

# C2 NMFS Update

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# Tribal Engagement

- **NMFS has special obligations to consult and coordinate with Tribal governments and Alaska Native Claims Settlement Act (ANCSA) corporations pursuant to Executive Order 13175 on “Consultation and Coordination with Indian Tribal Governments” and the Executive Memorandum of April 29, 1994, on “Government-to-Government Relations with Native American Tribal Governments.”**
- **A recent Presidential memorandum affirms the Federal government’s commitment to including Tribal voices in policy deliberations that affect Tribal communities and recognizes that strong communication is fundamental to a constructive relationship.**
- **NMFS Alaska Region, Sustainable Fisheries Division, Tribal Engagement Team**
  - **Assist with outreach and consultation logistics for SF management actions**



# Tribal Engagement

- **NMFS has engaged with Alaska Tribal governments and entities and ANCSA Corporations regarding the development of the subject DEIS, inviting their participation in the Council process and Tribal consultation, through the following means:**
  - **Letters**
  - **Meetings**
  - **Listening Sessions**



# Tribal Engagement

- NMFS sent two letters to Alaska Tribal governments and entities and ANCSA Corporations regarding the development of the subject DEIS, inviting their participation in the process.
- The April 2021 and August 2020 letters invited interested parties to participate in the continued development of the DEIS through the Council process and to reach out directly to NMFS on any issues of concern.
- The letters noted NMFS's special obligations to consult and coordinate with Tribal governments and ANCSA Corporations pursuant to Executive Order 13175 and the Executive Memorandum of April 29, 1994.
- The letters specifically noted the opportunity for Tribal governments or ANCSA Corporations to consult with NMFS at any time under E.O. 13175.



# Tribal Engagement

- On July 16, 2021, NMFS met with Aleutian Pribilof Islands Association, Inc. (APIA).
  - [Link to meeting notes](#)
- On November 24, 2021, NMFS met with Aleut Community of St. Paul Island and APIA.
  - [Draft notes](#) available on Council Agenda under C2
  - When finalized, notes will be available on [NMFS web site](#)
- On November 29, 2021, NMFS held a listening session attended by at least 10 Alaska Tribal representatives and individuals.
  - [Draft notes](#) available on Council Agenda under C2
  - When finalized, notes will be available on [NMFS web site](#)

**Tribal consultation information on NMFS web site:**

<https://www.fisheries.noaa.gov/alaska/consultations/alaska-fisheries-tribal-consultation-documents-and-workgroup>



# Tribal Engagement

- **Main Points We Heard** (*direct feedback in italics*)
  - **Tribal entities strongly supported Alternative 4 for final action on Halibut ABM.**
    - *Collectively strong call for the NMFS Alaska Region and NPFMC to go beyond the strongly supported Alternative 4 to conserve halibut and bring back the directed fisheries and fulfill trust responsibilities.*
  - **DEIS needs to consider impacts to all affected halibut fishing communities including those no longer fishing for halibut.**
  - **Conservation of halibut resource is essential to the integration of the sociological and ecological systems.**
  - **NMFS should continue to improve how they engage in tribal consultations.**
    - *NPFMC should provide staff directly responsible for attending/ participating and reporting to NPFMC after these Consultations in conjunction with or addition to NMFS staff.*



# Tribal Engagement

- **NMFS received public comments on the DEIS from Alaska Tribal representatives and individuals, as well as the Department of Interior, that specifically addressed Tribal issues related to this action and Tribal consultation in general.**
- **Summaries of these comments can be found in the Comment Summary Report, and the full comments may be accessed through this link:**

<https://www.regulations.gov/document/NOAA-NMFS-2021-0074-0002/comment>.





# Comment Summary Report

A Notice of Availability was published in the *Federal Register* on 9/8/21 for public review and comment of the Draft EIS.

- Public comment period ended 10/25/21.
- NMFS received 542 unique submissions.
- A number of submissions contained multiple comments.



