

## 1.0 Introduction

### 1.1 How This Amendment is Organized

This document provides background information about and analysis of changes to the Pacific Coast Groundfish Fishery Management Plan (FMP) incorporated as Amendment 16-1. The actual changes, or amended parts of the plan, appear in appendix A.

This document is one of a series of amendments numbered Amendments 16-1, 16-2, and 16-3. This amendment establishes a framework for the adoption of rebuilding plans for overfished species. Amendment 16-2 will adopt four rebuilding plans: darkblotched rockfish, Pacific ocean perch, lingcod, and canary rockfish. Amendment 16-3 will adopt rebuilding plans for the remaining five overfished species. (If additional species are declared overfished, amendments to adopt rebuilding plans for them will continue this numbering system.)

FMPs and any amendments to them, must conform to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, or MSA), the principal legislation governing fishery management within the Exclusive Economic Zone (EEZ), which extends from the outer boundary of the territorial sea to a distance of 200 miles from shore. In addition to addressing Magnuson-Stevens Act mandates, this document is an environmental assessment (EA), pursuant to the National Environmental Policy Act (NEPA). According to Council on Environmental Quality (CEQ) regulations, an EA provides “sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact” and helps the agency compliance if an Environmental Impact Statement (EIS) is necessary (40 CFR 1509.9). A separate Finding of No Significant Impact (FONSI) has been prepared, based on the analyses in this EA. The document also contains information and analyses relevant to the Regulatory Flexibility Act (RFA) and Executive Order (EO) 12866 (Regulatory Impact Review [RIR]). These mandates require agencies to evaluate the economic impact of regulatory actions, especially on small entities.

The rest of this chapter discusses the reasons for changing the FMP. This description of purpose and need defines the scope of the subsequent analysis. Chapter 2 outlines different alternatives that have been considered to address the purpose and need. One of these alternatives is the Pacific Fishery Management Council's (hereafter, the Council) preferred alternative, which is recommended to National Marine Fisheries Service (NMFS) for adoption as a plan amendment. Chapter 3 describes the affected environment. This information provides the basis for the analysis contained in Chapter 4, which assesses the potential environmental and socioeconomic impacts of the alternatives outlined in Chapter 2. Chapter 5 details how this amendment meets ten National Standards set forth in the Magnuson-Stevens Act (§301(a)) and groundfish FMP goals and objectives. Chapter 6 provides information on those laws and EOs, in addition to the Magnuson-Stevens Act and NEPA, that an amendment must be consistent with, and how this amendment has satisfied those mandates.

### 1.2 Purpose and Need

#### 1.2.1 Need (Problems for Resolution)

As of February 2002 the U.S. Secretary of Commerce (Secretary) had declared nine groundfish stocks overfished. These are: bocaccio (*Sebastes paucispinis*), canary rockfish (*S. pinneger*), cowcod (*S. levis*), darkblotched rockfish (*S. crameri*), lingcod (*Ophiodon elongatus*), Pacific ocean perch (*S. alutus*), widow rockfish (*S. entomelas*), yelloweye rockfish (*S. ruberrimus*), and Pacific whiting (*Merluccius productus*). These declarations, stemming from Magnuson-Stevens Act requirements, are based on overfishing criteria adopted by the Council under Amendment 11 to the Pacific Coast Groundfish FMP. The Magnuson-Stevens Act (§304(e)(3)) also requires councils to “prepare a fishery management plan, plan amendment, or proposed regulations” in order to prevent overfishing and implement a plan to rebuild the overfished stocks. The Council developed Amendment 12 to specify an effective process for implementing rebuilding plans. This amendment was approved by the Council in April 2000 and approved by NMFS on December 7, 2000. However, in Federal Court the Natural Resources Defense Council (NRDC), an environmental organization, challenged

the legality of the provisions in Amendment 12 related to rebuilding plans,<sup>1/</sup> based on the Magnuson-Stevens Act and the NEPA. The judge found the rebuilding plans created in accordance with Amendment 12 did not comply with the Magnuson-Stevens Act, because the plans did not take the form of an FMP, FMP amendment, or regulation. Therefore, the Council must specify rebuilding plans as an FMP or regulatory amendment. (Development of new FMP covering overfished groundfish species is not considered.)

