



Ecosystem Committee REPORT

28 September 2023 8:00am – 4:00pm (AKT)

Virtual via Zoom

[eAgenda](#)

The Committee met to discuss updates to NEPA processes, IRA funding, the Programmatic, and an update on Conservation Areas.

Committee Members in attendance: Bill Tweit (Chair), Dave Benton, Dave Fluharty, Gretchen Harrington, Jeremy Rusin, Jim Ayers, Rose Fosdick, Stephanie Madsen, Theresa Peterson
Member(s) absent: John Iani

Council Staff for Committee: Nicole Watson

Agency and Council Staff attending included: David Witherell, Diana Evans, Sara Cleaver, Kate Haapala, Diana Stram, Bridget Mansfield, Tom Meyer, Molly Watson

Public attending included: Amy Sparck, Ben Enticknap, Chad See, Ernie Weiss, Heather McCarty, Jon Warrenchuk, Julien Lartigue, Karen Gillis, Kenny Down, Kristin Stahl-Johnson, Loretta Brown, Mateo Paz-Soldan, Megan Williams, Michael LeVine, Michael Offerman, Tara Brock, Terese Schomogyi, Tom Gemmell

The Chair opened the meeting with a discussion of the agenda and adjustments for time constraints over the course of the day for Committee members.

Changes to NEPA Procedures, Inflation Reduction Act Funding, and the Programmatic EIS

NMFS Staff presented changes to NEPA procedures that became statute with the passing of the [Fiscal Responsibility Act](#) (FRA) on June 3, 2023, and described how these changes could affect Council actions. The most significant of these changes for the Council is the new statutory time limit for EAs and EISs. NMFS Staff clarified that the “starting of the clock” begins with publication of the Notice of Intent; from that time, the agency has two years to issue a Record of Decision. The core requirements of NEPA, including analyzing a reasonable range of alternatives and consistent opportunities for public comment, remain unchanged. The page limits for EAs and EIS apply to a summary of the NEPA document and not to data and analyses in appendices.

Council Staff provided a presentation on the likely several-year funding the Council will receive from the Inflation Reduction Act and ways in which this funding could provide potential avenues for progressing with the Programmatic EIS and other climate readiness actions. The Committee was informed that the staff request for additional Council guidance on the Programmatic EIS at the October meeting arises from these two developments: changes to NEPA timelines and the potential of additional staff resources.

The Committee appreciates the detailed information provided in the presentations and had a robust discussion on how the NEPA changes may affect actions taken by the Council such as the Programmatic EIS, timelines of current actions, staff and Agency workloads, and potential future actions as planned through the 3-meeting outlook. Additional discussion included how a constrained timeline may impact

opportunities for interactions between Tribes and NMFS through both the Council process and directly through consultation with NMFS.

Committee discussion focused primarily on the future of the Programmatic and ways to move forward. The Committee understands the Council decision regarding the Programmatic EIS motion was made prior to knowledge of the changes to NEPA procedures, IRA funding, and the potential impacts to the action. Committee members acknowledged that while Council actions are likely to be affected by the new timelines set forth through the FRA statute, the overall importance or value of forward progress on the Programmatic EIS should not change.

Some members expressed concerns regarding differences in the purpose and need, and alternatives for the Programmatic EIS between the [Committee recommendations](#) from May and the June [Council motion](#). Committee members noted the lengthy process that led to the Committee recommendation and the overwhelming public support for those recommendations at both the Committee's May meeting as well as the Council's June meeting. Committee members suggested it would be useful to understand the reason for the approach adopted by the Council. Discussion focused on the Council's omission of the Committee's recommended alternatives, the use of "adaptive" in place of "precautionary" in the language of the alternatives, and the omission of much of the purpose and need statement, including the preamble text. The Committee Chair explained the reasoning behind the Council's alternatives and other language changes that were made by the Council. Some Committee members expressed that the language revisions appeared to minimize the importance of addressing Tribal and subsistence concerns in the Council and NMFS processes. Some members stressed the importance of the Council reconsidering the Committee's initial recommendations, primarily with regard to the need for an adequate range of reasonable alternatives and adding "precautionary" back into the language of the alternatives. While the Committee recognizes the authority of the Council, the Council may not have fully appreciated the extensive public testimony that the Committee has received, especially from Tribes and subsistence users, in support of addressing climate-driven management concerns through the Programmatic EIS.

