedule for the action's development and analysis; whether the action requires analysis under NEPA and, if so, whether the analysis should be in the form of an EA or an EIS; and whether and how the action has the potential to significantly impact any of a series of resource groups. This internal scoping process is somewhat more straightforward for NMFS's non-Council Endangered Species Act (ESA) actions, which usually involve applicants requesting permission to take some action, than for Magnuson-Stevens Act actions, which are developed through the collaborative and public fishery management council process.

NMFS's Northwest Region tested this internal scoping process in advance of the June Council meeting for two issues: open access license limitation and Amendment 15 to the FMP. Our goal for these test meetings was to comply with our headquarters' requirements for internal scoping without overstepping the agency's role as part of the collaborative Council process. We have provided the results of those meetings in separate reports under agenda items E.4. and E.11. For both of those reports, we recommend to the Council: whether we believe the action should be analyzed via an EA or an EIS, any relevant comments on the Council's Purpose and Need Statement or potential range of alternatives to be analyzed, and our initial thoughts on how biological and socio-economic resources might be affected by the potential action. Our Regional NEPA Coordinator has developed a standard list of resources that are to be considered, some of which come from traditional groundfish NEPA analyses, and some of which come from federal law on implementing NEPA:

- Overfished Groundfish
- Non-Groundfish Species (Non-ESA salmonids, Pacific and California Halibut, coastal pelagic species, highly migratory species, Dungeness crab, shrimp/prawns, sea cucumbers)
- ESA-listed salmonids
- Marine mammals and turtles
- Seabirds
- Treaty rights/trust obligations
- Tourism and recreation
- Environmental justice
- Safety of human life at sea
- Air quality
- Geology, soils, groundwater, and hydrology
- Water quality
- ESA-listed plants and general vegetation
- Cultural resources

- Marine ecosystem and fish habitat (including wetlands, if applicable)
- Community and economic impacts
- Noise
- Land use and ownership
- Cumulative impacts

In our reports on open access licensing and Amendment 15, we list those resource groups that we believe might be affected by the action. Resource groups that we believe will not be affected by the action are not listed in our reports to the Council.

NMFS intends to work collaboratively with the Council to find the most effective means of implementing the NEPA delegation policy while remaining cognizant of the established Council process. We welcome Council suggestions and comments on implementing this new delegation of authority, and look forward to developing a coordinated, comprehensive, and effective approach.