



Marine Conservation Alliance

promoting sustainable fisheries to feed the world

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Fishery Review Provisions Enhance Environmental Analysis Strengthen Public Participation, MCA Says

The Marine Conservation Alliance (MCA) (www.marineconservationalliance.org) supports a proposal by the National Marine Fisheries Service to better incorporate the environmental review process of the National Environmental Policy Act (NEPA) into the nation's fishery conservation and management programs. MCA believes the revised procedures are a reasoned approach for reviewing the environmental impacts of proposed fishery management actions that will strengthen the public's role in the process.

"These revised procedures preserve and enhance the process for analyzing the environmental effects of fishery management actions and strengthen the public comment process," said MCA executive director David Benton. "Numerous opportunities already exist for the public to participate in the decision-making process; these revised procedures would clarify the where, when and how the public is involved."

The revisions were called for by Congress during the latest re-write of the Magnuson Stevens Act (MSA) the law that regulates fishing in the nation's marine waters.

"Differences in the review processes under the two statutes have led to past confusion and cumbersome bureaucratic delay," Benton said. "Currently it can take up to two years to get conservation actions through the review process. That is too long when fish stocks are at risk."

The revision is intended to integrate analytical procedures into the process by which fishery management plans are developed and approved while conforming to the MSA's time lines for review and approval of fishery management plans and amendments. The new proposed rules do not change the roles of the Regional Fishery Management Councils to develop recommended fishery management plans or the National Marine Fisheries Service (NMFS), which can approve or reject a plan but cannot substitute its judgment for that of the Council.

Similarly, the proposed rule does not alter the structure of NEPA as a procedural statute that requires agencies evaluate and be aware of the environmental consequences of

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Alyeska Seafoods

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Aleutian Islands Brown Crab
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Community Development
Association

Akutun, Atka, False Pass, Nelson Lagoon, Nikolski, St.
George

At-Sea Processors Association

Bristol Bay Economic
Development Corp.

Aleknagik, Clark's Point, Dillingham, Egegik, Ekwok,
Ekwok, King Salmon, Levelock, Manokotak, Naknek,
Pilot Point, Port Heiden, Portage Creek, South Naknek,
Togiak, Twin Hills, Ugashik

Central Bering Sea Fishermen's
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St. Paul

City of Unalaska

Coastal Villages Region Fund

Chefornak, Chevak, Eek, Goodnews Bay, Hooper Bay,
Kipruk, Kongiganak, Kwigillingok, Mekoryuk, Napaskiak,
Napaskiak, Newtok, Nighthute, Oscarville, Platinum,
Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak,
Turunak

Groundfish Forum

High Seas Catchers

Cooperative

Icicle Seafoods

Mid-Water Trawlers

Cooperative

Mothership Group

PV Excellence
PV Ocean Phoenix
PV Golden Alaska

Norton Sound Economic
Development Corporation

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Stebbins, Teller, Unalakleet, Wales, White Mountain

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Peter Pan Seafoods, Inc.
Premier Pacific Seafoods, Inc.
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UniSea Inc.

Wards Cove Packing Company
Western Alaska Fisheries, Inc.
Westward Seafoods, Inc.

Prowler Fisheries

Trident Seafoods Corp.

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Arctic Enterprise Assoc.
Mothership Fleet Cooperative
Northern Victor Fleet
Peter Pan Fleet Cooperative
Unalaska Co-op
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U.S. Seafoods

Waterfront Associates

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Yukon Delta Fisheries

Development Association

Alakanuk, Emmonak, Grayling, Kotlik, Mountain Village,
Nunam Iqaa

proposed actions. NEPA sets up procedures designed to provide for full consideration of environmental impacts, but is not a substantive statute that dictates the final decision.

The new procedures merge the NEPA and MSA review processes to ensure that thorough analyses are being done in a timely fashion. The proposed revision does not reduce the public comment period from 45 days to 14, as some have claimed; the proposal provides for a comment period of “at least 45 days” in advance of the meeting where the Council may take action. This further integrates environmental considerations into the MSA process and provides the Council with the benefits of the public’s analysis prior to making a decision. It allows for a shortening of the comment period to “no less than 14 days” if there is a resource emergency or a need to act quickly to prevent harm to the environment, but this is not an automatic 14-day comment period. It is a reasoned approach to establishing a framework within which to deal with special circumstances. Current law actually allows for emergency regulations to be implemented without any public comment.

MCA further believes that the regional fishery management councils are the appropriate forum for the public process to occur. “The Council process is open and transparent; there are not only commercial fishermen on the councils but recreational fishermen, tribal representatives, federal fishery managers and state fishery managers,” Benton said.

Benton noted a January study by the Anchorage, Alaska-based *Institute of the North* that detailed the conservation record of the North Pacific Fishery Management Council (NPFMC). The report points out that the NPFMC has consistently followed the recommendations of its scientific advisors in setting catch quotas and making other decisions. Copies of the report, “Conflict of Interest Standards and Regional Fishery Management Councils,” are available at www.marineconservationalliance.org.

Overall, MCA believes that these proposed provisions will improve the process, contrary to claims by critics. “While some of the procedures need some refinement, it is important that the public understands that they do not weaken the conservation requirements of the law, and they do not give more power to the Councils or the Secretary than they already have under the MSA. And most importantly, the public is involved in the decisionmaking process all along the way,” Benton said.

About the Marine Conservation Alliance

The MCA is an Alaska-based fishing industry trade association whose members include most of the fishermen, vessel owners, and seafood processors as well as coastal communities and others involved in groundfish and crab fisheries in the Bering Sea and Gulf of Alaska.

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Eds Note: MCA’s letter to the Secretary of Commerce regarding the proposed review provisions is available at

http://www.marineconservationalliance.org/news/MCA_MSA_NEPA_20080811.pdf