

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: February 3, 2000

SUBJECT: Groundfish SEIS

ESTIMATED TIME
1 HOUR

We have been receiving regular status reports on this issue over the past several meetings, and Steve Davis, Regional NEPA Coordinator for NMFS, will again provide you a status report at this meeting. While Steve will provide you with additional detail on the progress of that effort, I want to highlight the need for our input and coordination with NMFS in this effort. Recall that NMFS is operating under a judicial mandate to prepare a programmatic SEIS which assesses the cumulative impact of our existing management regime, including *"all activities authorized and managed under the Fishery Management Plans (FMPs) and all amendments thereto, and that addresses the conduct of the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) groundfish fisheries and the FMPs as a whole."* I have included, as Item C-5(a), the more specific direction from the Court which we also saw in December.

After participating in an agency workshop in mid-January, I have come to better appreciate the daunting scope of NMFS' task relative to preparing this SEIS, and the critical importance of this to the Council and our fisheries management programs. While the onus is on NMFS, it is quite literally our FMPs that are being called into question, and 24 years of hard work by this and previous Councils which could be in jeopardy. With a first cut of this document due in June, and a Draft SEIS due by October for public comment, NMFS is going to be devoting a tremendous amount of its available Region and Center staff to this effort. Certain parts of that SEIS, particularly a description and chronology of all of our management measures (plan and regulatory amendments over 24 years), as well as some of the ecosystem related chapters, can most efficiently be compiled by our own Council staff as part of this effort. We have also been putting off, due to other priorities, a complete update of our FMPs. That is going to be a necessary hand-in-glove part of preparing this SEIS. Item C-5(b) is a summary of the recent workshop to give you a better idea of how this will all unfold.

Item C-5(c) is a December 16 letter from NMFS requesting the Council staff's assistance in this effort. Our Finance Committee has already discussed the possibility of devoting some of our anticipated SEIS funding to NMFS, as some portions can be done under contract to outside consultants. We have not yet received that funding, but probably need to discuss further how much we can make available to NMFS when we get it. More important to the early stages of this effort will be the assistance of Council staff to the project. I believe we can discuss this further when we get to staff tasking at the end of this meeting, but I wanted to first share with you my thoughts as to the importance of this effort, and the fact that NMFS staff will be largely devoted to this in the near future. And finally, that we need to seriously consider that NMFS workload, and the level of involvement of Council staff, when we do get to staff tasking discussions. With that I will turn it over to Steve to give you the finer details.

On August 6, 1999, United States District Court, Western District of Washington at Seattle (No. C98-492Z) remanded the NMFS 1998 Alaska Groundfish SEIS to NMFS for preparation of a programmatic SEIS consistent with the Court's July 13, 1999, Amended Order. Specifically:

- “1. NMFS shall prepare a comprehensive programmatic SEIS that defines the federal action under review as, among other things, all activities authorized and managed under the Fishery Management Plans (FMPs) and all amendments thereto, and that addresses the conduct of the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) groundfish fisheries and the FMPs as a whole.
2. The SEIS will evaluate the significant changes that have occurred in the GOA and the BSAI groundfish fisheries, including the significant cumulative effects of environmental and management changes in the groundfish fisheries since the issuance of the 1978 and 1981 EISs.
3. The SEIS will present a “general picture of the environmental effects of the [FMPs], rather than focusing narrowly on one aspect of them.” Amended Order at p.41. The SEIS does not have to consider detailed alternatives regarding each and every aspect of the FMPs.
4. The SEIS will provide reasonable management alternatives, as well as an analysis of their impacts, so as to “sharply defin[e] the issues and provid[e] a clear basis for choice among options by the decisionmaker and the public.” 40 C.F.R. § 1502.14. See Amended Order at p. 38.
5. In preparing the programmatic SEIS, NMFS will comply with the public participation requirements of NEPA and its implementing regulations.
6. NMFS will publish a notice of intent to prepare the programmatic SEIS in the Federal Register by October 1, 1999. The public scoping period will run, at a minimum, from October 1 to November 15, 1999. NMFS may extend the public scoping period beyond November 15, 1999 if it deems such an extension to be appropriate. The Court will, at a later time, issue an order scheduling a deadline for issuance of the final programmatic SEIS.
7. NMFS will file written reports regarding the progress of its NEPA process every 60 days, starting from the date of this Order.”

