# Annual Review Programmatic Groundfish Management Policy February 2018<sup>1</sup>

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#### 1 Introduction

Annual review of the Council's Programmatic Groundfish Management Policy is mandated by the groundfish FMPs and was last conducted at the April 2017 Council Meeting. Implementation of the Management Policy in 2004 amended the Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) Groundfish FMPs to include a management approach statement, nine policy goals and 45 management objectives. The Management Policy explicitly communicates the need to monitor its continued appropriateness:

"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 PSEIS as a planning document."

In order to use the PSEIS as a planning document, a more concise tool was needed to capture the activities of the Council within the framework of the Management Policy. This led to the development of a programmatic workplan. The workplan, though not required under the FMPs, is updated prior to every Council meeting, and lays out the Policy, as well as recent/current/ongoing/pending actions, a timeframe for actions, and cumulative record of management actions and outcomes. The annual review that the Council will conduct at the February 2018 meeting will rely on the workplan as a reference tool. Following Section 2 in this document, the workplan is provided in Tables 1 through 9. An Appendix is also provided that describes the development of the PSEIS, its continued relevance, and its relationship to Council actions outside the scope of the Groundfish FMPs.

#### Specifically, the Council will:

- Review the Programmatic Groundfish Management Policy
- Review Council actions relative to the Policy as conveyed in the Programmatic Workplan
- Consider modifications to the Management Objectives (noting this requires an FMP amendment)
- Consider tasking additional Council actions to better fulfill the Management Policy

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# 2 Groundfish Management Policy

As developed through the PSEIS and contained in the Groundfish FMPs, the Council's Programmatic Groundfish Management Policy is as follows:

The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 25 years, the NPFMC management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has, in recent years, been labeled the p 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 as well as 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 take appropriate measures to insure 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 Endangered Species Act, the National Environmental Policy Act and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the NPFMC intends to consider and adopt, 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 PSEIS 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 PSEIS.

# 2.1 Groundfish Management Objectives

# **Prevent Overfishing:**

- 1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield.
- 2. Continue to use existing optimum yield cap for BSAI (as stated in current law) and GOA groundfish fisheries.
- 3. Provide for adaptive management by continuing to specify optimum yield as a range.
- 4. Initiate a scientific review of the adequacy of F40 and adopt improvements as appropriate.
- 5. Continue to improve the management of species through species categories.

#### **Promote Sustainable Fisheries and Communities:**

- 6. Promote conservation while providing for optimum yield in terms of providing 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.

#### **Preserve Food Web:**

- 10. Develop indices of ecosystem health as targets for management.
- 11. Improve the procedure to adjust ABCs 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.

# 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, VBAs, 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 TAC and geographical gear restrictions.
- 19. Continue to account for bycatch mortality in TAC accounting and improve the accuracy of mortality assessments for target, PSC bycatch, and non-commercial species.
- 20. Control the bycatch of prohibited species through PSC limits or other appropriate measures.
- 21. Reduce waste to biologically and socially acceptable levels.

### **Avoid Impacts to Seabirds and Marine Mammals:**

- 22. Continue to cooperate with USFWS to protect ESA-listed species, and if appropriate and practicable, other seabird species.
- 23. Maintain or adjust current protection measures as appropriate to avoid jeopardy to ESA-listed Steller sea lions.

- 24. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.
- 25. Continue to cooperate with NOAA Fisheries and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.

# **Reduce and Avoid Impacts to Habitat:**

- 26. Review and evaluate efficacy of existing habitat protection measures for managed species.
- 27. Identify and designate EFH and HAPC pursuant to MSA rules, and mitigate fishery impacts as necessary and practicable to continue the sustainability of managed species.
- 28. Develop a Marine Protected Area policy in coordination with national and state policies.
- 29. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability.
- 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.

# Promote Equitable and Efficient Use of Fishery Resources:

- 31. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.
- 32. Maintain LLP program and modify 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.
- 33. Provide for adaptive management by periodically evaluating the effectiveness of rationalization programs and the allocation of access rights based on performance.
- 34. Develop management measures that, when practicable, consider the efficient use of fishery resources taking into account the interest of harvesters, processors, and communities.

#### **Increase Alaska Native Consultation:**

- 35. Continue to incorporate local and Traditional Knowledge in fishery management.
- 36. Consider ways to enhance collection of local and Traditional Knowledge from communities and incorporate such knowledge in fishery management where appropriate.
- 37. Increase Alaska Native participation and consultation in fishery management.

#### **Improve Data Quality, Monitoring and Enforcement:**

- 38. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.
- 39. Improve groundfish Observer Program and consider ways to address the disproportionate costs associated with the current funding mechanism.
- 40. Improve community and regional economic impact costs and benefits through increased data reporting requirements.
- 41. Increase the quality of monitoring and enforcement data through improved technological means.
- 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.
- 43. Cooperate with research institutions such as the NPRB in identifying research needs to address pressing fishery issues.
- 44. Promote enhanced enforceability.
- 45. Continue to cooperate and coordinate management and enforcement programs with the ADF&G, and Alaska Fish and Wildlife Protection, the USCG, NOAA Fisheries Enforcement, IPHC, 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.

