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# Groundfish Programmatic Supplemental Environmental Impact Statement (PSEIS) Discussion Paper



February 2023

Sara Cleaver & Nicole Watson, NPFMC



# Outline and Action for the Council

1. Receive presentation on discussion paper
2. Receive Ecosystem Committee Report
3. Provide direction on purpose and next steps



# COUNCIL MOTION (p.21)

OCTOBER 2022



The Council initiates a discussion paper for a roadmap and timeline for reevaluating the Programmatic Groundfish SEIS in order to better address the impacts of climate change on our marine ecosystems and on the people who are dependent on those ecosystems. The Council requested that the discussion paper include the following:

- Outline of the information relevant to understanding the impacts of groundfish fisheries that will be necessary for revising the PSEIS, such as a compilation of new assessments of the impacts of climate change.
- Assessment of how existing Council initiatives as well as other related efforts such as the ACLIM project will inform Council reevaluation of the PSEIS (e.g., Climate Change Taskforce work, SSC workshops)
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# PSEIS Primer: Common Acronyms

## Environmental Impact Statement (EIS)

- Prepared to meet NEPA requirements.
- For legislation and other major Federal actions significantly affecting the quality of the human environment.

## Programmatic EIS (PEIS)

- Broad-scale environmental evaluation that examines a program on a large scale. In keeping with CEQ regulations, agencies often prepare this type of EIS when considering new federal programs or regulations.

## Supplemental EIS (SEIS)

- Prepared after the issuance of an earlier EIS pertaining to same federal action.
- Must be prepared:
  - if a federal agency proposes substantial changes to an action that was the subject of a previous EIS.
  - if those changes are relevant to environmental concerns.
  - if there are significant new circumstances or information bearing on the action or its impacts that are relevant to environmental concerns.



# Primer: 2004 PSEIS (“the Programmatic”) (p.2)

## NPFMC Groundfish Programmatic Supplemental EIS (PSEIS)

- Finalized in 2004
- Response to a legal challenge coming out of 1998 EIS
- Comprehensive review of BSAI and GOA groundfish fisheries and their management
- Evaluated cumulative changes in the management of the groundfish fisheries and a broad array of policy-level programmatic alternatives
- Used as the basis for amending Groundfish FMPs to incorporate a new policy statement
  - Groundfish Management Policy
- Set stage for future management actions
- Designed to anticipate the need to adapt management to a continually changing environment



## Primer: 2004 PSEIS Purpose and Need

- The 2004 PSEIS noted that management of the groundfish fisheries had two interrelated purposes: to maximize the social and economic benefits of the groundfish resource 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.



## Primer: 2004 PSEIS Purpose and Need

- The FMPs for the groundfish fisheries of the BSAI and GOA, 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.
- As a comprehensive foundation for management of the BSAI and GOA groundfish fisheries, the Programmatic SEIS was intended to function as a “first tier” analysis for incorporation by reference into subsequent EAs and EISs that focus on specific federal actions.





## Primer: 2004 PSEIS Structure & Alternatives (p.3)

The PSEIS evaluated 4 policy-level alternatives, ranging from a more aggressive harvest management policy to highly precautionary.

The alternatives were:

1. Continue under the current risk averse management policy;
  2. Adopt a more aggressive harvest management policy;
  3. Adopt a more precautionary management policy;
  4. Adopt a highly precautionary management policy;
- PA.** Adopt a conservative, precautionary approach to ecosystem-based fisheries management (*the preferred alternative*).



# Primer: 2004 PSEIS (p.4, 36)

## Groundfish Management Policy

- Objectives
  - Guideposts to be re-evaluated as amendments to the FMP are considered over the life of the PSEIS

## Groundfish Workplan

- Triennial comprehensive review
  - Most recent: Feb 2022
- Updated and posted at every Council meeting
- This was more important in the years immediately following implementation of the policy. More recently the workplan has become a communicative status report.



