

The Sacramento Bee

www.sacbee.com

LEE CROCKETT & PHILIPPE COUSTEAU Playing shell games with sea turtles

Sea turtles, despite the best efforts of conservationists, are still in peril; all seven species are listed under the Endangered Species Act. The most at risk is the Kemp's ridley, which has about 7,000 nesting females, down from 42,000 in 1947.

But things would be still worse if not for the National Environmental Policy Act, which mandates the assessment of any federal action that could harm sea turtles - or, for that matter, any species. Unfortunately, the National Marine Fisheries Service, through a recently proposed draft rule, is now trying to subvert not only the spirit but possibly even the letter of the law.

The agency has proposed doing away with environmental impact statements on federal fisheries management actions. And through a series of loopholes, the proposal gives unreasonable power to fishery management councils - the advisory groups comprised largely of representatives of the commercial and recreational fishing industries. These councils often do not prioritize the health of the ocean environment - especially the fish, birds or turtles they accidentally catch and kill, but cannot sell.

NEPA requires that federal agencies consider - though not necessarily follow - less damaging alternatives to current practices, and prepare an environmental impact statement to evaluate the broader environmental and economic impacts of each option. Just as importantly, NEPA gives the public a chance to have its say by commenting on government decisions regarding the management of our public resources.

When NEPA is enforced, it works well. In 2000, for example, Judge David Ezra issued a court order that closed a swordfish fishery because the National Marine Fisheries Service had not prepared the evaluation required by NEPA, and the fishery was accidentally killing many marine turtles in the West Central Pacific.

When the agency did prepare the statement, it determined that using certain kinds of hooks and modified bait techniques would not affect the number of swordfish being caught, but would reduce the number of sea turtles being hooked and drowned on fishing lines. After the modified gear was in place, the fishery was allowed to reopen.

In place of this tried and true system, the fisheries service proposes a new type of environmental review process, with watered-down planning requirements that would allow fishing interests to decide how much information about the impacts of a proposed fishery management action should be studied and reported to the public for comment. The draft rule would even give industry the power to decide what information is "significant" and would specifically restrict discussion of issues deemed insignificant.

The government's proposed rule also shortens the minimum period for public comment on an environmental impact statement from 45 to 14 days. Under current law, this can only be shortened with the approval of the White House's Council on Environmental Quality or the Environmental Protection Agency. But no outside review or approval would be required to reduce public comment on the proposed new process.

Furthermore, the draft NEPA rule prohibits the public from commenting on the potential environmental impact of a proposed fishery management decision unless the same concerns had been raised earlier. This restriction holds true even if the part of the final fishery management proposal the public finds objectionable was not included in initial draft documents released to the public.

Public comments are more than just the passing thoughts of people stopped on the street during one of Jay Leno's famous "Jaywalking" segments. The ability of citizens to provide direct input to government officials about the potential

impacts of proposed actions is at the core of an open society and a fundamental right in a healthy democracy. And for decades, NEPA has been an invaluable tool in ensuring that we, the public, have a say about the possible impact of federal government action that could affect our lives, our resources and our environment.

The National Marine Fisheries Service had a real opportunity to draft a rule for the application of NEPA that would better protect our ocean resources. Instead, it has come up with an extraordinarily complicated proposal that would take the power to protect marine life - inherently public resources - such as sea turtles, out of the hands of the public and turn it over to the fishing industry.

Rather than weakening efforts at conservation, the agency should withdraw this ill-conceived proposal and start over.

*Lee Crockett
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Also printed in:

1. TALLAHASSEE DEMOCRAT

"Proposal plays shell game with sea turtles" (Lee Crocket, Philippe Cousteau – September 2, 2008)

2. BELLEVILLE NEWS-

DEMOCRAT "Playing shell games with sea turtles" (Lee Crocket, Philippe Cousteau – August 28, 2008)

3. BELLINGHAM HERALD

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9. OLYMPIA OLYMPIAN

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10. RALEIGH NEWS &

OBSERVER "Playing shell games with sea turtles" (Lee Crocket, Philippe Cousteau – August 28, 2008)



Fisheries Rule Cuts Public Participation

A Commerce Department proposed rule governing fisheries management threatens to curb public participation in environmental reviews and give greater control to the fishing industry. The public comment period for the proposed rule ended on Aug. 12.

Of the almost 200,000 public comments received, opponents argued that the rule would result in less time for the public to comment on the environmental impacts of fishery management actions, fewer alternatives considered, fewer actions reviewed, greater control by managers with financial conflicts of interest, and an unwelcome precedent.

Proposed in May, the rule would define how managers of the nation's fisheries comply with the National Environmental Policy Act (NEPA), one of the country's bedrock environmental laws. NEPA requires federal agencies to examine the environmental effects of proposed actions and to inform the public of the environmental impacts considered during an agency's decision making process. An essential element in the NEPA process is the requirement to make available

to the public environmental impact information, including the impacts of various alternative actions, and to give the public opportunity to participate in the decision making process.

The proposed rule is the result of congressional reauthorization of the primary law governing the management of fisheries, the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Congress instructed the Commerce Department, through its National Marine Fisheries Service (NMFS), to better align the environmental review procedures of the MSA with those of NEPA. Congress's intent was to streamline the environmental review process in the context of fishery management.

