

Prompt for Discussion

March 2023

The Council and staff are seeking input on development of a purpose and need and alternatives for the Programmatic EIS. Ideas are welcome and may be provided in any format, however, the questions below aim to help frame the work on the Programmatic and assist the Committee in developing a purpose and need statement and identification of alternatives. Feel free to use these questions as a starting place or provide your ideas in another format as you see fit.

Any answers are, by no means, meant to be final, and the purpose of the questions is to help organize thoughts and to stimulate discussion at the April 2023 Committee meeting. Staff will organize and compile these answers for Committee discussion. You can either submit answers using a word document or can utilize the associated [Google Form](#).

You do not need to answer every question, and you have the option to change your responses after submitting them to staff. You can submit more than one response, if you so choose.

The purpose and need, management approach, and goals and objectives of the 2004 PSEIS can be found on pages 2-5. Additional resources to help with developing the purpose and need can be found on page 6.

Please submit your response(s) no later than Monday, March 27th using either the [Google Form](#), by emailing or mailing your response using the contact information below.

Email to: Nicole Watson (nicole.watson@noaa.gov) and Sara Cleaver (sara.cleaver@noaa.gov)
or Send to: 1007 West Third Ave., Suite 400, L92 Building, 4th Floor, Anchorage, AK 99501

Questions

1. Why does the Council need to reinitiate a Programmatic evaluation at this time?
2. What outcome(s) do you want to achieve through this process?
3. What scope would you like to see for the new policy?
 - *Focused on groundfish fishery, specific species, or all Council-managed fisheries?*
 - *A broader or specific geographic range?*
 - *Affecting all the management policy or specific components?*
4. What changes would you like to see to the current groundfish management policy and its nine management goals and suite of 45 objectives?
 - *Do you feel there are any management goals and/or objectives that need to be added to a new management policy? If so, what are they?*
 - *Are there any management goals and/or objectives that have not been prioritized enough in Council decision making? If so, which ones?*
 - *Are there any management goals and/or objectives with which you no longer agree, or which need language to be updated? If so, which ones?*
5. Are there any specific regulatory or management-related steps you can think of at this time to better align the Council with future purpose and management objectives?
These may not necessarily end up being folded into the Programmatic, but can provide additional illustration as the Committee and Council decide how to structure alternatives.
6. Please include any additional comments you would like to share.



Purpose and Need sections of the 2004 PSEIS

Purpose and Need for Federal Action (Section 1.1 from 2004 PSEIS)

At a fundamental level, management of the groundfish fisheries has two interrelated purposes: to maximize the social and economic benefits of the groundfish resource to the people of the United States (U.S.) and to conserve the resource to ensure its sustained availability to current and future generations. The use and conservation of the fisheries need to be managed so that one objective—whether related to biological conservation or to socioeconomic well-being—does not take priority over the other, except when the resource itself is at risk of being depleted. To prevent such depletion of the resource, fisheries management strives to balance these two fundamental objectives.

The North Pacific Fishery Management Council (NPFMC) and NOAA Fisheries have managed the groundfish fisheries off Alaska for more than 20 years under the FMPs for the groundfish fisheries of the BSAI and GOA. These FMPs, subsequent FMP amendments, and related regulatory actions addressing changes in management measures have all been attended by NEPA documents, whether environmental impact statements (EISs), environmental assessments (EAs), or categorical exclusions that consider the environmental impact of those actions. At this juncture, however, the continuing effort to manage the groundfish fisheries requires a renewed evaluation of the overall environmental impacts of existing management policy and an analysis of alternative policies that will allow NPFMC and NOAA Fisheries to strike the most effective and efficient balance between the dual objectives of conservation and use.

Staff note that the language in gray above was driven by lawsuit requirements between 1998-2004 and would likely need to be replaced moving forward.

The Purpose and Need for the Programmatic Supplemental Environmental Impact Statement (Section 1.3 from 2004 PSEIS)

The purpose of this Programmatic SEIS is to analyze comprehensive policy alternatives in support of the continuing management of the groundfish fisheries of the BSAI and GOA. A Programmatic SEIS such as this provides a broad, “big picture” environmental evaluation that examines a program on a large scale and may be used to evaluate an ongoing program and alternative directions that the program might take in the future (40 Code of Federal Regulations [CFR] 1502.4[b]). By providing up-to-date scientific information on the cumulative impacts of the groundfish fisheries on the physical, biological, and human environment of the action area, this Programmatic SEIS will serve as the environmental baseline for evaluating current and alternative management regimes and subsequent management actions.