## Groundfish Programmatic Workplan

The Council conducted its most recent *comprehensive* review of its Programmatic Groundfish Management Policy<sup>1</sup> (Policy) at its February 2022 meeting<sup>2</sup>, highlighting Council activities in calendar years 2019-2021 which continue to fulfill the Priorities and Objectives established in the Policy. Annual review of the Policy is a requirement of the GOA and BSAI Groundfish FMPs, and the Council fulfills that requirement through this Programmatic Workplan, a concise tool that presents Council actions relative to Policy Objectives and is provided at every Council meeting. As determined by the Council in February 2019, a comprehensive review of the Policy is done on a three-year cycle in order to accommodate the multi-year lifespan of major Council actions.

The table below provides a two-meeting (previous and current) snapshot of the Programmatic Workplan, listing only Council actions relate to the Groundfish FMPs and indicating their correspondence to Programmatic Management Objectives. Those Management Objectives were intended to support decision-making under the Groundfish FMPs. Although the Policy’s EBFM approach is reflected in actions outside of the Groundfish FMPs, these other actions are not included in the table. The tabular presentation of the Programmatic Workplan below as well as prior versions of the table are available on the Council eAgendas: (<https://meetings.npfmc.org/>).

Goal	Management Objective	Council actions	
		October 2022	December 2022
1. Prevent Overfishing  <i>Maintain Sustainable Harvest</i>	1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield.	<ul style="list-style-type: none"> <li>• Groundfish proposed specifications</li> <li>• Stock prioritization review and considerations</li> </ul>	<ul style="list-style-type: none"> <li>• Groundfish final specifications</li> </ul>
	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.	These considerations are applied in all Council management recommendations.  See specific actions also under Goals 1, 7 and 8.	<ul style="list-style-type: none"> <li>• USCG Reports</li> <li>• NIOSH Report</li> </ul>
	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.		

## Primer: Summary of findings, 2004 PSEIS (p.5)

- Key findings noted by NMFS (2004):
  - In the previous 25 years, transition from a primarily foreign groundfish fishery to completely domestic.
  - Significant changes occurred in areas fished, nature and efficiency of gear types, utilization of catch, and rates of bycatch.
  - Diversity of groundfish species fished and the volume of catch increased through early 1990s and has since stabilized.
  - Value of catch continued to increase over time.
  - Communities, including Alaska Native, experienced cumulative beneficial effects through their participation in the groundfish fishery.
  - No apparent adverse cumulative effects of groundfish fishery on target species.
  - Management has become more precautionary over time and developed extensive scientific knowledge regarding target species.
  - Human activities have, over time, resulted in cumulative conditionally adverse effects on various components of the ecosystem. However, there is uncertainty regarding the contribution of the domestic groundfish fishery to these cumulative effects on the North Pacific ecosystem.
  - Fisheries management has incorporated measures (temporal and spatial closures, changes in fishing techniques and gear) to account for ecosystem effects as research has become available.



# Primer: Summary of findings, 2004 PSEIS (p.7)

Two issues were noted to overlay all environmental issues analyzed in the PSEIS

## 1. Environmental risk and uncertainty:

- How should managers respond to situations where the environmental impact of a proposed action is not known and where there is a great deal of uncertainty, both in the data and in our ability to predict future outcomes?
- How should managers apply the precautionary principle when making management decisions?

## 2. Ecosystem-based management (EBFM):

- What does it mean in practice and how should resource managers apply EBFM principles?



# Primer: Summary of findings, 2004 PSEIS

The PSEIS addressed environmental risk and uncertainty and EBFM issues by:

## 1. Environmental Risk:

- Adopting measures that would mitigate against adverse impacts. Such measures would be monitored and if new data indicate they are not working as intended, the NPFMC and NMFS would adapt the management regime accordingly.

## 2. EBFM:

- Integrating EBFM to require managers to consider all interactions that a target stock has with predators, competitors, and prey species; the effects of weather and climate on fisheries biology and ecology; the complex interactions between fishes and their habitat; the effects of fishing on fish stocks and their habitat.
- Informing the public on the subject of EBFM to increase understanding the concept and how it is incorporated into fishery management plans.