Rebuilding plans are mandated when the size of a stock or stock complex falls below a level described in the FMP as the Minimum Stock Size Threshold (MSST). Diminished stock size may be caused or exacerbated by fishing. Regardless of the cause of the decline, fishing mortality needs to be controlled to prevent further deterioration in the condition of the stock, and if the stock has been overfished, to allow it to rebuild.<sup>2/</sup> Amendment 11 to the groundfish FMP established the “status determination criteria” (including MSST) that are used to determine whether overfishing is occurring and whether a stock has reached an overfished state. Rebuilding plans specify how an overfished stock will be rebuilt.

*The proposed action is needed* because National Standard 1 in the Magnuson-Stevens Act requires conservation and management measures that prevent overfishing. Preventing overfishing also means returning stocks to a size capable of achieving maximum sustainable yield (MSY). In order to satisfy this mandate rebuilding plans must be adopted for stocks that have been declared overfished by the Secretary. First, a framework describing how rebuilding plans will be adopted and the contents of the plan that will be incorporated into the FMP or regulations must be established. This framework is needed to guide the development and adoption of subsequent rebuilding plans.

## 1.2.2 Purpose of the Proposed Action

*The purpose of this amendment* is to establish the process and standards by which the Council will specify rebuilding plans for groundfish stocks declared overfished by the Secretary. Both the procedural provisions and the standards established for rebuilding plans must meet the requirements of the Magnuson-Stevens Act (and, in particular, National Standard 1 and §304(e), covering overfishing) and should be consistent with FMP goals and objectives.

## 1.3 Background

### 1.3.1 Requirements for Rebuilding Plans

National standard guidelines specify how rebuilding should occur and, in particular, establish constraints on council action (50 CFR660.310(e)). Rebuilding should bring stocks back to a population size that can support MSY ( $B_{MSY}$ ). A rebuilding plan must specify a target year ( $T_{TARGET}$ ) based on the time required for the stock to reach  $B_{MSY}$ . This target is bounded by a lower limit ( $T_{MIN}$ ) defined as the time needed for rebuilding in the absence of fishing (i.e.,  $F = 0$ ). Rebuilding plans for stocks with a  $T_{MIN}$  less than ten years must have a target less than or equal to ten years. If, as is the case with most of the groundfish stocks considered in this amendment, the biology of a particular species dictates a  $T_{MIN}$  of ten years or greater, then the maximum allowable rebuilding time,  $T_{MAX}$ , is the rebuilding time in the absence of fishing ( $T_{MIN}$ ) plus “one mean generation time.” Mean generation time is a measure of the time required for a female to produce a reproductively-active female offspring (Pielou 1977; and especially Restrepo *et al.* 1998) calculated as the mean age of the net maternity function (product of survivorship and fecundity at age). The Magnuson-Stevens Act states the rebuilding time should be as short as possible, taking into account the status and biology of the overfished stocks and the needs of fishing communities (Sec. 304(e)(A)(i)). In most cases, because of the biology of the stocks and the needs of fishing communities, the rebuilding time, or the target year, will be greater than the minimum rebuilding time ( $T_{MIN}$ ).

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- 1/ The amendment also removed FMP provisions that allowed foreign fishing on groundfish stocks. This part of the amendment was not challenged, and these changes to the FMP stand.
  - 2/ But when environmental changes affect the long-term productive capacity of the stock, one or more components of the status determination criteria may be respecified and the need for a reduction in fishing mortality reevaluated (50 CFR Section 600.310).

Because of the uncertainty surrounding stock assessments and future population trends (due, for example, to variable recruitment), these limits and the target need to be expressed probabilistically. At the outset of the rebuilding period  $T_{TARGET}$  should be set so there is at least a 50% probability of achieving it within the specified time period.<sup>3/</sup> (The nature of probabilities associated with  $T_{MIN}$ ,  $T_{TARGET}$ , and  $T_{MAX}$  are discussed in Section 3.1.2.2.)