Instead, the Commerce Department proposed a new rule that would create additional procedures and new forms of documentation that, according to conservation advocates, would make the procedures more complex. The proposed rule would reduce public input and increase the number of actions that would receive no environmental review at all by expanding the scope of categorical exclusions —

categories of actions that fishery managers would not need to review for environmental impacts.

In addition to the hundreds of thousands of public comments opposing the proposed rule, 80 members of Congress have also expressed their opposition, including a letter joined by 72 members of the House of Representatives. The letter states that the proposed rule fails to meet congressional intent made clear during the reauthorization of the MSA. Hundreds of scientists and environmental organizations have also signed on to oppose the rule.

Among the changes proposed by the rule is a reduction of the public comment period for environmental analyses, from 45 to 14 days, under certain circumstances. Some fishermen and others have expressed concern that two weeks is insufficient time to evaluate the sometimes hundreds of pages of complex information contained in new management actions and their environmental reviews, especially given that fishermen may often be at sea for longer than 14 days at a stretch.

The rule's opponents argue

that too much power over environmental reviews would be placed in the hands of the fishing industry. The MSA, signed in 1976, established eight regional fishery management councils to recommend regulations to NMFS and to defend U.S. fisheries from foreign exploitation; it did not vest these councils with overseeing environmental and conservation issues. The councils are mostly composed of members of the fishing industry appointed in a heavily political process. The councils play the primary role in developing fishery management plans, which then must be approved or rejected by NMFS. More than 97 percent of the councils' recommended management actions are approved by NMFS.

The councils are exempt from the conflict-of-interest restrictions of the Federal Advisory Committee Act, and 60 percent of the appointed council members have a direct financial interest in the fisheries that they regulate, according to the reports *Conflicted Councils* and *Taking Stock* by the Pew Charitable Trusts. The same studies found that more than 80 percent of the appointed council members represent fishing interests, with few or no conservation groups represented. Moreover, the councils have been criticized frequently for mismanagement and failing to heed recommendations of their scientific advisory

groups, leading to overfishing and bycatch problems. The new proposed rule draws heavily on recommendations from the councils.

Additionally, the proposed rule would restrict public comment to issues raised in previous rounds of public input. Fishery management councils could bring new proposals midway through the public comment process, and public scrutiny of the newly raised issues would be prohibited. The rule also gives the councils authority to decide the scope of the environmental analyses of measures and which new measures would even qualify for environmental review.

Understandably, several of the fishery management councils have come out in support of the new procedures, claiming they will reduce the amount of time needed to enact management decisions and reduce redundant paperwork. However, conservation groups have pointed out that the existing environmental reviews under NEPA do not add time to the decision making process prescribed by the MSA. Other fishing groups have sided with the opponents of the proposed rule, pointing out that the new procedures would curtail public involvement by smaller fishing interests not represented among the politically appointed council memberships.

Conservation groups have also raised the prospect that

the new procedures designed for the Department of Commerce would set a precedent for other federal agencies to design unique procedures for their own NEPA compliance, perhaps further reducing public participation and the scope of the alternatives considered during environmental reviews. The NEPA environmental review procedures are often regarded by federal agencies as burdensome, and the prospect of having to do fewer analyses may tempt agencies to craft new procedures.

Opponents of the rule also point to more than thirty years of case law and administrative experience with NEPA that have informed the existing procedures. The departure from this history embodied in the proposed procedures could increase the likelihood of legal actions should the rule be finalized and implemented in its current form.

Recent studies have shown that the world's oceans are in poor health, suffering from the combined problems of climate change, overfishing, habitat loss, and pollution. The most recent NMFS data show that 20 percent of managed fish stocks are overfished or subject to overfishing, but this figure only represents the small portion of stocks for which the agency has enough data to make a determination. According to a report by the Pew Environment Group,

globally, one quarter of fish stocks are overexploited, depleted, or recovering from depletion because of excess fishing. In addition, half of the world's fish stocks are on the verge of being overfished. Fish stocks in U.S. waters have been declining for at least 30 years.

Actions that impact these stocks and their habitats have been dominated by the industries that exploit them. Greater public participation and more public information and analyses of environmental impacts — which NEPA is designed to require — could help improve the situation. As the critics have argued, the proposed fisheries rule moves in the opposite direction.

8/18/2008

The Virginian-Pilot

183,024 readers (daily, print)

Shredder is Overheating in Bush's Final Moments

Generally speaking, it is a very bad idea to enlist hungry foxes to guard the chickens, since they rarely have the birds' best interests at heart. In the waning days of this White House, doing so is called "streamlining," presumably because it gets food into the foxes faster.

The administration is hard at work in its last months gutting decades of environmental and wildlife regulation. That the moves defy both the legislative and judicial branches of the government is just a bonus.

According to the draft regulations, obtained by the Associated Press, the White House intends to allow federal agencies to skip an independent review designed to determine whether a project threatens animals or wildlife. Instead, the agencies would do the assessments themselves.

The whole reason that agencies were required to submit to such tests was because they weren't able to see beyond their own narrow interests - in building a dam, in locating a military base, in expanding a highway - to the larger public interest in protecting species.

