



Withdraw the NEPA Proposed Rule

Our oceans are in trouble. Fisheries are collapsing, pollution is creating dead zones, global warming is causing the death of corals, and now the National Marine Fisheries Service (NMFS) is proposing a rule that threatens to completely undermine application of the law that protects ocean ecosystems. Congress and President Bush recently revised our nation's primary fishing law, the Magnuson-Stevens Act, with bold new provisions to strengthen ocean fish management. So far, however, successful implementation of these improvements is being hindered by the very agency charged with protecting and managing our ocean fisheries. This is evidenced by NMFS' recent proposal to revise environmental review procedures under the National Environmental Policy Act (NEPA).

NEPA's goal is to ensure that public officials make informed decisions about the environmental consequences of their actions. The law requires a thorough environmental review with full public participation. NEPA reviews have a long history of environmental success; the law has made it possible to protect thousands of square miles of coral formations, reduce mortality of endangered sea turtles and begin the rebuilding of depleted fish populations.¹

Unfortunately, NMFS recently proposed a new environmental review process that severely weakens the application of NEPA to ocean fisheries management and threatens the ocean legacy of the Bush Administration. This proposal is so fundamentally flawed that we urge NMFS to withdraw it completely and craft a new rule that will ensure the protection of our ocean ecosystems.

Under the current NMFS proposal:

- **Fishery managers would be allowed to make decisions without adequately considering the impacts on other marine life such as seals, corals and endangered sea turtles.**

The rule proposed by NMFS creates loopholes which would allow fishery managers to conduct inadequate environmental reviews of proposed fishing activities by limiting the scope of the analysis and the management alternatives that may be considered, thus undermining informed decision-making.

- **The public's ability to participate in decisions about the future of our oceans would be significantly limited.**

NMFS has the ability to reduce the public comment period for draft environmental reviews from 45 days to just 14 days. Furthermore, members of the public are prohibited from future participation if they do not comment

during this initial round, while fishery managers are allowed to adopt last-minute alternatives after the close of the comment period. We all have a stake in healthy oceans, but the NMFS proposal unacceptably gives the last say to a small group of fishery managers, many of whom have a financial stake in the decision.

■ **Responsibility for conducting environmental review is inappropriately given to the regional fishery management councils who have mismanaged our ocean fish for decades.**

The Magnuson-Stevens Act and NEPA clearly mandate that NMFS has a legal responsibility to oversee the environmental review process for fishery management decisions. Contrary to Congressional intent, the new proposal transfers this power to regional fishery management councils, which are often dominated by fishing interests and have been responsible for decades of mismanagement and declines in our ocean resources.²

With over 40 ocean fish stocks in the United States currently subject to overfishing, and with declining ocean health due to pollution, coastal development, and global warming, NMFS must implement fishery management measures based on sound environmental review. Unfortunately, the agency's recent proposal does not do so. By withdrawing the rule and re-writing it to address the above concerns, NMFS can protect ocean ecosystems and the livelihoods of those who depend on them.

For more information, please contact:

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Please also visit our new website for more resources at www.endoverfishing.org.

¹ For more information, please see the Pew Environment Group fact sheet "The National Environmental Policy Act (NEPA) a Success Story": www.endoverfishing.org/resources/FactSheetNEPA-fnl.pdf.

² For more information, please see the Pew Environment Group fact sheet "Conflicted Councils: How the Nation's Regional Fishery Management Councils Threaten President Bush's Commitment to Strengthen Fisheries Management": www.endoverfishing.org/resources/FactSheet-ConflictedCouncils-fnl.pdf.