National standard guidelines identify a “mixed-stock complex” exception to the definition of overfishing (50 CFR 660.310(d)(6)), which is applicable to some overfished groundfish species. Different fish assemblages—some with healthy stocks and some with overfished stocks—can co-occur in a mixed-stock complex, and thus, both can be caught simultaneously. An optimum yield (OY) harvest for the healthy stock can result in overfishing the depleted stock. The guidelines allow councils to authorize this type of overfishing if three conditions are met. First, analysis must demonstrate that invoking the mixed-stock exception will result in long-term net benefits to the Nation. This analysis is part of a more general evaluation of the OY specification described in an FMP (or plan amendment); if the mixed-stock exception is invoked, the resulting social, economic, and ecological benefits must be compared to the values resulting from the use of other measures, such as reducing the OY for healthy stocks in the mixed-stock complex (50 CFR 600.210(f)(6)). Second, councils must consider mitigating measures that reduce overfishing by, for example, modifying fishing strategy or gear configuration. The benefits of mitigation must be compared to those determined in the preceding assessment; the measures would only be implemented if they will result in greater benefits. Finally, permitted overfishing cannot result in eventual listing of the species (or evolutionarily significant unit thereof) under the Endangered Species Act (ESA). This mixed-stock exception may be considered in formulating rebuilding plans and could allow some modification in the recovery trajectory of overfished stocks.

National standard guidelines also distinguish the activity of “overfishing” from the status of a stock characterized as “overfished.” Overfishing is defined by the maximum fishing mortality threshold (MFMT); harvest mortality above this limit constitutes overfishing. A stock is considered overfished when its biomass falls below the MSST, which is defined as 25% of the unfished biomass for stocks managed under the groundfish FMP. Although sometimes causing confusion, this distinction is an important one. It can be seen that any combination of these two features may apply to a stock. For example a stock above the MSST may experience overfishing (because the MFMT is being exceeded). Conversely, an overfished stock (biomass below the MSST) may not be experiencing overfishing. In fact, stock rebuilding characterizes this second condition where historical overfishing has caused the stock to become overfished. Although overfishing is no longer occurring and the stock is rebuilding, the stock is considered overfished until it returns to the target biomass.

### 1.3.2 Summary of the Current Management Regime

Interim rebuilding plans and rebuilding analyses have been used since 2000 to guide the Council in deciding management measures for overfished groundfish stocks. Provisions in Amendments 11 and 12 of the FMP established a framework for their development and implementation, in a way thought to be consistent with the Sustainable Fisheries Act ([SFA], which re-authorized the Magnuson-Stevens Act and added new provisions). As specified in these draft rebuilding plans, rebuilding management measures would be adopted through the Council’s annual process of setting harvest specifications for the groundfish fishery. In addition to the draft rebuilding plans, rebuilding analyses (which are written by the stock assessment authors) and the EA or EIS for each year’s harvest specifications (used in the Council/NMFS decision making process) take into account the scientific and legal constraints on harvests imposed by the need to rebuild overfished groundfish fisheries. Although the Council has respected these constraints in its decisions to date, NMFS has the authority to reject these decisions because in the regulatory context they only represent recommendations to the Secretary.

The Council has typically chosen a risk-averse strategy when deciding on harvest levels for overfished stocks, based on recommendations contained in rebuilding analyses and given by the Council’s advisory bodies. Total mortality has been controlled by reducing trip and landing limits for co-occurring species in select target

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3/ The use of a low bound 50% probability is not specified in regulations; it is the result of litigation (*Natural Resources Defense Council v. Daley, April 25, 2000, U.S. Court of Appeals for the District of Columbia Circuit*).

fisheries, gear restrictions (e.g., the small footrope specification for landing shelf rockfish), seasonal closures (e.g., the recreational groundfish fishery seasons adopted in California), and area closures (e.g., the Rockfish Conservation Area).

The actual discard rate (or bycatch) of fish species that are overfished, which may differ among the various groundfish fishery sectors, is a critical uncertainty that must be addressed if effective measures to control total mortality and thus achieve rebuilding objectives are to be adopted. Until recently only landed catch was accurately monitored; logbooks maintained by the vessel operator provided imprecise estimates of total catch. As a result, fishery managers have found it difficult to accurately assess discards, and thus, total mortality. Bycatch and discard rate assumptions have become contentious and the focus of some recent legal challenges. However, NMFS implemented an observer program in August 2001, which allows direct observation of commercial bycatch and discard. Data from this program will promote more informed management decisions and allow managers to more effectively control total mortality of overfished groundfish stocks. Bycatch rate estimates based on observer data were first used as part of inseason management in mid-2003. As more observer data become available, different rates can be applied based on fishing location, season, and strategy. Thus far, bycatch has been formally modeled only for the limited entry trawl fishery. In the future, as the data set grows, limited entry fixed gear and open access sectors may be similarly modeled.