As a comprehensive foundation for management of the BSAI and GOA groundfish fisheries, this Programmatic SEIS is intended to function as a “first tier” analysis for incorporation by reference into subsequent EAs and EISs that focus on specific federal actions. Rather, the federal action supported by this document is the continuing management of the groundfish fisheries in the EEZ off Alaska. This Programmatic SEIS sets forth four distinct management policies, including the current policy, from which NPFMC will choose a preferred management policy direction. Any specific FMP amendments or regulatory actions proposed in the future will be evaluated by subsequent EAs or EISs that are tiered from the Programmatic SEIS but stand as case-specific NEPA documents and offer more detailed analyses of the specific proposed actions. Any such amendments and actions will logically derive from the chosen policy direction set for the preferred alternative. To maintain this document’s viability as the “first tier” reference for future



analyses, NOAA Fisheries will periodically update this Programmatic SEIS as warranted by the availability of new information or the development of significant changes in the fisheries or their environment.

The need for a “Supplemental” EIS became apparent to NOAA Fisheries during the 1990s, when the agency was apprised of the legal and scientific insufficiency of the initial EISs prepared for the GOA and BSAI groundfish FMPs in 1979 and 1981, respectively. (For a more detailed discussion of the history of this document, see Section 1.5.) Regulations implementing NEPA require preparation of an EIS (or SEIS) when “there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts” (40 CFR 1502.9[c]). Significant changes have occurred in the resource and its environment over the past 20 years, and the initial EISs supporting the FMPs no longer adequately reflect the current state of the environment. While fishery management regulatory actions and FMP amendments have all been attended by environmental analyses, mainly EAs or EISs, none of those analyses attempted to examine the impact the FMPs in their entirety have had on the environment. Consequently, NOAA Fisheries announced its decision to prepare an SEIS that would, moreover, be a “programmatic” analysis based on the current state of the resource and its environment.

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Management Approach (Section 2.6.9.2 of the 2004 PSEIS)

The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 25 years, the NPFMC’s adopted management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has, in recent years, been labeled the precautionary approach. The NPFMC’s precautionary approach is about applying judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future and current generations. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the NPFMC intends to continue to recommend appropriate measures to ensure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures as described in the MSA and in conformance with the National Standards, the ESA, the NEPA and other applicable law. This management approach takes into account the National Academy of Sciences’ recommendations on Sustainable Fisheries Policy.

As part of its policy, the NPFMC intends to consider and recommend, as appropriate, measures that accelerate the NPFMC’s precautionary, adaptive management approach through community- or rights-based management, ecosystem-based management principles that protect managed species from overfishing, and where appropriate and practicable, increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation of the living marine resources; provide socially and economically viable fisheries and fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management including protection of the long-term health of the resource and the optimization of yield. This policy will



utilize and improve upon the NPFMC’s existing open and transparent process to involve the public in decision-making.

Adaptive management requires regular and periodic review. Objectives identified in this policy statement will be reviewed annually by the NPFMC. The NPFMC will also review, modify, eliminate, or consider new issues as appropriate to best carry out the goals and objectives of this management policy.

To meet the goals of this overall management approach, the NPFMC and NOAA Fisheries will use the Programmatic SEIS as a planning document. To help focus its consideration of potential management measures, it will use the following objectives as guideposts to be re-evaluated as amendments to the FMP are considered over the life of the Programmatic SEIS.

Table 1: Goals and Objectives of BSAI and GOA Fishery Management Plans, as adopted through the 2004 PSEIS

Goal	Management Objective
1. Prevent Overfishing <i>Maintain Sustainable Harvest</i>	1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield. 2. Continue to use the optimum yield caps for the BSAI and GOA groundfish fisheries. 3. Provide for adaptive management by continuing to specify optimum yield as a range. 4. Provide for periodic reviews of the adequacy of F40 and adopt improvements, as appropriate. 5. Continue to improve the management of species through species categories.
2. Promote Sustainable Fisheries and Communities	6. Promote conservation while providing for optimum yield in terms of the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence, and commercial fishing participants and fishing communities. 7. Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures 8. Promote fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges. 9. Promote increased safety at sea.
3. Preserve Food Web <i>Ecosystem-based Fishery Management</i>	10. Develop indices of ecosystem health as targets for management. 11. Improve the procedure to adjust acceptable biological catch levels as necessary to account for uncertainty and ecosystem factors. 12. Continue to protect the integrity of the food web through limits on harvest of forage species. 13. Incorporate ecosystem-based considerations into fishery management decisions, as appropriate.
4. Manage Incidental Catch and Reduce Bycatch and Waste	14. Continue and improve current incidental catch and bycatch management program. 15. Develop incentive programs for bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, vessel bycatch allowances, or other bycatch incentive systems. 16. Encourage research programs to evaluate current population estimates for non-target species with a view to setting appropriate bycatch limits, as information becomes available. 17. Continue program to reduce discards by developing management measures that encourage the use of gear and fishing techniques that reduce bycatch which includes economic discards. 18. Continue to manage incidental catch and bycatch through seasonal distribution of total allowable catch and geographical gear restrictions. 19. Continue to account for bycatch mortality in total allowable catch accounting and improve the accuracy of mortality assessments for target, prohibited species catch, and noncommercial species. 20. Control the bycatch of prohibited species through prohibited species catch limits or other appropriate measures. 21. Reduce waste to biologically and socially acceptable levels.



