

SSL EIS motion under Staff Tasking, October 9, 2007

Earl Krygier moved the following:

The schedule for completion of the SSL Recovery Plan, the "status quo" BiOp, and the consideration of revisions to the existing SSL mitigation measures are closely linked. This schedule has been in flux for a number of reasons. NMFS has proposed that scoping be initiated now in anticipation of developing an EIS to analyze potential changes to the existing SSL mitigation measures. The Council believes that scoping would be premature due to the new schedule for preparation of the Recovery Plan and the BiOp. Therefore, the Council:

- 1) Requests that the discussion regarding scoping be rescheduled to the April (2008) Council meeting. This discussion would follow the release of the final Recovery Plan now scheduled for March of 2008. The Council believes that the information contained in the final Recovery Plan will be important to inform the public about the issues and range of alternatives for possible mitigation measures, and thus important to meeting the objectives of scoping for the EIS.
- 2) Include on the April agenda the discussion regarding scoping. At that time the Council will consider the new information in the Recovery Plan, discuss the purpose and action that might be initiated, and identify the possible range of alternatives, the relevant scientific information and other matters that should be included in the notice of intent to inform the public and achieve the goal of scoping.
- 3) Recommends that work continue on the 'status quo' BiOp and that it remain on the schedule for May, 2008.

Because there are no changes envisioned in the Status Quo BiOp there is no need for scoping until the Council considers changing the current mitigation measures.

The motion was seconded.

Ms. Salveson advised that under NEPA a Notice of Intent (NOI) should be published as soon as practicable after a decision is made to prepare an EIS. The purpose of a NOI is to provide an early and open process for identifying the scope of issues and identifying significant issues that might be related to the proposed action. The Agency is trying to integrate the NEPA process into the Council process so that a NEPA timeframe would not create delays in the Council process. In order to do that, the Agency thinks it is necessary to initiate a scoping process as soon as possible in the process. A delay of six months in the NEPA process will most likely create a delay in the ultimate rulemaking phase of the project.

The motion carried, 10 to 1, with Salveson voting no.