## Primer: Summary of findings, 2015 SIR (p7)

- SIR (Supplemental Information Report) produced in 2015 to determine whether a supplemental PEIS was necessary.
- SIR is not directly a NEPA document, rather it is a tool used to determine IF and which type of NEPA document may be needed.
- Between 2004 and 2015, many changes were made which affected the management of the groundfish fisheries: the Council's policy goal statements, changes in groundfish population status, and in environmental conditions.
  - Management changes since 2004 did not constitute a substantial change in the action.
  - The information and new research did not suggest a substantial change in the understanding of the impacts.



## Primer: Summary of findings, 2015 Supplemental Information Report (SIR) (p7)

- NEPA requires agencies to prepare a supplemental EIS to either draft or final EISs if the agency:
  1. Makes substantial changes in the proposed action that are relevant to environmental concerns; or
  2. There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
    - Passage of time alone does not trigger the need for a supplement.
    - EISs do not need to be supplemented because information has accumulated.
  
- **A supplement was not required as the 2004 PSEIS continued to provide NEPA compliance for the groundfish FMPs, and the Council determined not to reinitiate a new PSEIS.**
  - The 2004 PSEIS was a forward-looking document that allowed and prepared for a changing ecosystem, covering a range and scope of variability.
  - Management was changed to align with the PA and to account for uncertainty and variation.



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# Ongoing Initiatives: Informing a Programmatic Look (p.9)

- SCS7 August 2022: Adapting Fisheries Management to a Changing Ecosystem
- SSC February 2023 Workshop: Rapid change in Bering/Chukchi Seas
- ACLIM & GOA CLIM
- Climate Change Taskforce (CCTF)
- Local Knowledge, Traditional Knowledge, and Subsistence (LKTCS) Taskforce
- Other Bering Sea FEP action modules (not initiated)
- ESA Section 7 Consultation
- Ecosystem Committee exploration of a GOA FEP (not initiated)



IN CONJUNCTION WITH FEB 2023 NPFMC MEETING, SEATTLE, WA

### OPPORTUNITY FOR PUBLIC INPUT FOR SSC WORKSHOP

Rapid change in the northern Bering and southern Chukchi Seas: Identifying ecosystem responses and effects on the management of Federal fisheries

**INPUT NEEDED ON THESE CORE QUESTIONS**

1. What do we know about the current and near-term future environmental and ecological states of the northern Bering Sea and southern Chukchi Sea?
2. What data do we need to monitor in the northern Bering Sea and southern Chukchi Sea to support ecosystem-based fishery management of species in the Sea Fisheries Management?
3. Science to Management: What do we have or need to add to data to management of Bering fisheries?

**OBJECTIVES**

The North Pacific Fishery Management Council's scientific and statistical committee (SSC) is holding a workshop during the February 2023 Council meeting. The workshop is focused on rapid ecosystem changes in the northern Bering Sea and southern Chukchi Sea. Given recent extreme environmental events in the region, the Council has a need to understand how resilient fisheries management will be to these changes. The workshop will

Following the workshop, the Council will consider the recommendations at a future meeting (tentatively April) and communicate its strategies for fishery management, during which we will provide advice on the Council's strategic direction.

**SCS7 Aug 15-17**

## Adapting Fisheries Management to a Changing Ecosystem

7th National Scientific Coordination Subcommittee Meeting

The SSC is a subcommittee of the Council Coordinator Committee, or CCC. Both groups have representatives from all 8 Fishery Management Councils. The function of the SSC is to plan and conduct meetings or workshops to discuss strategic issues of national importance based on issues of relevance or focus set by the CCC.

**Meeting Topics**

- How to incorporate ecosystem indicators into the stock assessment process?  
Topic speaker: Dr. Arvid Furtell | Dr. Sarah Gorman
- Developing information to support management of interacting species in consideration of ecosystem-based fishery management.  
Topic speaker: Dr. Tom Hightower
- How to assess and develop fishing level recommendations for species exhibiting distributional changes due to climate variability and climate change?  
Topic speaker: Dr. Jill Smith

August 15-17  
For details, visit the workshop page.