The regulations, which don't require congressional approval, would amount to the biggest changes in endangered species law in decades.

The new rules would also forbid the federal government from considering the greenhouse gas emissions of a project in determining the effects on threatened species. That's nothing more than a backdoor attempt to circumvent the administration's own conclusion that global warming is killing polar bears.

The Endangered Species Act isn't the only environmental regulation the administration seems determined to leave in tatters.

According to Pilot writer Catherine Kozak, the National Marine Fisheries Service has proposed replacing environmental impact analyses and shortening public comment periods when developing or changing rules for fisheries management. The goal is to shut citizens out, or at least to mute their voices.

"They're throwing out 40 years of case law," said Sera Harold Drevenak, South Atlantic representative with the Marine Fish Conservation Network. "I don't see how it's making anything any simpler. To start over from scratch is ridiculous."

Or sublime, depending on your perspective.

Nobody advocates unnecessary regulation that masks a political agenda. But the administration seems bent on doing away with environmental regulation simply because it doesn't like the result, or the interpretation by regulators, Congress or the courts.

For eight years now, there have been plenty of hints that the Bush administration had no qualms about entrusting foxes with keys to the White House, as when the vice president encouraged oil companies to craft the nation's energy policy, or when politicians were encouraged to use the Justice Department to settle scores.

The effect of the White House push on the environment is likely to be measured largely by the time opponents will waste fighting them.

The resulting uncertainty will also paralyze precisely the projects the revisions were designed to speed, because whoever is elected next to guard the nation's henhouse will almost certainly change the rules yet again.

August 12, 2008

MarketWatch

23.4 million unique users (monthly, online)

Administration Receives Roughly 200,000 Comments Opposing Its Fisheries Proposal

Healthy oceans, fishermen threatened by short-sighted rule

WASHINGTON, Aug 12, 2008 /PRNewswire-USNewswire via COMTEX

The Pew Environment Group today joined 80 congressional leaders, hundreds of scientists and environmental and fishing organizations, and nearly 200,000 members of the general public in urging the National Marine Fisheries Service (NMFS) to rewrite its proposed fisheries rule that would undercut the nation's bedrock environmental law, the National Environmental Policy Act (NEPA).

Approximately 200,000 citizens filed comments urging the Administration to start over and draft a new proposal with more conservation measures. Recognizing that healthy fisheries require healthy ocean ecosystems, the public comments support the need for a strong NEPA rule to protect America's marine fisheries.

"Our oceans are under assault from global warming, pollution and industrial-scale fishing, yet NMFS has proposed weakening the one

law that protects entire ecosystems," said Lee Crockett, director of federal fisheries policy for the Pew Environment Group. "This NEPA proposal isn't just bad for our oceans, it's also bad for the fishermen who depend on them for their livelihood."

As written this proposal vests too much authority in the fishery management councils while limiting the public's ability to participate in the environmental review process. It also provides too little guidance on how NEPA can be used to evaluate and minimize fishing's impacts on marine ecosystems.

A landmark study published in the journal Science on November 3, 2006, by an international group of ecologists and economists, concluded that if we do not protect our ocean ecosystems, commercial fishing will not survive past the middle of this century.

Eighty members of Congress, including five House committee chairs, signed letters to NMFS calling on the Administration to craft a

proposal that protects, rather than threatens ocean ecosystems. In addition, 79 leading scientists and 160 environmental organizations and commercial and recreational fishing associations signed a similar letter, also urging NMFS to protect the nation's ocean environment. To read the letters, go to www.endoverfishing.org.

"NEPA has played an important role in protecting critical habitats for ocean fish," continued Crockett. "To cripple the use of this fundamental law would be a huge step backward for ocean conservation and U.S. fishermen. If NEPA is undermined, fishermen will suffer yet another blow to their ability to make a living."

The National Marine Fisheries Service published its proposed rule on May 14, 2008, in the Federal Register. The 90-day public comment period closes August 12.

8/9/2008



Stay involved in ocean politics

50,000 readers (daily, print)

Op-ed

One of the cornerstones of U.S. environmental legislation is the National Environmental Policy Act, which was signed into law in 1970 by President Nixon.

The act's beauty is its simplicity, breadth and allowance for citizen participation.

Section 101(a) reads: "The Congress, recognizing the profound impact of man's activity ... particularly the profound influences of population growth ... declares that it is the continuing policy of the federal government, in cooperation with state and local governments, and other concerned public and private organizations, to use all practical means and measures, including financial and technical assistance, to foster and promote the general welfare [and] to create and maintain conditions under which man and nature can exist in productive harmony."

In practical terms, the act requires that any federal activity having a significant environmental impact be subjected to a thorough analysis of those effects (an environmental impact statement).

If the effects are major, alternative actions must be evaluated. Throughout the process, there is ample opportunity for public participation. This process is being followed for Santee Cooper's proposed new coal-fired power plant.

I am writing today's column from the nation's capital, where I have been meeting with the environmental staff of several U.S. House of Representatives members from South Carolina, North Carolina and Georgia. My purpose for these meetings is to urge them to inform the National Marine Fisheries Service that proposed new regulations describing how the National Environmental Policy Act applies to ocean fisheries management contradicts the spirit and intent of the act and are not acceptable.