FINAL DRAFT February 2, 2000 (11:18AM)

ALASKAN GROUND FISH FISHERIES PROGRAMMATIC SEIS WORKSHOP
January 10-12, 2000, AFSC, Seattle, Washington.

Following the completion of the noticed public scoping period on December 15, 1999, copies of the written public comments and public scoping meeting summaries were circulated within NMFS, NOAA, NPFMC, USFWS, ADF&G, and the EPA. A NMFS workshop was organized for the purposes of bringing together those parties that will be taking some responsibility in the preparation of the SEIS and to provide an opportunity for participants to discuss how the analysis and the document itself should be structured to meet the various needs of the agency, the Council, the Court, and the public at-large. A copy of the workshop agenda and a list of the participants is provided as Attachments 1 and 2, respectively.

The overall goal of the workshop was to prepare a scope of work and work plan that would have the support of all the agencies. Considerable progress was made toward achieving this goal.

The results of the workshop were:

- A discussion of the federal action and purpose and need
- Agreement on an approach for determining the programmatic alternatives
- Development of an analytical framework for the SEIS
- A review of the proposed work schedule

The Federal Action and Purpose and Need

For this SEIS, the U.S. District Court of Washington has defined the federal action as, among other things, all activities authorized and managed under (emphasis added) the FMPs and all amendments thereto, and that addresses the conduct of the GOA and BSAI groundfish fisheries as a whole. In other words, the federal action is continued federal management of groundfish fisheries off Alaska.

The group also has interpreted this definition to mean that the ordered focus of this SEIS will be the FMPs themselves, as amended, and potential alternative management policies and associated decisions. Therefore, this SEIS will not examine in detail and develop alternatives for the Magnuson-Stevens Fishery Conservation and Management Act, the authorities and mission of NMFS, or the regional council system. Rather, its scope will focus on the FMPs themselves including the stated policies, goals and objectives, and categorical management measures (e.g. tools) contained within the plans.

It was agreed that the purpose and need for this programmatic SEIS was best stated in the 1998 Groundfish SEIS and that it should serve as the basis for drafting an updated purpose and need

statement for this new SEIS. Such use is a reflection of the excellent work and information contained in the 1998 SEIS and NMFS's intent to build on that earlier work to the extent possible in preparing this new and broader SEIS.

The programmatic alternatives

It was agreed that the programmatic alternatives for this SEIS represent alternative management regimes with different policy emphasis. There was considerable discussion on how dynamic the current regime is and how policy and decision makers often try to seek a balance when attempting to achieve as many FMP goals and objectives as possible. It was understood that depending on how someone values the attainment of certain policy objectives will likely result in a different set of management decisions and use of tools that could significantly change how the groundfish fisheries are managed.

It was agreed that the following would serve as the framework for developing programmatic alternatives for this SEIS:

Alternative 1 - No-Action

The No-Action alternative for purposes of this SEIS is defined as the continuation of management of the Alaska groundfish fisheries under the current regime with its current policy emphasis and priorities. In other words, we will do nothing different from what we are already doing today.

Alternative 2, 3, 4, (?) - Replace or modify the policy goals and objectives of the FMPs.

Adoption of this alternative would result in the preparation of an amendment to both FMPs that would replace the goals and objectives section with a new or revised set of policy goals and objectives. Included in the amendment may be a suite of management actions that would implement the new policy directives. For example, such revision to the FMPs could result in a fishery management regime that has a greater ecosystem emphasis. A series of policy issues have been identified from a review of public comments that will place greater emphasis on various ecosystem components. An analysis (described below) will review all existing and potentially new categorical management measures to determine whether the tool has any significant application in addressing the policy issue. The analysis will also explore ways where the SAFE document and Council process could be improved to elevate ecosystem information into the decision making process.

Those tools and other improvements that are found to provide a real benefit in addressing a policy issue will be examined in greater detail and alternative management measures will be compared to the status quo (e.g. the current FMPs and those measures already in the pipeline). The current regime will serve as the baseline in most circumstances. Following this single issue-oriented analysis, the SEIS will evaluate reasonable and prudent combinations of policy objectives to illustrate the environmental consequences of emphasizing certain policy objectives over others.

