

NMFS REPORT ON NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)  
ANALYSIS NEEDS FOR A LICENSE LIMITATION PROGRAM  
FOR THE GROUND FISH OPEN ACCESS FISHERIES

NMFS conducted an internal scoping meeting prior to the Council's May 23, 2007 briefing book deadline to assess whether a licensing program for the open access fisheries should be analyzed via an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). Staff discussed the potential Purpose and Need statement for this action, the potential action alternatives, and the potential effects that such a program could have on various environmental resources within the West Coast Exclusive Economic Zone, the "action area." Based on that meeting, NMFS is recommending that the action alternatives be analyzed under NEPA via an EA, accompanied by appropriate analyses under other applicable laws, including among others, the Magnuson-Stevens Fishery Conservation and Management Act, the Regulatory Flexibility Act.

One of the first steps in the NEPA public process is to identify a Purpose and Need for the action under discussion. In its materials for this meeting, the California Department of Fish and Game (CDFG) has provided an initial draft Purpose and Need statement based on the FMP and the Council's Strategic Plan for groundfish fisheries. The straw alternatives CDFG is providing for Council consideration are tied to the Purpose and Need statement. NMFS recommends that the Council adopt a Purpose and Need statement at this June 2007 meeting and consider whether it has a range of alternatives adequate to meet the goals provided by the Purpose and Need statement.

With regard to the physical, biological, and socio-economic resources that a licensing program for the open access fisheries could potentially affect, NMFS believes that the effects of such a program on following resources should be analyzed within the EA:

- *Overfished Groundfish* – Low potential for significant impact. This action is not expected to affect the overall harvest levels of groundfish, but it could reduce capacity and participation in the groundfish fishery, which could in turn have a beneficial effect on overfished groundfish species by reducing gear interactions with those species.
- *Listed and Non-listed Salmonids* - Low potential for significant impact. The bycatch of salmonids (listed and non-listed) is low in the open access groundfish fishery. If capacity and participation in the groundfish fishery were reduced by this action, bycatch of salmonids could in turn be reduced.
- *Marine Ecosystem and Fish Habitat* -- Low potential for significant impact. This action is not expected to affect the overall harvest levels of groundfish, but it could reduce capacity and participation in the groundfish fishery, which could in turn have a beneficial effect on fish habitat by reducing fishing impacts to that habitat.
- *Community Economic Impacts* – Low to moderate potential for significant impact. The potential impact, if any, will be to the income of individual fishery participants. For many participants in the open access fishery, this fishery does not provide their primary income. In 2006, NMFS completed an Environmental Impact Statement (EIS) for

Amendment 16-4 to the FMP and the 2007-2008 Groundfish Specifications and Management Measures. That EIS included a comprehensive analysis of West Coast groundfish fishing communities and their engagement in various groundfish fisheries. Most West Coast fishing ports with groundfish landings have some vessels that land open access groundfish. Appendix A to the EIS evaluated fishing communities for their dependence on groundfish resources and for their vulnerability to changes in availability of groundfish harvest. This action would not alter the overall available groundfish harvest, but it would affect particular vessels in particular ports, either by providing those vessels with a potentially valuable license to participate in the fishery or by eliminating opportunities for those vessels to participate in the fishery. Port cities that Appendix A identified as both having some history of open access groundfish landings and a relatively higher dependency on availability of groundfish resources are: Astoria, Bellingham, Brookings, Coos Bay, Crescent City, Eureka, Fort Bragg, Morro Bay, Newport, Port Orford, and San Francisco. Historically, open access landings have represented a small proportion of groundfish revenue into most West Coast ports; however, a NEPA analysis for this action would need to consider the potential effects of the alternatives on these and other groundfish fishing communities.

- *Environmental Justice* – Low potential for significant impact. This action does not target low income or minority communities; it would affect all population segments equally. However, some West Coast fishing communities have open access fishery participants that are not native-English speakers. In particular, Vietnamese-Americans fish from several northern California ports, but few of them participate in the fishery management process. Fishing families from these same communities also participate in the limited entry groundfish fishery, so there are within-community networks of translators; however, NMFS NWR has not historically translated its groundfish fishery regulations from English into other languages. Some of the communities with relatively high open access fishery landings are considered vulnerable to shifts in groundfish fishing opportunity, although open access landings themselves may not make up the majority of groundfish fishing income to the community. This action does not alter or affect tribal treaty rights to or allocations of groundfish.
- *Safety of Human Life at Sea* - Low potential for significant impact. Potential impact, if any, is expected to be beneficial. NMFS does not now have a database of fishery participants. Federally licensing this fishery would provide NMFS with the ability to communicate with the fleet through safety outreach programs, possibly resulting in more safe behavior by fishery participants.
- *Cumulative Impacts* - Low potential for significant impact. Participants in the open access groundfish fisheries annually land less than 3%, by weight, and less than 10% by value, of all groundfish taken by commercial fisheries. This action would not affect the overall harvest levels of West Coast groundfish, although it could displace some open access fishery participants into other, non-groundfish fisheries, or into state waters fisheries. Many open access fishery participants typically do not rely on the groundfish fishery for their primary income and, it is anticipated that those who do would likely meet any permit qualification requirements the PFMC considers. The cumulative impacts of this action on the biological environment, if any, are expected to be negligible, unmeasurable, and insignificant. The cumulative impacts of this action on the socio-economic environment are also expected to be insignificant, given the relatively small contributions of this fishery and its participants to groundfish landings into and income generated within West Coast ports.