

Programmatic Evaluation Engagement Planning

March 30, 2024

At the February 2024 meeting, the Council emphasized its intent to provide robust and meaningful public and tribal engagement on the development of a Programmatic Evaluation of its fisheries management policies in consideration of environmental variability. In response to public testimony, the Council extended the timeline for pre-scoping and formal NEPA scoping of the alternatives for the Programmatic Evaluation. The Council instructed staff to [continue pre-scoping activities related to the Programmatic Evaluation](#) of federal fisheries managed under the Magnuson-Stevens Act and the Halibut Act under the jurisdiction of the Council in the Gulf of Alaska, the Bering Sea, and Aleutian Islands. The Council also supported NMFS tribal consultation to receive input from Alaska Native tribes or Native corporations to further develop alternatives for action prior to formal National Environmental Policy Act (NEPA) scoping. Formal NEPA scoping will begin when the Notice of Intent (NOI) to prepare a Programmatic Environmental Impact Statement (PEIS) is published by NMFS.

The Council's revised timeline included the issuance of the NOI in fall 2024 instead of over the summer. There was concern that interested persons including tribal members may be unavailable to engage on the development of the Programmatic over the summer, due to involvement in subsistence activities. Under the revised timeline (Timeline A), staff anticipate the Council intends, at the October meeting, to review any feedback from engagement coming out of pre-scoping or tribal consultation, as well as a strawman proposal of management goals and objectives from staff. In October, the Council could also weigh in on the following information which must be included in the NOI:

- The purpose and need for the proposed action;
- A preliminary description of the proposed action and alternatives the environmental impact statement will consider;
- A brief summary of expected impacts;
- A description of the public scoping process, including any scoping meeting(s);
- A request for identification of potential alternatives, information, and analyses relevant to the proposed action.

The NOI would be published shortly after the October Council meeting, at which time the formal NEPA scoping process would begin, with review of the resulting public scoping comments as soon as feasible thereafter, likely at the April 2025 Council meeting.

Council and NMFS staff have discussed plans and options for pre-scoping, such as tribal engagement and consultation opportunities, which would align as best as possible with the Council's proposed timeline as well as with the Council's intent for a transparent, inclusive, and meaningful process. For clarity, [Executive Order 13175](#) sets the framework for tribal consultation, strengthens government-to-government relationships with, and reduces the burden of unfunded mandates upon Alaska Native tribes and/or corporations. Consultation typically occurs prior to the meeting at which the Council takes action (for the Programmatic, this would be the meeting at which the Council approves the alternatives for the NOI). NMFS has been working with Alaska Native tribes to develop a joint protocol for tribal consultation that will be released soon. Meanwhile, NMFS Alaska Region has developed a [new online form](#) for improving NMFS' response to requests for tribal consultation. [NOAA's Tribal Consultation Handbook](#) defines tribal engagement as the range of interactions with tribal governments that may be similar to (but does not rise to) the level of formal government-to-government consultation. In relation to Council actions, tribal engagement is everything else: relationship building, informal meetings, phone calls, staff level in-person,

For definition of acronyms and abbreviations, see online list: <https://www.npfmc.org/library/acronyms>

Accessibility of this Document: Effort has been made to make this document accessible to individuals with disabilities and compliant with Section 508 of the Rehabilitation Act. The complexity of this document may make access difficult for some. If you encounter information that you cannot access or use, please call NPFMC at [907-271-2809](tel:907-271-2809) so that we may assist you.

virtual and email discussions/exchange of information, tribal sessions and briefings on topics of interest, etc. This allows for early and meaningful federal-tribal dialogue and feedback on upcoming fisheries actions. NMFS and Council staff will provide a tribal engagement session on April 17, 2024, to inform Alaska Native tribes and/or corporations on Programmatic Evaluation Engagement Planning, gather feedback, and listen to concerns.

The proposed timeline (Timeline A) would lend itself to pre-scoping engagement activities between April and September. Staff have tried to avoid planning engagement activities in the summer months as many tribal members are unavailable during this time of subsistence harvest. **The following opportunities are currently planned for pre-scoping under the proposed timeline:**

- NMFS has one tribal engagement meeting already scheduled for April 17th.
- NMFS is tentatively scheduling another for late April or early May 2024.
- Invitations for tribal consultation from NMFS would go out in August 2024 to receive feedback prior to the October 2024 meeting.

Scheduling under Timeline A could then proceed as follows:

- October Council meeting: Review staff strawman of management goals and objectives.
- NOI published after the October Council meeting.
- Oct 2024-Jan 2025: NEPA scoping.
- April 2025 Council meeting: Review scoping comments, refine PEIS alternatives.

If the Council would like to pursue additional engagement opportunities during the pre-scoping period, staff recommend extending pre-scoping until a later Council meeting, with the understanding that this is likely to delay the completion date of the Programmatic Evaluation. This would provide increased opportunity for engaging with Alaska Native communities outside of the summer months. Staff are asking the Council to define the Council's goal for pre-scoping; what activities constitute inclusive, meaningful engagement, and what input the Council is seeking from Alaska Native tribes and the public. At the February meeting, Council members spoke about potential visits to communities, or other public hearing opportunities for tribal engagement. Other opportunities the Council could consider for engagement include virtual engagement sessions with some Council members, engagement sessions to occur in conjunction with other pre-scheduled meetings such as Regional Advisory Council (RAC) meetings. In order to plan such activities, NMFS and Council staff need to better understand what the Council is interested in pursuing (i.e., virtual or in-person in a specific community, who would attend the meeting, general timeframe, what the Council intends to accomplish through the meeting).

Another option would be for the Council to keep with an October pre-scoping review, but provide additional Council engagement opportunities during the formal NEPA scoping period instead of during pre-scoping, in order to keep the timeline on track.

If the Council chooses to extend the pre-scoping period for the Programmatic Evaluation and associated tribal engagement and consultation, the Programmatic Evaluation would be scheduled on the Council's agenda at the earliest in December 2024. Under this timeline, (Timeline B), Alaska Native tribes and corporations would be notified of tribal consultation prior to the December Council meeting, and the Council would review the staff strawman of management goals and objectives in December. The NOI could then be published after the December Council meeting.

If NEPA scoping were to begin after the December Council meeting, a longer (90-day) scoping period is recommended, as a 45-day period over the holiday season may limit opportunities for input. A 45 or 90 day scoping period would end in February or March, at which time NMFS will need several weeks to draft its scoping report. As a result, staff would likely schedule the scoping report for Council review in June 2025, which is being held in Newport, Oregon.

Next Steps

At this meeting, staff are seeking feedback on what types of pre-scoping activities the Council recommends, so that the appropriate timeline can be built to complete them.

At this time, it may also be beneficial for the Council to begin considering what types of activities it intends to pursue during the formal NEPA scoping period; if there are pathways for input beyond written scoping comments which the Council intends to develop or utilize, and whether the Council prefers a 45 or 90 day scoping period.