# Comment Summary Report

- **NEPA requires NMFS to review, consider, and respond to all substantive public comments in the Final EIS.**
- **Substantive content includes assertions, suggested alternatives or actions, additional data, background information, or clarifications.**
- **Responses to comments will be included in the Final EIS.**
- **Any changes made in the Final EIS as a result of those comments will be noted in the document.**



# Comment Summary Report

- **Substantive comments received by NMFS are summarized in the Comment Summary Report (CSR) for the Council’s consideration for Final Action.**
- **Responses to comments are not included in the CSR due to the short time frame between the close of the public comment period and the December 2021 Council meeting.**



# Comment Summary Report

- **Comments are considered equally on their merits.**
- **Consideration of comments is not weighted by organizational affiliation or other status of commenters or by the number of comments for or against any aspect of the issue.**
- **The number of unique comments under each section in the CSR does not reflect the number of individual comments on any particular topic.**



# Comment Summary Report

- **Comments in the CSR are summarized or partially extracted from the full comment(s) received.**
- **Similar comments are combined & summarized**
  - or may be represented by a comment that articulates a concern expressed by multiple commenters.
- **Some individual comments address more than one interrelated topic.**
  - Such comments are included under only one topic in the CSR. This approach is meant to reduce duplication in this report and is not intended to minimize the importance of the other topics within a particular comment.



# Comment Summary Report

Comments are organized in the CSR by Topic

- **Topic 1: Purpose and Need**
- **Topic 2: Alternatives/Options**
- **Topic 3: Analysis methods and content**
  - **Economic, social, and cultural considerations:**
    - Amendment 80 trawl fleet
    - Directed halibut fisheries
    - Dependent communities
    - Subsistence fisheries
    - Alaska Natives / Tribes
    - Environmental Justice and other cultural and social interests
  - **MSA National Standards and Net Benefit to the Nation**
  - **Climate change / Greenhouse gas emissions**



# Comment Summary Report

## CSR Topics continued

- **Topic 4: Consistency with NEPA requirements**
- **Topic 5: Document Format**
- **Topic 6: General Bycatch Concerns**
- **Topic 7: Out of Scope**