Development of an analytical framework for the SEIS

The workshop participants developed the conceptual outline as a result of the apparent need to: (1) provide the reader with sufficient background as to educate the reader on how the groundfish fisheries are managed off Alaska; (2) provide adequate description of the FMPs; (3) describe what we know (and do not know) about the marine ecosystem; (4) provide what the scientific community believe to be the fundamental principles of ecosystem-based management; and (5) determine whether changes to the current management regime would result in reduced or mitigated environmental effects.

The first step is to prepare a good description of the groundfish fisheries and describe the evolution of the FMPs since their initial implementation. The workshop participants agreed that the general public would benefit from such a section in this SEIS. It would also prepare the reader for the more technical sections. Such background sections would better educate the public on the dynamic process of federal fisheries management. It would also serve as a means of explaining to the public the decision making process used by the Secretary of Commerce and the attempts that have been made to seek a balance between often conflicting management objectives.

The second step would be to provide a current description of the physical, biological, and human environment. The third step would be to prepare a number of issues chapters that will describe the history of the issue; provide a summary of management actions to-date; and evaluate potential future changes to the current management regime.

There is an infinite number of individual changes or combinations of changes that could be made to the BSAI and GOA groundfish FMPs in an attempt to improve the effects of those fisheries on the human environment. The development of general and then more specific issue statements is used to assist in identifying the most relevant changes. However, because only a limited number of changes can be evaluated, the changes that are evaluated should be considered examples from the infinite set of possible changes and serve to sharply define the issues and provide a clear basis for choice among options by the decision maker and the public.

The priority issues (as identified by the public during scoping) are defined in terms of the following questions:

Should the FMPs and their implementing regulations be changed to provide further

- Protection for protected species? (T&E, marine mammals, seabirds)
- Protection for the target groundfish stocks?

- Protection for other stocks? (other groundfish and forage fish)
- Protection for habitat? (benthic, pelagic, HAPC)
- Control of bycatch mortality? (Minimize bycatch to the extent practicable)
- Protection for the ecosystem? (cum. impacts, biodiversity, climatic effects, foodweb)
- Protection for the sustained participation of fishing communities and for the economic benefits they receive? (fleet, processors, allocations, race for fish, subsistence)

Each of these issue chapters should follow a standard format, beginning with a statement of the issue. This statement may take the form of a series of sub-issues or questions that help define the issue for this SEIS. These statements or questions are important because they highlight those aspects of the issue that will specifically be addressed in the SEIS. Following the issue statement, there will be a section that describes the history of that issue and the management actions that have been taken to the present time by the Council and NMFS in an attempt to address the issue. We will also evaluate management actions that are in the pipeline (e.g. those approved by the Council and anticipated will be approved by the Secretary). We will assess how well the issues have been addressed. For purposes of illustrating the effects of various categorical management measures in addressing the issue, the analysts will develop a number of reasonable and prudent management actions (currently approved in the FMPs or possibly new; see Attachment 3.), using the most relevant fishery as an example. In this way, the reader will see what measures are effective in addressing the issue, and at what cost. Primary and secondary effects of each alternative action will be described to the extent possible.

Following this analysis, the reader will be reintroduced to the programmatic alternatives that will be considered by the Council and Secretary. The Alternative 2 programmatic alternatives will consist of a suite of bundled management measures, which based on the results of the issues analysis appear as reasonable actions if one were to emphasize a particular policy objective or combination of policy objectives. Workshop participants discussed the merit of seeking public input on these programmatic alternatives to ensure that all reasonable alternatives and bundled management measures were included in the analysis. It was agreed that such public input would benefit the analysis, although it could result in an extension to the schedule.

Once programmatic alternatives were finalized, a policy-level analysis would be undertaken that would evaluate the costs and benefits of each alternative against one another, so as to give the reader an understanding of the trade-offs associated with emphasizing certain policy objectives over others. This part of the SEIS analysis will likely be qualitative in nature.