Kristin Stahl Johnson (OceanPeople Resources), Amy Sparck (Bering Sea Fishermen's Association), Jon Warrenchuk (Oceana), and Michael LeVine (Ocean Conservancy) provided oral testimony. Their comments included general support for an adequate range of reasonable alternatives and the Committee recommendations from May, the importance of forward progress on the Programmatic EIS; recognition that this is an iterative process now constrained by a compressed timeline; the importance of continued collaboration and comprehensive scoping; the need for an ecosystem-based approach from copepods, seabirds, harvested and non-harvested species; the rapid rate of change; the role and status of Alaska native groups; and incorporation of local knowledge and traditional knowledge (LKTK). No member of the public advocated for further delay in starting the scoping and PEIS process.

Written comment was received by Loretta Brown (SalmonState) and Jon Warrenchuk (Oceana).

Ultimately, the Committee stresses the **urgency in moving the Programmatic EIS forward**, and passed the following motion stating:

The Ecosystem Committee received an update on the statutory and regulatory changes on NEPA processes. The Committee understands the constraints these changes will put on Council processes but recommends the Council look at funding sources available and move forward with the publication of the Notice of Intent for the Programmatic EIS. The Committee reiterates the points made in previous recommendations from the May Ecosystem Committee meeting and expresses concerns between the changes that were made at the June Council meeting and requests the Council reconsider those changes in order to realign them with the original recommendations.

There was no opposition to the motion.

The Committee appreciates the detailed conversation level and public input throughout this meeting covering the Programmatic EIS.

Marine Conservation Areas

Staff provided a presentation on marine conservation areas, the associated Council Coordinating Committee [report](#) on the evaluation of fisheries conservation areas for inclusion into the America the Beautiful Conservation and Stewardship Atlas, the conservation area [worksheet](#) and effectiveness checklist, and the North Pacific Conservation Areas Summary [glossy](#).

The Committee appreciated the presentation and is satisfied with the work completed. The Committee discussed the need to increase accessibility of the information to the public in a useful format and concerns that past progress and current conservation efforts are not widely known or appreciated. One member inquired how Tribes and Tribal organizations were engaged in answering questions in the evaluation worksheet with particular interest in incorporating input regarding walrus harvests in the Walrus Conservation Areas. The presenter responded that the report includes evaluation comments by only one author and that if a full OECM evaluation of North Pacific conservation areas were conducted, a review team that included representatives of Tribes and other stakeholders likely would be assembled. Another member voiced interest in a potential temporary workgroup or Committee discussion focused on management actions, including modifications to conservation areas, that may be taken to increase the resiliency of either single or related vulnerable species that are of importance to Indigenous peoples and other Alaskan user groups. There was particular interest in understanding the potential for conservation areas to provide for the conservation of biodiversity and resiliency in the face of climate change and other anthropogenic impacts. The Committee did not reach a consensus recommendation on further action.

Jon Warrenchuk (Oceana) and Kristin Stahl Johnson (OceanPeople Resources) provided oral testimony noting concerns with the benthic footprint of pelagic trawling, concerns with pelagic impacts on benthic habitat, and highlighting the Oceana workshop on Gulf of Alaska habitat to be held on October 5th, 2023, during the Council meeting in Anchorage, AK.

Scheduling

A brief closing discussion included tentatively scheduling the next Committee meeting on December 4th, 2023, as a hybrid meeting with in-person attendance at the Hilton in Anchorage, Alaska, and virtually through the Zoom platform, pending the Council action at the October meeting. Agenda items for upcoming meetings include the annual status report on northern fur seals and their co-management and further discussion of the Programmatic EIS once the Council has provided direction.