### **1.3.3 Summary of Litigation over Amendment 12**

In January 2000, NRDC along with other conservation organizations challenged the adequacy of Amendment 12 (*Natural Resources Defense Council v. Evans*) in Federal District Court. They claimed that rebuilding plans submitted pursuant to Amendment 12 were inadequate for two reasons. First, they did not take the form of FMPs, plan amendments, or regulations as required by the Magnuson-Stevens Act. Second, rebuilding plans could allow overfishing under the “mixed-stock exception.” The NRDC argued the overfished species provisions in the SFA demonstrate Congress’s intent to eliminate this exception, so rebuilding plans should not entertain this exception. The Plaintiffs also argued the EA accompanying Amendment 12 failed to consider a reasonable range of alternatives as required by NEPA. The Court found for the Plaintiffs on the claim that rebuilding measures must conform to the Magnuson-Stevens Act-mandated format of an FMP amendment or regulation, and the NEPA-related claim of an inadequate range of alternatives. The Court decided the second Magnuson-Stevens Act-related claim, on the validity of the mixed-stock exception, was not ripe for judicial review because the exception had not yet been applied to Pacific groundfish management. In response to its findings, the Court ordered NMFS to revise Amendment 12 so the rebuilding plan implementation process accords with Magnuson-Stevens Act and NEPA requirements.

### **1.3.4 Development of Rebuilding Plan Adoption Strategy**

Because of the litigation described above, in late 2001 work began on a new FMP amendment for the rebuilding plan adoption process that would be consistent with the Court's findings. The Council and NMFS published a Notice of Intent (NOI) to prepare an EIS on April 16, 2002 (67 FR 18576). According to this Notice, the EIS would evaluate two sets of alternatives: one set addressing the framework for rebuilding plan adoption (or the “process and standards”) and a second set evaluating different rebuilding strategies that could be adopted as a rebuilding plan. (These strategies are described in terms of targets and limits, such as  $T_{TARGET}$ ,  $T_{MIN}$ , and  $T_{MAX}$ , harvest control rules satisfying a given target, and potential management measures to constrain fishing mortality to levels determined by the harvest control rule.) Based on internal discussion, Council staff decided in late 2002 that the process and standards alternatives should be analyzed in a separate environmental document. Staff determined the process and standards proposed action is not likely to have significant environmental impacts and, therefore, could be analyzed in an EA. This approach allows these alternatives to be evaluated, and the FMP amended on a more accelerated track. In addition to simplifying the adoption of the rebuilding plan framework, preparation of the subsequent amendments that actually adopt the rebuilding plans can be prepared in a manner that conforms to the already-adopted framework. Because of this change of strategy, NMFS and the Council published a second NOI on March 18, 2003, (68 FR 12888) and identified an additional public scoping opportunity. As described above in Section 1.1, at least two related amendments will be prepared subsequent to this EA, adopting the rebuilding plans themselves.

## 1.4 Scoping Summary

### 1.4.1 Background to Scoping

The National Environmental Policy Act of 1969 (NEPA) requires that the public and other agencies be involved in the decision making process. "Scoping" is an important part of this process. Scoping is designed to provide interested citizens, government officials, and tribes an opportunity to help define the range of issues and alternatives that should be evaluated in the environmental impact statement (EIS). NEPA regulations stress that agencies should provide public notice of NEPA-related proceedings and hold public hearings whenever appropriate during EIS development (40 CFR 1506.6).

The scoping process is designed to ensure all significant issues are properly identified and fully addressed during the course of the EIS process. The main objectives of the scoping process are to provide stakeholders with a basic understanding of the proposed action, explain where to find additional information about the project, provide a framework for the public to ask questions, raise concerns, identify issues, recommend options other than those being considered by the agency conducting the scoping, and ensure those concerns are included within the scope of the EIS.

On April 16, 2002, NMFS and the Council published a NOI in the *Federal Register* announcing their intent to prepare an EIS in accordance with the NEPA for Amendment 16 to the Pacific Coast Groundfish Fishery Management Plan. The FMP would be amended to establish procedures for periodic review and revision of rebuilding plans and incorporate rebuilding plans for overfished groundfish species.

NMFS and the Council subsequently decided to prepare two (or more) separate analyses for these actions.