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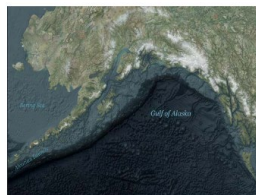
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# Changes in Management and Environmental Conditions Since 2015 (p.11)

## Changes in management

- FMP amendments
- Regulatory amendments
- ESA Section 7 Consultation
- Bering Sea FEP

### FISHERY MANAGEMENT PLAN for Groundfish of the Gulf of Alaska



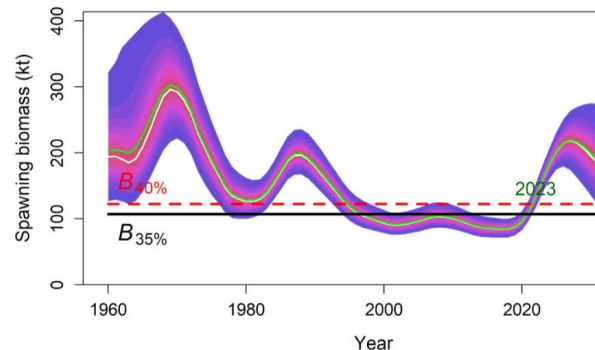
North Pacific Fishery Management Council  
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Fish patterns in seabird reproductive success track patterns in food availability. Zootican terns, like auklets, did well on the Pribilof Islands and on St. Lawrence Island. Fish within seabirds also did well on the Pribilof Islands. However, reproductive success was lower for fish-eating seabirds, like kittiwakes, on St. Lawrence Island. This pattern tracks the availability of forage fish over the shelf, with higher abundance in the south and lower abundance in the north. Cooler ocean temperatures began in 2022 (though still above average) and continued cooling to average conditions in 2023. These cooler temperatures mean reduced metabolic demands on the fish. In fact, groundfish condition improved from 2021 to 2022 for all monitored species over the southern shelf, except adult pollock that remained comparable to 2021; trends were more variable over the northern shelf.

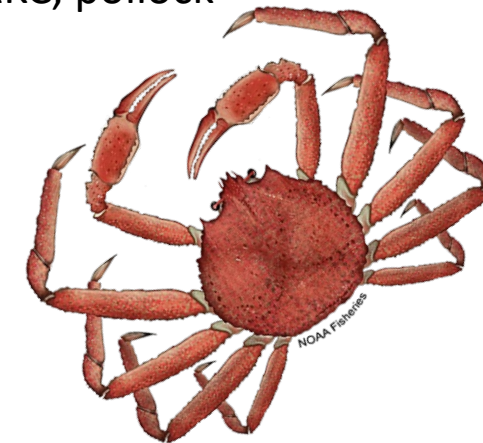
The groundfish community shifted northward during the recent warm episode. The community remained near its northern maximum through 2019 before shifting south again in 2021 as conditions cooled. In 2022, the groundfish community shifted into slightly deeper waters, a drop in catch per unit effort (CPUE) in the northern spring sea between 2019 and 2021 was due to large decreases in all of the dominant species. The continued drop in CPUE from 2021 and 2022 may indicate migration of stocks out of the survey area or that the carrying capacity of the system was exceeded during the exceptionally warm years of 2014 and 2019.

U.S. Department of Commerce | National Oceanic and Atmospheric Administration | National Marine Fisheries Service



## Changes in ecosystem

- Information in ESRs, SAFE, among others
- EBS warm phase, declines in sea ice extent and cold pool extent
- Marine heatwaves in GOA, “the blob”
- Changes in recruitment (sablefish, cod)
- Changes in stocks: Snow crab, Yukon salmon runs, BBRKC, pollock



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# OPPORTUNITIES FOR TRIBAL AND STAKEHOLDER ENGAGEMENT (P.14)

“Informal” scoping

Formal NEPA Scoping

Tribal Consultation



## Engagement Opportunities: “Informal” Scoping (p.15)

- General opportunities for public engagement (ex: this discussion paper going through Council process)
- Council process provides scoping through MSA
- Workshops, engagement in remote communities, convening Community Engagement Committee to brainstorm or refine ideas for specific opportunities



