

# NEPA and Magnuson

Statistics for the use of Environmental Assessments  
and Environmental Impact Statements for Magnuson  
Stevens Act Actions (FY12 – FY14)

# Environmental Assessments

- Over FY12 – FY14:
  - Average page length = 149 pages
  - Average days to completion = 229 days
  - # completed in each year:
    - FY12 = 45
    - FY13 = 51
    - FY14 = 39

# Environmental Impact Statement

- Over FY12 – FY14:
  - Average page length = 495 pages
  - Average days to completion = 762 days
  - # completed in each year:
    - FY12 = 8
    - FY13 = 2
    - FY14 = 1

# Environmental Impact Statements in FY12

Name	Council	Pages	Days from NOI to ROD
ACLs and AMs for Reef Fish Resources of the GoM Red Drum, Shrimp, Coral and Coral Reefs, and Stone Crab FMPs	GMFMC	294	822
Amd 2 to the FMP for the queen conch fishery of PR/USVI & Amd 5 to the reef fish FMP of PR/USVI	CFMC	523	976
Comprehensive ACL Amd: Amd 6 to the Reef Fish FMP of PR/USVI; Amd 2 to the FMP for Corals & Reef Associated Plants and Invertebrates of PR/USVI; Amd 5 to the FMP for the Spiny Lobster Fishery of PR/USVI; Amd 3 to the FMP for the Queen Conch Fishery of PR/USVI	CFMC	331	327

# Environmental Impact Statements in FY12

Name	Council	Pages	Days from NOI to ROD
Reef Fish Amd 32 Gag: Rebuilding Plan, ACLs, Management Measures; Red Grouper; Grouper AMs; Data Collection and Monitoring Programs	GMFMC	228	723
Comprehensive ACL Amd for the South Atlantic Region	SAFMC	755	1085
Amd 18A to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region	SAFMC	292	184
Amd 11 to the FMP for Spiny Lobster in the Gulf of Mexico and South Atlantic	GMFMC/ SAFMC	114	301
Harvest Specs & Management Measures for the 2013-2014 Pacific Coast Groundfish Fishery	PFMC	1011	394

# Environmental Impact Statements in FY13

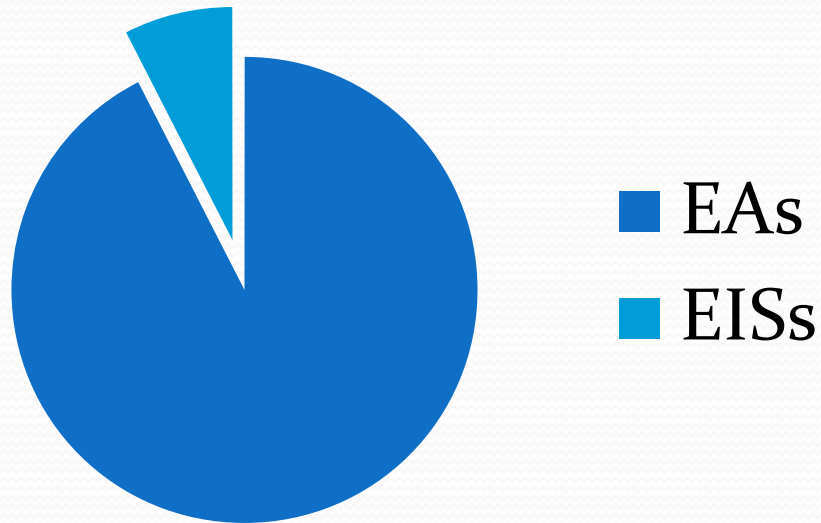
Name	Council	Pages	Days from NOI to ROD
Amendment 5 to the Atlantic Herring Fishery Management Plan	NEFMC	652	1298
Amendment 14 to the Atlantic Mackerel, Squid, and Butterfish FMP	MAFMC	525	1247

# Environmental Impact Statements in FY14

Name	Council	Pages	Days from NOI to ROD
Steller Sea Lion Protection Measures, BSAI	NPFMC	1402	934
Amd 7 to the Atlantic HMS FMP	HMS	724	928

# EAs versus EISs

- From FY12 –FY14, 135 EAs and 11 EISs were completed for MSA actions.



Year	EAs	EISs
FY12	45	8
FY13	51	2
FY14	39	1



# NEPA and Magnuson

Statistics for Litigation involving MSA fishery  
actions and NEPA (2008 - 2015)

# Total MSA/NEPA Litigation 2008-2015

- 30 new cases that included NEPA claims were filed challenging MSA fishery management actions
- This is 37% of the new litigation filed that challenged MSA actions
- 63% of lawsuits filed that challenged MSA actions did not include NEPA claims

# Facts about the 30 cases

- 8 pertained to actions with EISs
  - NMFS won the NEPA claims for 7 of these, the court did not address NEPA in the 1 remaining EIS case (GOM red snapper)
- 17 pertained to actions with EAs.
  - Of these, we won 10, the court did not address 4, and we lost 3 (Herring 4, SSL, and AK observer coverage)
- 1 action did not have a NEPA document (implementation of consent decree); and 1 settled.
- 3 are still pending