An agency preferred alternative would be determined following public review of the DSEIS, and would be included in the publication of the FSEIS.

A review of the proposed work schedule

It was the opinion of all workshop participants that the current SEIS schedule developed by NMFS does not provide sufficient time to ensure that a quality document is prepared. Staying on this schedule will require that NMFS limit the number of issues, policy alternatives, and analysis. There is less than 5 months of real analytical time available. There is much to be done and it will require AKR, AFSC, and NPFMC to suspend or curtail many other projects until late-summer. Considerable public comment was received on the proposed schedule. It was the opinion of those that commented that NMFS should take the time necessary to ensure that a thorough analysis is prepared that will adequately address the issues raised during scoping.

To accomplish this goal, a consensus view was reached that this analysis will require a multi-step approach, managed in 2-phases. The first phase includes preparing the background sections, establish the Y2000 FMP regime as the baseline, and conduct a core analysis which determines the primary environmental effects of alternative management actions within the context of specific management issues. This first phase is critical. It is necessary to respond to the Court and will produce the level of analysis that can bring the current regime into compliance with NEPA. We estimate that completion of this first phase will require 10 months.

The second phase would build on Phase-1 findings and examine a number (2-4) policy alternatives and several examples of "bundled" management tools, that together, would illustrate the environmental impacts (e.g. trade-offs) that could reasonably be expected if the agency were to emphasize certain policy goals over others. There was a suggestion that NMFS may want to prepare a series of policy goals and seek public comment on how best to combine them into discreet bundles.(e.g. programmatic alternatives). Such input from the Council, the plaintiffs, industry, and the public would increase the probability that our Phase-2 analysis captures the full suite of policy alternatives warranting consideration. Providing for public comment would also require extension of the schedule.

It has been conservatively estimated that the Phase-2 analysis leading to completion of the PDSEIS for internal and external agency review, will require 6 months. We estimate an additional 6 weeks will be necessary if public comment on policy goals is added. This time is necessary to hold the public meetings and evaluate comments that are received. A recommended schedule for this SEIS is provided in Attachment 4. The schedule shows that Phase 1 would be completed by the end of 2000 and Phase 2 by June 2001. Such a schedule would result in a DSEIS being available for public review by October 2001, with a FSEIS published in the fall of 2002. Final approval of this schedule is dependent on completion of the work plan by NMFS. The final schedule and work plan will be included in the scoping report scheduled for public distribution in early March 2000.

DRAFT AGENDA

Alaska Groundfish Fisheries Programmatic SEIS Workshop

January 10-12, 2000

9 am – 4:30 pm

Alaska Fisheries Science Center, Rm#2143

7600 Sand Point Way, NE, Bldg. 4

Seattle, WA

Monday, January 10, 2000

9 am – 12 noon.

- A. **Introduction** – Steve Davis and Ron Berg
- B. **Review Workshop Objectives** – Steve Davis
- C. **Review Court Order, FR Notices, and Public Scoping comments.** Discuss comments.

Lunch Break

1pm – 2pm.

Discuss comments (continued).

2:15 – 3:15 pm

- D. **Finalize Problem Statement/Purpose and Need**

3:30- 4:30 pm

- E. **Finalize Programmatic Alternatives**
 - What is status quo?
 - What are the programmatic alternatives for this SEIS?

Tuesday, January 11, 2000

9am – 10 am

Finalize the Programmatic Alternatives (continued).

10:15 – 11:00 am

- F. **Identify the Major Issues**

11 am – 12 noon

G. Finalize the analytical framework – Steve Davis and Anne Hollowed

Lunch Break

1 – 2pm .

Finalize the Analytical Framework (continued).

2:15 – 3 pm

H. Identify Issue/Work Teams

- Identify principal authors

3 – 4 pm

I. Identify RFP/Contractor assignments

- What Issue/Work Teams need outside help?
- What issues should be assigned to outside contractors?

4 –4:30 pm

J. Finalize schedule

- Distribution of draft work plan to SEIS Team
- Deadline for preliminary DSEIS
- Deadline for DSEIS

Adjourn (or carry on to Wednesday, January 12, 2000 if necessary).