Therefore, on March 18, 2003, NMFS and the Council published a second NOI (68 FR 12888). This NOI:

- presented a schedule for a renewed scoping process, based on the change in approach;
- described a scoping meeting to be held on April 6, 2003;
- identified where additional information about the proposed project could be obtained;
- explained the roles of NMFS and the Council in the EIS and authorization processes;
- described the EIS process after scoping and presented a tentative EIS schedule;
- presented a brief summary of the history of rebuilding plans; and,
- described the alternatives being considered to date by NMFS and the Council for inclusion in the EIS.

Publication of the NOI announced a public and agency scoping comment period that ended on May 30, 2003. Establishing procedures for reviewing and revising rebuilding plans is not expected to result in significant environmental impacts. Therefore, an environmental assessment (EA) is being prepared for those actions, which will be implemented through Amendment 16-1 to the Groundfish FMP. An EIS will be prepared to evaluate the environmental impacts of implementing rebuilding plans for canary rockfish, darkblotched rockfish, lingcod, and Pacific ocean perch, four of the nine species currently declared overfished. This EIS also serves as Amendment 16-2 to the Groundfish FMP. These two environmental impact analyses are the subject of this scoping process. Rebuilding plans for the remaining five overfished species will be evaluated in subsequent environmental impact analyses. Public scoping for these additional analyses will be the subject of separate, subsequent public scoping periods, which are not summarized in this report.

This report summarizes individual scoping comments by categorizing the comments and by the types of issues raised. The report also describes how the Amendment 16-1 EA and Amendment 16-2 EIS incorporate these comments into an evaluation of the environmental impacts of the proposed actions.

### 1.4.2 Council Scoping and Agency NEPA Scoping

The Council process, which is based on stakeholder involvement, allows for public participation and public comment on fishery management proposals during Council, subcommittee, and advisory body meetings. The advisory bodies involved in groundfish management include the Groundfish Management Team (GMT), with representation from state, federal, and tribal fishery scientists; and the Groundfish Advisory Subpanel (GAP), whose members are drawn from the commercial and recreational fishery, processing, and conservation sectors. The Ad Hoc Allocation Committee, a subpanel of the whole Council, provides advice on allocating

harvest opportunity among the various fishery sectors. These opportunities all constitute the broadly defined Council scoping process, not all of which focuses on the scope and content of NEPA analysis. The Council and its advisory bodies considered rebuilding plans, and took public comment on them, at seven different meetings held in March, April, June, September, and November 2002; and April and June 2003.

In addition, NMFS and the Council hosted a public scoping meeting on April 6, 2003 at the Red Lion Hotel in Vancouver, Washington specifically for the purpose of getting comments on the scope of the NEPA analyses for rebuilding-plan related actions. Approximately 28 people attended. The meeting served two purposes: to listen to and record the public's comments about the proposed action and to respond to requests for background information. NMFS and Council staff were available to answer questions and offer explanations. All comments were documented as part of the administrative record.

### 1.4.3 Summary of Scoping Comments Received by the Council

Written and oral comments from 18 different sources were received during both Council scoping and the public scoping meeting held on April 6. A summary of commenters is provided below.

Comment source	Number of
Agency	1
Commercial fishing sector	9
Conservation organizations	4
Municipal government	1
Processing sector	2
Tribes	1
<b>TOTAL</b>	<b>18</b>

The number of times an issue is raised during the scoping process provides an indication of the issues that commenters are most concerned about. Scoping also helps agencies eliminate from detailed study issues that are not significant (40 CFR 1501.4(g)).

#### 1.4.3.1 Identification of Issues

Analysis of the comments received during the scoping process is an important step in identifying key concerns about the proposed project. The comments received during the scoping process were individually analyzed and can be separated loosely into four groups.

- Observations and opinions. These comments were not recommendations, but general observations and opinions about the management process, scientific validity, and other topics related to rebuilding plans.
- Issues outside the scope of the analyses.
- Recommendations relevant to this EA (for Amendment 16-1).
- Recommendations relevant the Amendments 16-2 EIS.

#### 1.4.3.2 Recommendations Brought Forward As Part of the Analysis

This section lists the recommendations used in structuring the environmental impact analysis and notes how they have been incorporated into this document. Although the comments summarized below are enclosed in quotes to set them off from the rest of the text, they are not taken verbatim from the written and oral comments received by the Council. Most have been reworded for clarity or brevity. Original written comments, and transcripts of oral comments, are available from the Council upon request.

#### Science and data

- "How do you measure whether fish are being rebuilt?"