Goal	Management Objective
5. Reduce and Avoid Impacts to Seabirds and Marine Mammals	<p>22. Continue to cooperate with U.S. Fish and Wildlife Service (USFWS) to protect ESA-listed species, and if appropriate and practicable, other seabird species.</p> <p>23. Maintain or adjust current protection measures as appropriate to avoid jeopardy of extinction or adverse modification to critical habitat for ESA-listed Steller sea lions.</p> <p>24. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.</p> <p>25. Continue to cooperate with NMFS and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.</p>
6. Reduce and Avoid Impacts to Habitat	<p>26. Review and evaluate efficacy of existing habitat protection measures for managed species.</p> <p>27. Identify and designate essential fish habitat and habitat areas of particular concern pursuant to Magnuson-Stevens Act rules, and mitigate fishery impacts as necessary and practicable to continue the sustainability of managed species.</p> <p>28. Develop a Marine Protected Area policy in coordination with national and state policies.</p> <p>29. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability.</p> <p>30. Develop goals, objectives and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity. Implement marine protected areas if and where appropriate.</p>
7. Promote Equitable and Efficient Use of Fishery Resources	<p>31. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.</p> <p>32. Maintain the license limitation program, modified as necessary, and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.</p> <p>33. Provide for adaptive management by periodically evaluating the effectiveness of rationalization programs and the allocation of access rights based on performance.</p> <p>34. Develop management measures that, when practicable, consider the efficient use of fishery resources taking into account the interest of harvesters, processors, and communities.</p>
8. Increase Alaska Native & Community Consultation	<p>35. Continue to incorporate local and traditional knowledge in fishery management.</p> <p>36. Consider ways to enhance collection of local and traditional knowledge from communities, and incorporate such knowledge in fishery management where appropriate.</p> <p>37. Increase Alaska Native participation and consultation in fishery management.</p>
9. Improve Data Quality, Monitoring and Enforcement	<p>38. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.</p> <p>39. Develop funding mechanisms that achieve equitable costs to the industry for implementation of the North Pacific Groundfish Observer Program.</p> <p>40. Improve community and regional economic impact costs and benefits through increased data reporting requirements.</p> <p>41. Increase the quality of monitoring and enforcement data through improved technology.</p> <p>42. Encourage a coordinated, long-term ecosystem monitoring program to collect baseline information and compile existing information from a variety of ongoing research initiatives, subject to funding and staff availability.</p> <p>43. Cooperate with research institutions such as the North Pacific Research Board in identifying research needs to address pressing fishery issues.</p> <p>44. Promote enhanced enforceability.</p> <p>45. Continue to cooperate and coordinate management and enforcement programs with the Alaska Board of Fish, Alaska Department of Fish and Game, and Alaska Fish and Wildlife Protection, the U.S. Coast Guard, NMFS Enforcement, International Pacific Halibut Commission, Federal agencies, and other organizations to meet conservation requirements; promote economically healthy and sustainable fisheries and fishing communities; and maximize efficiencies in management and enforcement programs through continued consultation, coordination, and cooperation.</p>



Additional resources to help with developing the purpose and need:

Questions from Section 5 of the Feb 2023 Discussion Paper:

- As in 2004, is a purpose to provide a comprehensive analysis of the cumulative impact of the groundfish fisheries given specific management changes that have occurred since the last review in 2004? Are we trying to reestablish the environmental baseline for assessment of the impacts of the fisheries, given how conditions have changed? This might renew our ability to ‘tier’ off the PSEIS for ongoing management actions.
- Is the intent rather to focus specifically on achieving a better understanding of the impact of changing climate conditions and what they mean for managing the groundfish fisheries, and affirm whether the current management is durable in changing conditions or whether there is a cumulative effect or unintended consequences of the fisheries that is being missed as a result of the increased rate of change? For example, such a climate-focused analysis could provide a more robust impact reference document for ongoing management actions.
- Is the Council intending primarily to evaluate whether its current understanding of the impacts of the fisheries continues to be accurate, or does the Council already anticipate, through this document, an intent to shift its management policy, for example to develop a more adaptive program?
- Even without a prior intent to substantially shift policy, does the Council view this as an opportunity to refresh dated management policy objectives, or remove objectives that are no longer relevant? If so, is the Council ready to articulate any of these specifically?
- In addition to a programmatic view, are there specific areas of the management program that the Council identifies as a priority for policy adjustment, and which might be a focus of this evaluation? These might include the robustness of the groundfish harvest control rules, groundfish interactions with other ecosystem resources through bycatch of other target fishery resources or prey species, or habitat disturbance, or equitable access to resources given changing distributions and environmental impacts.

Some bullet points on what staff has heard regarding changes to management policy language:

- Unpredictability and rapidity of climate change was not addressed in the 2004 PSEIS
- Inclusion of LKTKS and where AK Native and tribal input fit in the process is lacking.
- Food web is out of date
- More explicit focus on Ecosystem Based Fisheries Management is needed
- Words in objectives are fine, but they may not be defined well. Ex: “precautionary”, “sustainable”.