OK, so this is not the most exciting or interesting activity I've written about.

But if you care about the oceans, if your livelihood depends on the oceans, if you eat seafood, and if you think that citizens should have a say in actions that may harm the marine environment, then the compliance of the Marine Fisheries Service with the Environmental Police Act is not irrelevant.

In short, the Marine Fisheries Service wants to let fishing interests have a disproportionately larger say about fishing issues with environmental impacts than scientists, other specialists, and the public. It particularly offends me that this action would limit the public's ability to comment

on fishery issues.

Individuals can make a difference.

One congressional staffer told me, "We would much rather hear from a concerned individual than a paid lobbyist."

The Marine Fisheries Service will decide the issue after Tuesday. Go to www.endoverfishing.org for more information and to comment on the proposal.

DAN ABEL is an associate professor of marine science at Coastal Carolina University and director of the CCU Campus and Community Sustainability Initiative.

Seattle Post-Intelligencer

127,584 readers (daily, print)/1.7 million unique users (online)

August 7, 2008

Boatload of comments on marine protections

By Lisa Stiffler

Environmentalists rallied today at Magnuson Park to load a boat with comments for the National Marine Fisheries Service (NMFS) office in Seattle demanding that the Bush administration back off on plans to weaken ocean protections.

Here's what they're worried about, according to a press release from the nonprofit group, Environment Washington:

This proposal would gut the 30-year-old National Environmental Policy Act (NEPA) as it applies to fishery plans in the oceans that affect ocean animals like whales, dolphins, sea turtles, sea birds and fish. NEPA is the country's preeminent conservation law. It would stifle public participation in

fishery management decisions and allow fishery managers to make decisions about fishing without fully considering the impacts on marine ecosystems.

The environmentalists said they've gathered 200,000 comments on the planned changes to NEPA, a "record number of official public comments ever generated on any ocean issue." Comments were also submitted at NMFS offices in Gloucester, Mass., St. Petersburg, Fla., and La Jolla, Calif.

They're hoping the demonstration holds some sway as ocean protection is the environmental issue that Bush seems to be interested in as his "blue legacy."

Last month, he approved the Papahanaumokuakea

Marine National Monument in the northwestern Hawaiian Islands, covering nearly 90 million acres.

More on Bush and oceans comes from Hearst's The Daily Green:

The word around DC is that Bush is considering use of the Antiquities Act to establish a few more really big monuments in the Pacific and Gulf of Mexico. Ocean advocates are whispering tempting legacy thoughts into Bush's ear about being the "Teddy Roosevelt of the seas."

The public can comment on the NEPA proposal through Tuesday by sending an email to: NEPAprocedures@noaa.gov with a subject line of "MSA Environmental Review."



8/7/2008

Environmentalists Take Stand Against Offshore Drilling



Environmentalists are taking a stand against President Bush's plans for offshore drilling and changes to fishery management. But supporters say it's needed so they country can become less reliant.

It's a public display of support for the oceans and the animals that live there.

"If I don't say anything, who's going to? Someone has to speak out. Someone has to make a change and we need to stop this now," said Lauren McClain of Environment California.

Today Environment California delivered thousands of official comments to the National Marine Fisheries Service. The comments criticize President Bush's future plans.

"This is 150,000 comments that have been collected throughout the United States. It is the largest public comment that has ever been delivered on an ocean protection issue," said

At issue is the Bush administration's plan for the environmental review process. Dan Jacobson of Environment California says the proposed rule would severely limit the

public's right to participate in fishery management decisions.

"We're going to see a lot less fish, and when we see a lot less fish we see a less healthy ocean,"

Jacobson says that the proposal would give fishery managers the power to make decisions without considering impacts on the environment. Meanwhile, supporters say President Bush is making the right decisions.

"I think in general the Bush administration's approach to environmental management has been a very appropriate one of balancing the needs of consumers, balancing the needs of industry against the needs of protecting our very precious resources," said Michael Rosen, Republican.

One of those resources is oil. Jacobson says drilling off the coast is not the answer.

"If the president made public transportation free and free travel on Amtrak, which he can do as the president, you would see the price of gasoline go down further because the demand would drop."

Rosen, on the other hand, says that drilling off the coast is crucial.

"There's no question that conservation and using less energy, using less oil will help prices go down. But what would also help prices go down is if we can increase the supply," Rosen said.

Meanwhile, Congress has left for the summer, deadlocked over several bills including one that would lift the ban on offshore drilling. The public has until August 12th to submit comments. If you'd like more information where to submit those comments, log on to our Web site at 10news.com and click on the red TV button.

Cherisse Yu, 10 TV News



10.7 million unique users (monthly, online)

August 7, 2008

Image: Boston Boatload Event

By Bizuayehu Tesfaye

COMMERCIAL PHOTO - THE PEW CHARITABLE TRUST



Ben Wright, second left, Environmental activist, speaks during a press conference as other activists boat loads of comments, Thursday, August 7, 2008, in Boston. In a public display of support for the oceans, Environment Massachusetts filled a boatload with comments to the National Marine Fisheries Service (NMFS) office in Gloucester, Mass., and delivered thousands of official public comments criticizing the Bush administration's attempt to weaken ocean protections by undermining strong environmental reviews.