SIGN IN

Monday Jan. 10, 2000

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Via conference / video

Marian Macpherson NOAA General Counsel Silver Spring

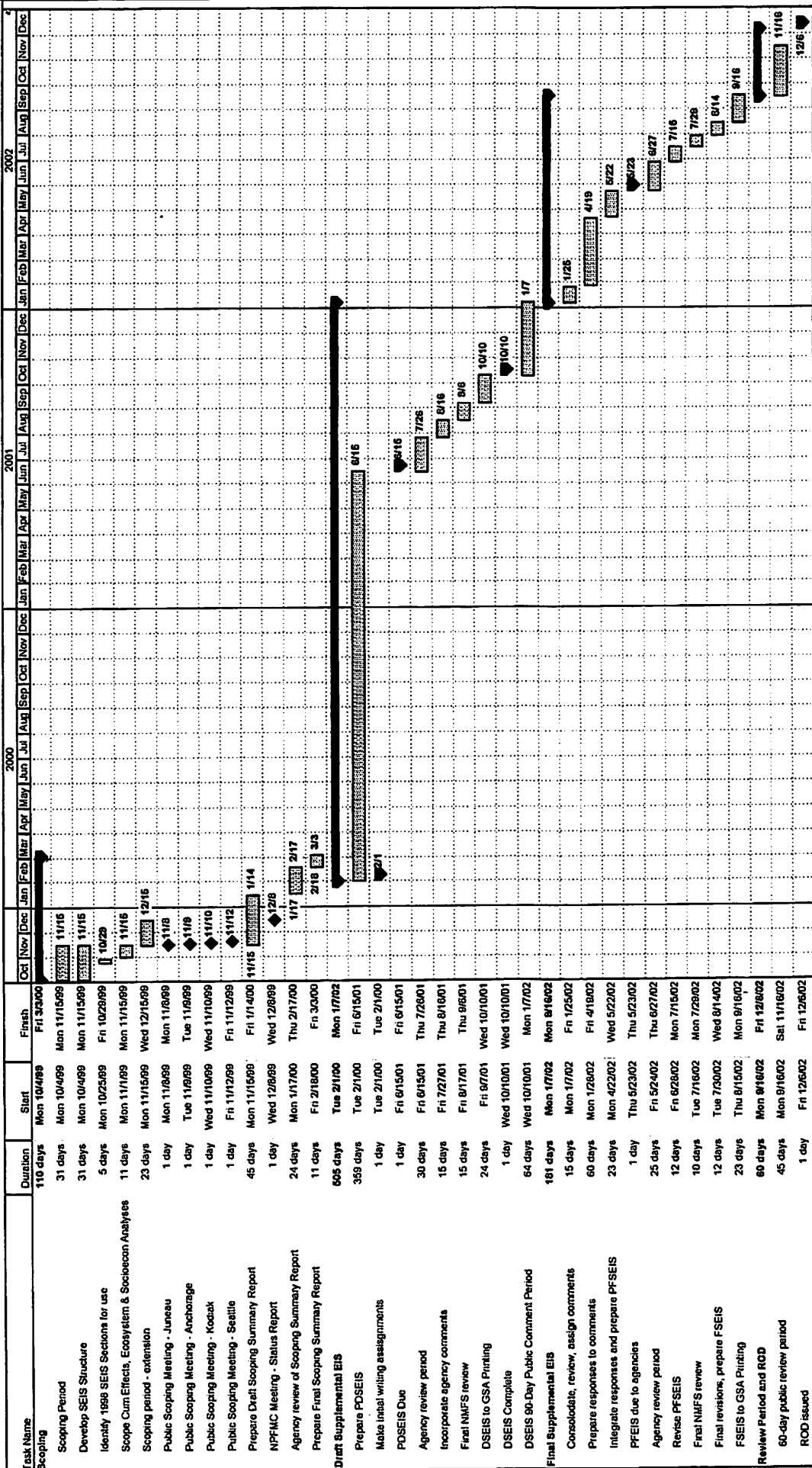
Steve Capps Office of Sustainable Fisheries

