

THIRD AMENDMENT AND IMPLEMENTING REGULATIONS  
TO THE  
PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Incorporating the Environmental Assessment  
and  
Requirements of Other Applicable Law

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## ACRONYM LIST

CDFG	California Department of Fish and Game
Council	Pacific Fishery Management Council
CRS	Congressional Research Service
CZMA	Coastal Zone Management Act
DOI	U.S. Department of Interior
DOE	U.S. Department of Ecology
EA	Environmental Assessment
EEZ	exclusive economic zone (formerly called FCZ)
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMP	fishery management plan
GAP	Groundfish Advisory Subpanel
GMT	Groundfish Management Team
LCDC	Land Conservation and Development Commission
MFCMA	Magnuson Fishery Conservation and Management Act
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service
MSY	maximum sustainable yield
mt	metric ton
NAS	National Academy of Sciences
NCFVSI	National Council of Fishing Vessel Safety and Insurance
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NRC	Natural Resource Consultants
ODFW	Oregon Department of Fish and Wildlife
OY	optimum yield
PacFIN	Pacific Fisheries Information Network
P.L.	Public Law
PRA	Paperwork Reduction Act
RFA	Regulatory Flexibility Analysis
RFMC	Regional Fishery Management Council
RIR	Regulatory Impact Review
SSC	Scientific and Statistical Committee
WCZMP	Washington State Coastal Zone Management Program

## EXECUTIVE SUMMARY

This document provides an analysis of the impacts of the third amendment to the "Pacific Coast Groundfish FMP and EIS for the California, Oregon, and Washington Groundfish Fishery." Amendment 3 addresses two issues relevant to the Pacific coast groundfish fisheries. These issues include:

1. incorporate habitat considerations into the FMP
2. incorporate provisions to consider and, if appropriate, provide for temporary adjustments due to unsafe weather or oceanic conditions

Alternative actions considered by the Council for each of these issues are briefly described below.

### Issue 1 - Incorporate Habitat Considerations into the FMP

The recent amendment to the MFCMA requires that all FMPs and amendments submitted by the Council for approval and implementation after January 1, 1987 must include habitat conservation considerations and provisions. Therefore, this issue is a mandatory part of the amendment.

The impact of the additional information and documentation should help to provide more effective and timely guidance in the protection and enhancement of habitat for stocks under Council jurisdiction. It should reduce the duplication of effort and expense by developers and management agencies in assembling and disseminating habitat information and should help focus Council and agency actions with respect to habitat management activities. No federal regulatory changes are required by this amendment.

### Issue 2 - Temporary Adjustments to Fishery Access Due to Unsafe Weather or Oceanic Conditions

The recent amendment to the MFCMA also requires that all FMPs must consider the need to make adjustments to fishing seasons when weather or other oceanic conditions make it unsafe for vessels to fish during the scheduled season. In considering any adjustments, the Council must consult with the U.S. Coast Guard.

Two options were considered (1) status quo, i.e., do not establish more formal provisions for considering weather-related vessel safety and (2) require the Council and regional director by regulation to consider vessel access and weather-related safety.

The Council adopted Option 1, the status quo. Without any regulatory changes, the current FMP already allows for consideration of adjustments for vessel access precluded by unsafe weather or ocean conditions. This option meets the requirements of the MFCMA amendment and is the least cost alternative.

## INTRODUCTION

The domestic and foreign groundfish fisheries in the EEZ of the United States (3 to 200 miles offshore) in the Pacific Ocean off the coasts of California, Oregon, and Washington are managed under the "Pacific Coast Groundfish FMP and EIS for the California, Oregon, and Washington Groundfish Fishery." The FMP was developed by the Council under the MFCMA. It was approved by the Assistant Administrator for Fisheries of NOAA on January 4, 1982 and became effective on September 30, 1982. Implementing regulations were published in the Federal Register on October 5, 1982 (at 47 FR 43964) and appear at 50 CFR 663 and Part 675. Two amendments to the FMP have been implemented. This document describes and assesses the potential effects of changes that constitute Amendment 3 to the FMP.

The Council conducts a scoping session to determine the need for amending the FMP on an annual basis and to obtain public input on needed changes. Amendment proposals are further developed by the Council's GMT and reviewed by the Council's industry advisors and SSC. These advisory groups make recommendations to the Council on which proposals merit consideration for the current year's amendment cycle. Amendment proposals and appropriate alternatives are analyzed by the GMT for their efficacy and their potential biological and socio-economic impacts. After reviewing this analysis, the industry advisors and SSC make recommendations as to whether the amendment alternatives should be rejected or changed in any way, whether and how the analysis should be refined, and whether to release the analysis for general public review and comment. At its September 16-17, 1987 meeting, the Council received these recommendations and public testimony and decided to release the analysis of the amendment proposals and alternatives contained in this document. The Council considered public comments on this analysis at a public hearing in conjunction with its November 1987 meeting. The Council then decided based on this analysis, public comments, and the recommendations of its GMT, SSC, and industry advisors which amendment alternatives to recommend to the Secretary of Commerce for approval and implementation.

### List of Amendment Proposals

Two proposals which are being considered by the Council to address requirements of P.L. 99-659 (recent amendments to the MFCMA), constitute Amendment 3 to the FMP.

- Incorporate habitat considerations into the FMP
- Establish procedures for considering weather-related vessel safety

### Environmental Assessment

Part of the analysis in this document provides an EA (Appendix A) that is required by NOAA to comply with NEPA. The purpose of the EA is to analyze the potential impacts on the quality of the human environment of major federal actions. The EA serves as a means of determining if significant environmental impacts could result from a proposed action. If the action is determined not to be significant, the EA will result in a finding of no significant impact. This EA then would be the final environmental document required by NEPA.



Appendix B contains a review of the amendment's consistency with federal and state coastal zone management programs, and Appendix C provides a review of other applicable law.

#### Regulatory Impact Review

An RIR is required by NOAA for all regulatory actions or for significant policy changes that are of public interest. This amendment requires no regulatory action, nor is it a significant policy change. Therefore, no RIR is required.