August 7, 2008

KPBS: Changes to Environmental Law Could Hurt Ocean

By Ed Joyce



Environmental groups say proposed rule changes to a federal law could threaten marine life off our coast. KPBS Reporter Ed Joyce has details.

The National Marine Fisheries Service is proposing changes to the National Environmental Policy Act or NEPA.

NEPA has been used for 30 years to manage public natural resources such as sea turtles, corals, and valuable fish populations.

Dan Jacobson with Environment California says the proposal would gut those environmental policies.

Jacobson: They're going to limit what they look at so instead of taking the whole ecosystem as a whole in the ocean, they're just going to look at individual parts. And when you do that, that doesn't help protect the ocean.

Jacobson says the proposal also includes a shorter public comment period from a mandatory 45 days to as little as two weeks.

He says another change introduces new ways for fishery managers to avoid environmental review and public participation entirely.

Jacobson delivered more than 150,000 comments against the proposal to the San Diego office of the National Marine Fisheries Service.

August 7, 2008

MarketWatch

23.4 million unique users (monthly, online)

Groups Deliver 150,000 Comments to Bush Administration Calling for Withdrawal of Proposed Rule that Would Undercut Environmental Review, Stifle Public Input in Oceans & Fisheries Management

72 Members of Congress Join in Citing Concerns with Bush Administration Proposal

A national coalition of environmental, fishing and marine science groups delivered more than 150,000 comments to the Bush administration calling for withdrawal of a proposed rule that would gut environmental review and limit public input in oceans and fisheries management. The comments are being delivered simultaneously to four separate federal offices in Boston, MA, St. Petersburg, FL, Seattle, WA and La Jolla, CA.

"The American public has spoken loudly and clearly -- take better care of our oceans," said Tony DeFalco, Director of Regional Operations for the Marine Fish Conservation Network, a national coalition of 190 groups dedicated to healthy oceans and productive fisheries. "Solid, science-based environmental analysis, along with healthy opportunities for the public and fishermen to weigh in are

the bedrock of good ocean management. This rule would gut those time-honored processes," DeFalco added.

The groups are joined by 72 members of the U.S. House of Representatives who have signed a letter authored by the Chairman of the House Natural Resources committee Representative Nick Rahall (D-WV) to the head of the National Oceanic and Atmospheric Administration citing concerns with the proposed rule for failing to comply with longstanding environmental protection laws and failing to ensure thorough environmental review of the broader impact of fishing activities.

"The Administration's proposed rule ignores the letter and the spirit of the National Environmental Policy Act, despite a directive from Congress almost two years ago to comply with NEPA," said Mike Gravitz, Oceans Advocate for

Environment America, a federation of state-based, citizen-funded environmental advocacy organizations. "Representatives from 22 states and two territories are sufficiently concerned about the harmful effect this rule could have on America's oceans and ocean wildlife that they have signed this letter," Gravitz added.

The public can submit official comments on the proposal through August 12, 2008 by visiting:

http://www.democracyinaction.org/dia/organizations/MFCN/campaign.jsp?campaign_KEY=24897.

The Marine Fish Conservation Network is a national coalition of 190 environmental groups, commercial and recreational fishing associations and marine science organizations dedicated to healthy oceans and productive fisheries. Find out more at www.ConserveFish.org.



2 million unique users (monthly, online)

August 7, 2008

Groups Deliver 150,000 Comments to Bush Administration Calling for Withdrawal of Proposed Rule that Would Undercut Environmental Review, Stifle Public Input in Oceans & Fisheries Management

PORLTAND, Ore., Aug. 7 /PRNewswire-USNewswire/- - A national coalition of environmental, fishing and marine science groups delivered more than 150,000 comments to the Bush administration calling for withdrawal of a proposed rule that would gut environmental review and limit public input in oceans and fisheries management. The comments are being delivered simultaneously to four separate federal offices in Boston, MA, St. Petersburg, FL, Seattle, WA and La Jolla, CA.

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7/30/2008

Bangor Daily News

200,000 readers (weekly, print)

Fisheries Service Policy Tosses Fishermen Overboard

A draft proposal by federal regulators to curtail public participation and review of fisheries management decisions threatens to hurt both the fish and fishermen of the Gulf of Maine. Instead of streamlining public involvement for the better, the changes, proposed by the agency charged with overseeing commercial fishing in New England, the National Marine Fisheries Service, could silence key ocean users and groups, including fishermen, environmentalists and coastal communities.

Since 1970, the United States has analyzed and considered the effects of federal programs and actions on the environment through the National Environmental Policy Act. These reviews have educated decision makers and the public about the consequences to air and water quality, wildlife habitat, endangered species and ecosystems from proposals ranging from permitting new construction projects, like dams or LNG terminals, to designation of parks or wilderness areas to oil and gas leasing. They routinely produce stronger projects that address the concerns of the communities affected by them and can save millions of taxpayer dollars. Despite that track record, NEPA sometimes comes under attack from those unhappy with the increased scrutiny that the review process brings to federal projects or actions.

Sadly, the newest attack on NEPA comes from the government itself in the form of changes NMFS proposes to make to fisheries law. In 2007, Congress amended our nation's primary ocean fishing law, the Magnuson Stevens Act, and directed NMFS to streamline its procedures while preserving its duty to do careful environmental reviews on fishery management decisions.