Andrew Rosenburg NMFS Deputy Assistant Admin Fisheries Silver Springs

Management

Tool	Management Action	Desired Result
Gear	Restrictions on bottom trawls	Reduces benthic impacts
	Mesh restrictions	Reduces incidental take of juvenile fish
	Halibut excluder devices	Reduces prohibited species catch
	Seabird excluder devices	Reduces incidental take of seabirds
Time	Seasonal restrictions	Reduces probability of localized depletion and reduces targets on roe
	Staggered openers	Creates more continuous product availability
Area	Quotas proportional to biomass	Reduces possibility of over harvesting a sector of the population
	Sanctuaries for territorial species (Crab and rockfish)	Protects some fraction of population
	Restrictions for protection of critical habitat ESA	Reduces fishery interactions with endangered species
	Restrictions for habitats of particular concern	Ensures some protection of sensitive species
	Sanctuaries for protection of selected forage fish	Reduces fishery interactions with forage fish predators
Sector	CDQ	Encourages community development
	ITQ	Reduces pace of fishery / improves product quality / reduces race for fish
	Inshore / offshore	Protects shoreside processors from competition with at sea vessels
	Cooperatives	Reduces pace of fishery / improves product quality / reduces race for fish
TAC	Fabc	Status quo
	Fofl	Increased fishing mortality
	F0	No fishing mortality
	Faverage94-98	Option will capture cases where TAC < ABC
Bycatch	Bycatch limitations	Protects weak stocks captured incidentally in fishery
	Prohibited species caps	Protects highly valued stocks captured incidentally in fishery

PROJECT SCHEDULE - NMFS GROUND FISH FISHERIES SEIS



Task Milestone Meeting Summary

Schedule reflects working days, Monday-Friday



NMFS AK REGION

--- NPFMC

AGENDA C-5(c)
FEBRUARY 2000

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 National Marine Fisheries Service
 P.O. Box 21668

Juneau, Alaska 99802-1668

December 16, 1999

Clarence G. Pautzke, Executive Director
 North Pacific Fishery Management Council
 605 West 4th Ave., #306
 Anchorage, Alaska 99501-2252

Dear Clarence,

We are requesting help from the North Pacific Fishery Management Council (Council) staff in developing a programmatic Supplemental Environmental Impact Statement (SEIS). We are also requesting that you consider funding part of the costs of SEIS preparation.

As you know, the U.S. Western District Court, in response to a lawsuit filed by Greenpeace, American Oceans Campaign, and the Sierra Club, has remanded to NMFS the final SEIS, which we had issued in December 1998. Specifically, the 1998 SEIS was determined by the court to be too narrow in scope and that a broader, programmatic SEIS was needed. The court instructed NMFS to initiate preparation of a new programmatic SEIS for the GOA and BSAI Groundfish FMPs. On October 1, 1999, NMFS published a Notice of Intent to prepare a programmatic SEIS, and we are currently underway in developing a work plan for this project.

The focus of the court order and this analysis is the current management regime and whether the FMPs should be modified to better address environmental issues. Because both of these FMPs were developed by the Council and subsequently approved by the Secretary, we believe that having Council staff closely involved in the design and preparation of the SEIS is important. We want to ensure that the analysis meets the Council's needs as well as those of NMFS and the Court. Participation by Council staff will strengthen the analysis.

The public scoping period for this SEIS ended on December 15, 1999. My staff is currently reviewing the comments and preparing a scoping package that will include an agenda for a three-day internal workshop with the contributing participants on January 10-13, 2000 at the Alaska Fisheries Science Center. The objective of the workshop is to bring people together who will likely have some role in preparing the SEIS to discuss the scoping comments, review the work schedule and available resources, and finalize a list of alternatives and an analytical framework for the SEIS. Our tentative schedule for the project includes public release of the scoping report and work plan in late-winter as an informational item. The public review draft of



the SEIS is scheduled for late-October 2000. To accomplish this schedule we need to have a preliminary draft completed by July 3, 2000 for internal review. As a participant, the Council staff would have an opportunity to review the preliminary draft SEIS and comment on response to comments and the draft Final SEIS, prior to the document being released to public review.

If you have any questions concerning this project, please don't hesitate to call me at (907)586-7221, or Steve Davis at (907)271-3523.

Sincerely,



Steven Pennoyer
Administrator, Alaska Region