# Engagement Opportunities: Formal NEPA Scoping (p.14)

- Specific process defined under NEPA
- Begins with a sufficiently developed proposal for action and the required Notice of Intent (NOI) to prepare an EIS
- NOI must include:
  1. **The purpose and need for the proposed action;**
  2. **A preliminary description of the proposed action and alternatives the environmental impact statement will consider;**
  3. A brief summary of expected impacts;
  4. Anticipated permits and other authorizations;
  5. A schedule for the decision-making process;
  6. A description of the public scoping process, including any scoping meeting(s);
  7. A request for identification of potential alternatives, information, and analyses relevant to the proposed action; and
  8. Contact information for a person within the agency who can answer questions about the proposed action and the environmental impact statement .



## Engagement Opportunities: Tribal Consultation (p.15)

- NEPA requires early engagement with appropriate Tribal governments at a level on par with State and local governments when involvement is reasonably foreseeable.
- Tribal Consultation under EO 13175:
  - NMFS must have an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies with Tribal implications.
  - Regulations have Tribal implications when they would have substantial direct effects on:
    - one or more Indian Tribes
    - the relationship between the Federal government and Indian Tribes, or
    - the distribution of power and responsibilities between the Federal government and Indian Tribes.





## Recent Council Action

- Feb 2022 Triennial Review: Council indicated continued approval of the substance of the management policy and objectives as written, although noting that some of the language is dated.
- Oct 2022: Council noted intent to set the stage for developing a contemporary vision for the groundfish fisheries in the North Pacific that incorporates adaptive processes of ecosystem-based fishery management and is reflective of current conditions.
  - Led proactively by Council rather than reacting to direction from Agency



# Next Steps

1. Clarify purpose (goal) of reevaluating the 2004 PSEIS:
  - Identify problem with the current PSEIS (why we need to do this) and/or
  - Establish what will be accomplished through a new programmatic
2. Based on the purpose, consider scope:
  - Specific to only groundfish fisheries, or
  - Holistic approach that would affect all FMPs



# Discussion Questions (p.16-17)

Impact Focus

Climate Focus

Policy Change

Is the 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? (*Impact focus*)
- Achieve a better understanding of the impact of changing climate conditions and what this means for managing the groundfish fisheries, and affirm whether current management is durable in changing conditions or whether there are cumulative effects or unintended consequences of the fisheries that are being missed as a result of increased rate of change? (*Climate focus*)
- Evaluate whether our current understanding of the impacts of the fisheries continues to be accurate or does the Council already anticipate, through this document, and intent to shift its management policy, for example to develop a more adaptive program? (*Policy change*)

Additionally,

- 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? (*Policy change*)
- 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? (*Policy change*)



## Discussion Questions (p.16-17)

*What is the appropriate scope and analytical vehicle for implementing the Council's purpose?*

- Not bound by structure of 2004 PSEIS
- Other ways to frame the analysis
  - Specific to only groundfish fisheries, or cross-FMP assessment?



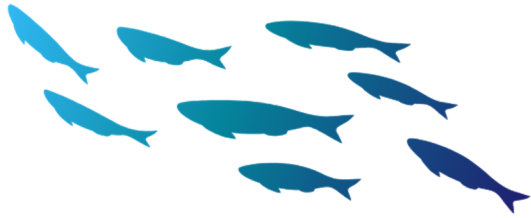
## Timeline (p. 17-18)

Addressing purpose and scope will inform our ability to get to last bullet of Council motion:

*“A timeline for how to framework ongoing initiatives, staff work, and public input opportunities”*

- Ongoing actions that could be informative to the process are not yet complete
- Lengthy process





Thank you:

- NMFS reviewers
- Kate Haapala (NPFMC)
- Diana Evans (NPFMC)

## Questions?

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## AP/Council Action

1. Receive presentation on discussion paper
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# Ecosystem Committee Report: PSEIS

- The Committee recommends the Council move forward with initiating a North Pacific PEIS and begin the process for developing the purpose and need statement and a range of alternatives by tasking the Committee to draft a purpose and need statement for Council review at either the April or June meeting.





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