# Comment Summary Report

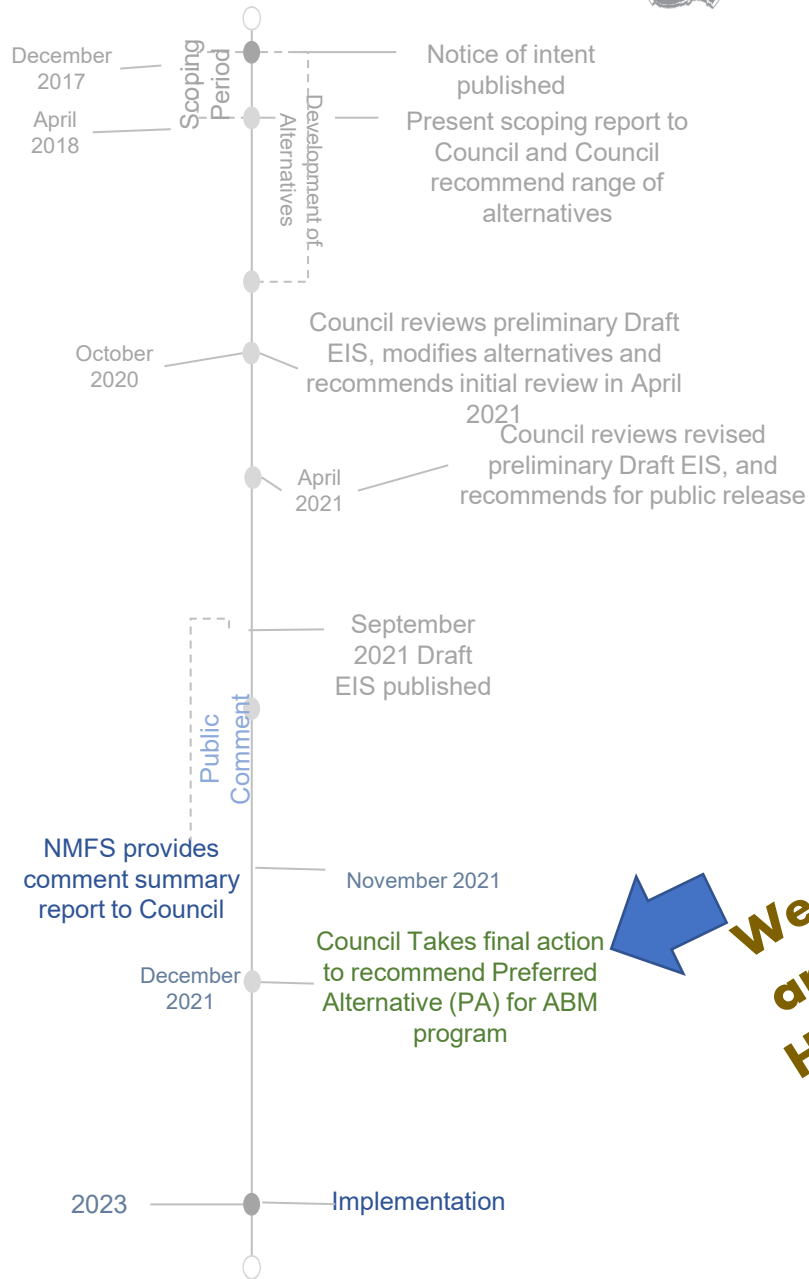
- **For the full text of individual comments, please reference the comments directly at:**

<https://www.regulations.gov/document/NOAA-NMFS-2021-0074-0002/comment>.





# Potential Schedule for EIS



**We are HERE**



# Timeline

## NMFS Implementation Considerations

### Year 1 Implementation (2023)

- The final harvest specs for 2023 published in ~mid March 2023 would retain reference to the Amendment 80 fleet status quo halibut PSC limit (1,745 mt) in regulation.
- The ABM final rule would publish after final harvest specifications for 2023.
- The ABM final rule would be effective 30 days after publication (late spring 2023).
- The new halibut PSC limit for the Amendment 80 fleet set in the ABM final rule would supersede the previous regulatory limit noted in final harvest specifications for 2023.



# Timeline

## NMFS Implementation Considerations

For a mid year effective date in the first year of implementation,  
the ABM final rule should:

- Provide the clarity to the public on the A80 halibut PSC limit for that year;
- Allow for optimal industry operational planning for first year implementation;  
and
- Build in flexibility to accommodate uncertainty surrounding rulemaking schedule.



# Timeline

## NMFS Implementation Considerations

### Year 1 Implementation (mid 2023)

- **NMFS would prefer that the ABM implementing regulations specify that Amendment 80 halibut PSC limit will be set for the first year (2023):**
  - at a set level specified by the Council; or
  - $x\%$  of status quo (1,745 mt); or
  - using survey indices from 2021 surveys and applied to the lookup table in the alternative selected by the Council as the preferred alternative; or
  - other options to reduce uncertainty for 1st year mid-year implementation.
- **Based on data from 2009 through 2021, the Amendment 80 halibut PSC limit (status quo or new limit) would not be expected to be reached by the late spring 2023 effective date.**



# Timeline

## NMFS Implementation Considerations

### Year 2+ Implementation (2024 and beyond)

- The ABM implementing regulations would specify when survey indices would need to be submitted to the Alaska Regional Office before the end of each year.
- Amendment 80 halibut PSC in the annual proposed harvest specifications would apply the appropriate PSC value from the lookup table in the selected alternative.
- Amendment 80 halibut PSC would be effective upon publication in annual final harvest specifications (~mid-March each year).