Instead of streamlining its procedures, however, NMFS has proposed new rules that create a more complicated process. The proposed rule shortens public comment periods, cedes NMFS's authority for environmental review to regional fishery management councils and creates loopholes for actions that would not be subject to any environmental review.

Ironically, this proposed rule may hurt fishermen more, including those in Maine. The proposed rule shortens public comment periods on management changes from a minimum of 45 days — as NEPA requires — to as little as 14 days. One would hope that 14 days doesn't come during shrimp season.

Even worse, under the proposed rules, if a fisherman doesn't raise an objection to an issue with the fishery management council, NMFS won't even listen to his issue or suggestion, even if he or she is able to make the 14-day cutoff. That means the input of some of the best people who should be commenting on fishery management measures, measures that could directly affect their livelihood, might be excluded.

NEPA has never required that federal agencies choose the best environmental approach. It only requires federal agencies to analyze and consider a full range of alternatives. It is absurd to change the NEPA process to exclude the hard-working people that have the most to lose. We also stand to lose the best solutions that protect the environment and allow for profitable and

sustainable fishing practices.

The proposed changes also divest too much of NMFS's obligation under NEPA to the regional fishery management councils, giving too much power to those who have the time and resources to attend council meetings. These councils are an important and integral part of fishery management because they represent the interests of the states and fishermen. Members of the councils have vast knowledge of fisheries, but they are not experienced in environmental review and some are conflicted by financial interests in commercial fishing. Under the proposed rule, the councils have almost complete authority for the scope and extent of the environmental review. This authority should lie squarely in the hands of NMFS as required by NEPA and Congress.

The proposed rule from the federal fisheries regulators to limit public participation in fisheries management and cede its obligation under NEPA to the regional fishery management councils may not be deliberate but it is certainly wrongheaded. It shouldn't be too much for NMFS to simplify its NEPA rules without sacrificing the goals of informed public debate and agency decision making; other agencies do it all the time.

This proposed rule is a regulatory discard: we need to throw it back and reset the line.

Sean Mahoney is vice president and director of the Conservation Law Foundation's Maine Advocacy Center.

7/29/2008

The Miami Herald

1.3 million readers (weekly, print)

The Rubik's Cube of Fishery Management

If managing fisheries is like solving a Rubik's cube of fish, ecosystems and economies, then the National Marine Fisheries Service is proposing tearing all the stickers off and gluing them back on to make it look as if they've solved the puzzle.

Since 1970, the National Environmental Policy Act (NEPA) has been the law that has worked to analyze and consider the effects of federal programs and actions on the human environment. The law helps fish and fishermen by ensuring actions that affect fish and the oceans are carefully considered to ensure sustainable fish populations over time.

In 2007, Congress and the President asked the fisheries service to revise and update its procedures for complying with this crucial law. Congress was very clear that it was not exempting the fisheries service from NEPA compliance, but was asking the federal agency to merely streamline its process.

Instead, the agency's proposed rule blatantly disregards Congress and proposes creating an entirely new process that is more, not less, complicated than the existing process. The agency also calls for shortening public comment periods and creating wholesale exemptions from any NEPA review at all.

Ironically, this proposed rule will probably hurt fishermen the most. Many of the South Atlantic region's fishermen are heavily involved in fishery management and are committed to long-term sustainability of the fishery. Currently the Fisheries Service holds public comment periods for a minimum of 45 days as required by NEPA. The Fisheries Service proposes to shorten this period, in some cases to as few as 14 days. Forty-five days is already too little time to review hundreds of pages of documentation, especially for fishermen who may go to sea for longer than the proposed minimum of 14 days.

The fact is that NEPA does not mandate that federal agencies choose the most environmentally friendly, nor the most economically advantageous approach. Instead, it ensures that federal agencies analyze and consider a full range of alternatives.

This latest move by the Fisheries Service to limit public participation in fisheries management might not be deliberate, but it is wrong headed. The agency needs to throw back this rule and start over. The goal, as mandated by Congress, is to simplify the process and comply with NEPA. This rule does neither.

Sera Harold Drevenak is the South Atlantic representative for the Marine Fish Conservation Network.

7/22/2008

Seattle Post-Intelligencer



127,584 readers (daily, print)/1.7 million unique users (online)

NW Fisheries: Reckless ideas

Just when there are some bright spots in U.S. fisheries policies, the Bush administration has decided to propose a drastic overhaul of environmental procedures. It's an astonishingly wide change, recklessly endangering the considerable progress made in many ways under President Bush.

The National Marine Fisheries Service has proposed a new environmental review process for fish management decisions. In the reauthorization of the Magnuson-Stevens Act, Congress directed the service to update its procedures for complying with the National Environmental Policy Act.

The public can comment on the proposal at a meeting here at 1:30 p.m. Thursday in the Hilton Seattle Airport and Conference Center.

Conservation, fishing and environmental groups fear the update is dangerous. Little wonder. Regional fisheries management councils would assume new environmental

authority, even though the councils continue to have members with commercial fishing interests. The public comment period for many decisions would be cut from 45 days to 14 days, something the Marine Fish Conservation Network says could be a particular problem for public input. Some decisions would face little review.

