

## FINAL ADOPTION OF FMP AMENDMENT 16-1 AND AMENDMENT 16-2

**Situation:** There are nine overfished groundfish species on the West Coast managed under Council interim rebuilding measures adopted at previous meetings as either rebuilding plans or rebuilding strategies for yet-to-be completed rebuilding plans. As a result of litigation, the Federal District Court for the Northern District of California ruled in August 2001 that rebuilding plans for all nine species are required to be formally adopted as either fishery management plan (FMP) amendments or regulatory amendments, not as the policy documents the Council had adopted. Additionally, the court ruled the process of adopting the framework for rebuilding plans was inadequate under the National Environmental Policy Act (NEPA). This effectively means there are no approved rebuilding plans in place at this time.

The Council began developing a FMP amendment last year to: (1) framework the process and standards for incorporating rebuilding plans into the FMP or into regulations, and (2) incorporate species specific rebuilding plans into the FMP or into regulations. The Process and Standards for Rebuilding component (Amendment 16-1) was considered by the Council in June 2002, and a motion was passed restructuring the alternatives in the Process and Standards section. In November 2002, the Council chose preferred alternatives for all process and standards issues, except a part of Issue 1: the form and required elements of rebuilding plans. Although the Council recommended adopting rebuilding plan elements as regulations, the Council did not decide which elements should be adopted. At the April 2003 meeting the Council approved release of a Draft Environmental Assessment (EA) of Amendment 16-1, Process and Standards for Rebuilding Plans for public review. This was done between the April and June Council meetings to allow the public an opportunity to review the EA and comment to the Council at the June meeting. The Council task at this meeting is to consider final adoption of preferred alternatives for Amendment 16-1 before the EA is submitted to NMFS for approval.

The Council also began development of individual species' rebuilding plans as part of the Amendment 16 package last year. A preliminary draft of the Draft Environmental Impact Statement (DEIS) with analyses of rebuilding plans for four of the nine overfished West Coast groundfish species (darkblotched rockfish, Pacific ocean perch, canary rockfish, and lingcod) was presented to the Council as Amendment 16-2 in April 2003. The Council took comment on the structure of the DEIS and rebuilding plan alternatives, provided guidance on developing the DEIS, and directed Council staff to release the preliminary draft of the Amendment 16-2 DEIS for public review in advance of the June meeting. The Council task at this meeting is to consider final adoption of preferred alternatives for Amendment 16-2 before the DEIS is submitted to NMFS and the Environmental Protection Agency (EPA). A 45-day public comment period will ensue after EPA publishes a Notice of Availability of the DEIS later this summer. Final implementation of Amendment 16-2 by NMFS is anticipated for early next year. The remaining five overfished species' rebuilding plans will be analyzed in subsequent Amendment 16 packages. The next Amendment 16 EIS (Amendment 16-3) is tentatively scheduled for initial Council review in November.

### **Council Action:**

- 1. Adopt Preferred Alternatives for Amendment 16-1 for Implementation by NMFS.**
- 2. Adopt Preferred Alternatives for Amendment 16-2 for EPA Notice and Comment and Implementation by NMFS.**

### **Reference Materials:**

1. Draft Amendment 16-1 to the Pacific Coast Groundfish Fishery Management Plan; Process and Standards for Rebuilding Plans; Including Environmental Assessment and Regulatory Analyses (Exhibit B.13, Attachment 1).
2. Draft Amendment 16-2 to the Pacific Coast Groundfish Fishery Management Plan; Rebuilding Plans For Darkblotched Rockfish, Pacific Ocean Perch, Canary Rockfish, And Lingcod; Including Preliminary Draft Environmental Impact Statement and Regulatory Analyses (Exhibit B.13, Attachment 2).

3. Cumulative Effects Section (Chapter 5) for the Amendment 16-2 DEIS (Exhibit B.13, Attachment 3).
4. Public Scoping Comment Letter from the U.S. Environmental Protection Agency (Exhibit B.13.c, Attachment 4).

Agenda Order:

- a. Agendum Overview
- b. Reports and Comments of Advisory Bodies
- c. Public Comments
- d. **Council Action:** Adopt FMP Amendments 16-1 and 16-2 for Implementation by NMFS

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PFMC  
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