*Chapters 1 and 3 will describe the targets used to determine stock status.*

## Flexibility

- “Commit to maintaining optimum yields (OYs) or sticking to the  $T_{TARGET}$ .”
- “Rebuilding measures should be in the Groundfish FMP so they have the best assurance of remaining in place.”
- “The habitat and bycatch and other management elements should be part of the Groundfish FMP, so that those standards are more difficult to change than under regulation.”
- “Resist the temptation to maintain maximum flexibility in rebuilding plans; it’s contrary to the Magnuson-Stevens Act and does not show a serious commitment to rebuilding.”

*These comments relate to the way in which rebuilding plans will be adopted, or come into effect, and the type of rebuilding strategy that will be pursued. These concerns will be addressed in the range of alternatives, specifically the options under Issue 1 in Chapter 2. Effects under this issue will be evaluated in Chapter 4.*

## Stock Assessment Timelines

- “Coordinate re-evaluation of rebuilding measures with stock assessments (should be done every two years, or change the law).”
- “Properly ensure stocks are being rebuilt (by conducting stock assessments every two years).”

*The schedule for evaluating the rebuilding process will be part of the alternatives presented in Chapter 2. The options under Issue 2 cover different review schedules.*

## Protected Species (Endangered Species Act)

- “If a higher standard for conservation is required under the Endangered Species Act (ESA) for a period of time until species are either de-listed or rebuilt, the Council should use that higher standard.”

*The possibility of an ESA listing will be accounted for in the range of alternatives, specifically the options under Issue 4 (see Chapter 2).*

## Precautionary Approach

- “Reduce exploitation rates to compensate for missing or uncertain ecological information.”
- “The lack of comprehensive data on the marine environment and species sustainability demands an ecologically protective approach to rebuilding.”

*These comments relate to the framework used for rebuilding overfished species, which will be discussed in Chapter 3.*

## Process

- “Clearly define terms (like F, harvest control rule, harvest rule).”
- “Include an end point for implementation in this process (don’t keep it open-ended).”
- “Make it clear to the public that there is a standard for  $P_{MAX}$ .”

*These comments relate to the process for adopting rebuilding plans and technical aspects of rebuilding, which will be discussed in Chapters 2 and 3.*

#### 1.4.4 Criteria Used to Evaluate the Impacts of the Amendment 16-1 Proposed Action

By screening and considering public comments and input from NMFS, Council staff developed criteria for assessing the impacts of the actions to be implemented under Amendment 16-1. The proposed action establishes a framework for adopting rebuilding plans; because it is primarily administrative, scoping determined that it would not directly affect the environment. For this reason, evaluation criteria focus on effects to the management regime. These criteria are:

The effect on administrative capacity. Complicated procedures for adopting and amending rebuilding plans would require more staff time, while simpler procedures would require less staff time. If more administrative capacity were devoted to adopting and amending rebuilding plans, there would be less capacity to address other management priorities. This could indirectly affect the environment to the degree that un-addressed priorities have a beneficial impact.

The effect on adaptive management. If the rebuilding framework makes it difficult to change the key rebuilding targets (such as the year by which the stock should be rebuilt) that are used to guide rebuilding management measures, it will be difficult to adapt to changing environmental conditions that produce new values for these parameters. This makes the management framework less adaptive and could lead to a situation where management measures do not support rebuilding. Conversely, if rebuilding targets can be changed easily, short-term socioeconomic impacts could take precedence in decision-making over long-term socioeconomic and environmental benefits. This too is not adaptive, since fixed management goals provide a boundary for short-term management responses.

The effect on public participation. Generally, procedural complexity provides more opportunity for public participation and comment. For example, some processes require more Council meetings to make a decision or have a statutory public comment period. Greater public participation can have a number of indirect environmental benefits. First, it forces decision-makers to consider a proposed action from different perspectives, sometimes revealing an environmental impact that the decision-maker would not have otherwise considered. Second, participation can achieve a greater level of buy-in by stakeholders, which can reduce controversy and increase support for and compliance with management measures.

In addition to evaluating the effect of the proposed action on the management regime, using the three criteria outlined above, the EA will also consider the effect of the choice of rebuilding strategy on the potential for successfully rebuilding overfished stocks. The choice of strategy affects options covering the form and content of rebuilding plans and standards for determining the need to revise rebuilding plans. Different strategies will be evaluated in terms of the policy and procedural risks that rebuilding will not occur within the time period identified in the rebuilding plan.