In the West, particularly off Alaska, stricter adherence to science has helped fish stocks recover. In the new law worked out with Congress, fisheries councils received stronger direction on using science. NMFS recently issued a rule on overfishing that received praise from environmental groups. Bush has personally addressed some ocean issues, including in the Pacific. Such progress in the face of many fisheries crises worldwide are all reasons to keep a steady course and have NMFS start over on a more modest update.

7/21/2008

The Oregonian

319,625 readers (daily, print)

Throw this fishy rule change overboard

The late Sen. Warren Magnuson, D-Wash., would be chagrined at how the Bush administration is seeking to weaken the landmark fisheries law he championed three decades ago.

The Magnuson-Stevens Fishery Conservation and Management Act is the nation's primary law governing marine fisheries management. Environmental reviews performed under this important law have helped reduce the mortality of endangered sea turtles, protect thousands of square miles of coral formations and begin the rebuilding of depleted fish populations.

Wisely, Congress renewed this act last year. In doing so, it directed the National Marine Fisheries Service to update its review procedures for compliance with NEPA, the National Environmental Policy Act, and the agency responded May 14 with a badly flawed rule change.

The proposal would curtail the public's ability to join in the environmental review process and hold government managers accountable. Comment periods would be slashed from 45 days to 14 days, and discussion would be restricted to issues already raised in previous rounds of public input.

Muzzling the public would certainly make fishery managers' jobs easier, but it represents

bad policy. It would eliminate citizens' right to bring up concerns about newly raised issues and would let fishery management councils adopt last-minute alternatives with little or no public scrutiny.

The rule change would also allow fishery management councils to constrict comment from the start by defining the scope of the analysis and the measures that would be considered. This, too, would be bad policy. These regional councils are often dominated by fishing interests, and many of them have a history of shoddy management.

The agency's proposal would weaken the long-established process for drafting environmental impact statements. Instead of complying with NEPA, the new process would only have to meet the law's broad "policies and goals." That may sound innocuous, but it's not. It would seriously undermine public oversight and encourage other natural resource agencies to invoke environmental review shortcuts under the guise of "streamlining."

In 1970, Magnuson was instrumental in getting NEPA signed into law. He would be appalled to see the way the fisheries service is attempting to circumvent that law today.

The agency should scrap these wrongheaded proposals, and if it doesn't, Congress should step in.



Marine Advocates Protest Proposed Fisheries Rule

7/15/2008

In St. Petersburg tonight fishermen and environmentalists turned out to protest potential changes in federal fishing regulations. Both groups say the National Marine Fisheries Service wants to take away important protections for the oceans and to cut fishermen and the public out of the decision-making process.

Tom Wheatley, Marine Fish Conservation Network: "This proposal makes it so they don't have to do as much environmental review, and also limits opportunities for the public to get involved."

The conservation group says fisheries around the world will eventually collapse unless we dramatically improve how they are managed.



Marine Advocates Tell NMFS 'Throw It Back'

7/14/2008

Local marine advocates want to throw out a federal proposal that they say would devastate America's ocean ecosystems. They say the rule would weaken one of the nation's primary environmental laws. The change would allow fisheries to check in less frequently with environmental regulating agencies. It would also give more power to fishery councils and limit public participation in the environmental protection process.

Martha Collins, Pew Environment Group: "This could impact Florida's economy because it's going to directly impact the fishermen, the businesses, the restaurants and everybody else who depends on a healthy ocean ecosystem for their livelihood."

Ninety percent of large ocean predators including sharks and swordfish have almost been fished out of existence. Tomorrow the National Marine Fisheries Service will host a public meeting at its St. Petersburg office to talk about the proposed changes. That is from six to eight o'clock at night.



Environmentalists Oppose Proposed Fisheries Rule

7/14/2008

Nature's theme park is the center of attention for local environmentalists, fishermen and restaurant owners. They are voicing their opposition to a proposed federal rule change they say would gut one of the most important national safeguards that protects sea life. The National Marine Fisheries Service is looking at limiting the scope of environmental reviews and narrowing the time for public participation. Those opposed to the changes say the bottom line is less environmental protections for oceans.

Terry Gibson, Florida Sportsman Magazine: "Fishermen are the voice for the environment. We are the strongest voice for the seagrasses, the mangroves, for sustainable fishing. We know, at least the recreational fishing sector knows not to fish itself out of existence. This is going to take away our ability to steward our own resources."

The National Marine Fisheries Service is holding a public forum tomorrow night to discuss the proposed changes. It will be held in St. Petersburg from six to eight at the NMFS office in St. Petersburg.

7/14/2008

The Daily Astorian

Astoria, Oregon

8,400 readers (daily, print)

No need to choke off comments Here's an opportunity for the feds to listen

There are few if any government processes that generate more intense local interest than the determination of fishing seasons and rules by the National Marine Fisheries Service. So NMFS's plan to ax many public comment periods from 45 days to 14 should excite substantial adverse reaction.

A series of public gatherings, hearings and documentation are now required so NMFS can comply with the National Environmental Policy Act, or NEPA. This all is a sort of old-fashioned town hall meeting that extends up and down the fishing communities of the West Coast and the rest of the nation. Sometimes raucous and untidy affairs, it's easy to imagine how they might wear on the patience of federal officials.

These officials need to continue to live with it. It is absurd to think that fishermen and the public at large might have as little as two weeks to absorb NMFS proposals and formulate coherent written responses. This is particularly true of commercial ocean fishermen, who may easily be at sea for two weeks or longer.

Sharply curtailed comment periods are one of several troubling deficiencies embedded in agency rule-setting updates. A broad review was mandated by Congress when it rewrote the Magnuson-Stevens Fishery Conservation and Management Act, signed into law last year by President Bush. This law was in need of modernization, but original author U.S. Sen. Warren "Maggie" Magnuson, D-Wash., would

be flabbergasted to see fishermen so robbed of power over their own livelihoods.

Maggie played a key role in convincing President Richard Nixon to sign NEPA into law in 1970 and would also be aghast about how NMFS is toying with this premier environmental-protection law. The agency wants to delegate far more final power to regional fisheries management councils and duck public oversight by lumping crucial decisions together. This "frameworking" process could place an umbrella over superficially similar actions, allowing fishery managers to define their way out of NEPA requirements.

Public engagement in rulemaking is a painful reality of democracy. But in a nation where all too many people aren't all that interested in participation, NMFS ought to be grateful to have lots of avidly engaged stakeholders. It should scrap this set of revisions and revisit the subject with a view to preserving the public's opportunities to comment. Under no circumstances should we permit NEPA to be eroded by the bad precedent NMFS is advocating.

There is considerable congressional opposition to these new rules, in the form of a letter demanding changes. Citizens also can speak on this matter. Comments may be made until Aug. 12 by e-mailing NEPAprocedures@noaa.gov. The subject line must read "MSA Environmental Review Procedures."

6/8/2008

The Boston Globe

350,605 readers (daily, print)

...but careless on the open sea

AS HEARTENING as passage of the Massachusetts ocean management law is, the Bush administration took backward steps last month in reauthorizing the nation's most important ocean fisheries law.

The law sets the laudable goal of ending overfishing by 2011 in the 200-mile offshore zone under federal control, but it could be undercut by a National Marine Fisheries draft regulation that would subject fishing plans to less rigorous scrutiny than now. Also, the fisheries service could, under the draft regulations, grant the public as few as 14 days to comment on its proposals. The customary practice currently is a minimum of 30 days.

Input from the public is crucial because the

draft regulations also grant new authority to the regional fishery management councils. Membership on these is often weighted heavily toward fishing industry representatives. In New England, the regional council bears some blame for permitting the overfishing of such species as cod.

The depletion of species is a worldwide problem. A United Nations report says that the world's fishing fleet has 2.5 times the capacity that is needed to harvest the globe's sustainable yield in fish. To do its part to keep ocean fishing sustainable, the United States needs to put sharp regulatory teeth into the fine print of the fisheries law.

5/31/2008

The New York Times

1.1 million readers (daily, print)

Troubled Oceans

Five years have elapsed since the Pew Oceans Commission's seminal report urging prompt action to arrest the alarming decline of this country's ocean resources. Four years have elapsed since a blue-ribbon presidential commission said much the same thing, urging special attention to problems like overfishing and the deterioration of coastal wetlands and estuaries. Despite an occasional burst of energy, however, the Bush administration and Congress have left much to be done. And time is running out.

As is true with many environmental issues — climate change comes immediately to mind — the states have done a better job. New York, New Jersey and Massachusetts have either passed legislation or established a regulatory structure to better manage their coastal waters (states control the first three miles, the federal government controls the rest until international waters begin 200 miles offshore). California, always at the leading edge, has begun setting up a network of fully protected zones where fish can flourish with minimal commercial intrusion.

These actions show that progress is possible and challenge the White House and Congress to do better.

President Bush has expressed interest in leaving a positive "blue legacy." Last year, he created one of the biggest protected marine reserves in the world — 138,000 square miles of largely unspoiled reefs and shoals near Hawaii. He should create at least one and possibly more such reserves elsewhere in American waters before he leaves office — and should persuade other world leaders to do

the same.

The president must also give teeth to the Magnuson-Stevens Act, the basic law governing fishing in federal waters. Congress reauthorized and strengthened the law in 2006, establishing more ambitious timetables for rebuilding depleted fish species and giving scientists greater say over how many fish can be taken from the sea. Everything depends on whether the National Marine Fisheries Service buttresses good law with strong rules and does not let the commercial fisherman hijack the process.

For its part, Congress must give ocean issues greater priority, in part by reorganizing the way the federal government deals with them. America's waters are managed under 140 different laws spread across 20 different government agencies. A bill known as Oceans 21 seeks to bring order out of chaos and give ocean protection the prominence it deserves. The bill is slowly gaining traction in the House but could use a strong push from Senate Democrats and the White House.

Many experts believe that the biggest long-term threat to the oceans may be global warming, which could disrupt ocean chemistry in ways that cause havoc with the food chain. The science on this issue is still unclear, however, and in any case, global warming is best addressed in broad legislation like the climate change bill now before the Senate. In the meantime, there is much that Washington can do to strengthen the resilience of the ocean and its inhabitants so they can withstand whatever stresses the future may bring.