# 3 Programmatic Workplan

Tables 1 through 9, below, correspond to each of the nine General Priorities identified in the Groundfish Management Policy. The left two columns identify the General Priority and the specific Management Objectives within that Priority. Column 3 describes the recent/current/ongoing/pending Council activities related to each Management Objective, followed by an expression of the timing of the activities. The final column lists all Council action related to that objective since 2004, distinguishing among FMP amendments, regulatory changes, and other management actions.

Council items that occurred since the previous annual review (April 2016) are highlighted in **bold font**.

Table 1. Activity associated with Priority 1 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing,		20:				_	01						gement Actions/Outcomes
General Priority	ivianagement Objectives	Pending Activity	F	A J	0	D	F	Α	J	O D			cumulative	ivialiag	gement Actions/ Outcomes
	Adopt conservative harvest levels for multi-species and	Ongoing - SAFE and Annual specifications			•	•				•		<b>/IP am</b>	endments i	related 2014	to this goal statement Provided flexibility for flatfish
	single species fisheries and specify optimum yield.	2017 - Mgmt response to GOA Pcod			•	•					<b> </b>		BSAI/GOA	2014	specifications Included grenadiers in the Ecosystem Component category
	0.00										86	6/76	BSAI/GOA	2012	Restructured Observer Program to reduce statistical bias
	Continue to use the optimum yield caps for the BSAI and GOA groundfish fisheries.	Ongoing - Annual specifications			•	•				•		5/87	BSAI/GOA	2010	Incorporated ACL requirements, Move "other species" to target category, Create Ecosystem Component category
	3. Provide for adaptive	Ongoing Annual									-	79	GOA	2008	OFL/ABC process for "other species"
4. Duning	management by continuing to specify optimum yield as a range.	Ongoing - Annual specifications			•	•				•		69	GOA	2006	Established TAC process for "other species"
1. Prevent Overfishing	range.											63	GOA	2004	Moved skates to target category
(Maintain	Provide for periodic reviews     of the adequacy of F40 and	Ongoing - AFSC responds to									48	8/48	BSAI/GOA	2004	Established current harvest specifications process
Sustainable Harvest)	adopt improvements, as appropriate.	CIE reviews as part of specs process		•	•			•	•	•					
	5. Continue to improve the management of species through species categories.	2014 - Grenadiers to EC  2015 -Working paper on uncertainty in control rules tasked  BSIERP MSE modeling underway  2017 - Squid to EC  Ongoing – Spatial management policy guides species complex and subarea considerations			•				•	• •	Ottl	• An  ther m • Na rev • Na • Re sto • On rul • Co	nual specificanagementional Starvisions tional Stood gular Center ck assessingoing workles	nt actions nt actio ndard 1 ck Asse er for In nents an on acc	related to this goal statement for setting harvest levels ans related to this goal statement 3,7 Revisions, Guidelines assment Prioritization Plan ternational Experts reviews for and harvest strategies ounting for uncertainty in control agoing discussion of spatial acks

Table 2. Activity associated with Priority 2 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

	Management Objectives	Recent, Current, Ongoing,			017					18		Cumulative Management
General Priority	Management Objectives	Pending Activity	F	Α	J	0	D	F.	Α	J	D	Actions/Outcomes
	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.											
2. Promote Sustainable Fisheries and Communities	7. Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures.	These considerations are applied to all management actions.	•	•	•	•	•	•	•	•	•	These considerations are applied to all management actions.
	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.											
	Promote increased safety at sea.	USCG Reports NIOSH Reports	•	•	•	•	•	•	•	•	•	

Table 3. Activity associated with Priority 3 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

	Sciated with Honey 5 of the Frogram	Recent, Current, Ongoing,		<u> </u>	017		Ť		20		Ŭ	
General Priority	Management Objectives	Pending Activity	F	Α	J	)	DΙ	F.	A J	J C	D	Cumulative Management Actions/Outcomes
	10. Develop indices of ecosystem health as targets for management.	Ongoing - Ecosystem SAFEs, GOA/BSAI report cards  In development – BS FEP will include ecosystem indicators and triggers				•				•		FMP amendments related to this goal statement  Pending BSAI/GOA 2018 Ecosystem Component category
		EFH 5 year Review	•	•	•	•   '	<u> </u>				•	100/91 BSAI/GOA 2014 Included grenadiers in the Ecosystem Component category
	11. Improve the procedure to adjust acceptable biological catch levels as necessary to	Pending - Working paper on uncertainty in control rules  GOA Pcod Assessment			•							81/74 BSAI/GOA 2004 Groundfish Mgmt Policy incorporated into FMPs
3. Preserve Food Web	account for uncertainty and ecosystem factors.	response Ongoing - BSIERP MSE modeling	•	•	•	•	•	•	•	•	•	
(Ecosystem Based Fishery Management Approach)	12. Continue to protect the integrity of the food web through limits on harvest of forage species.	Ongoing - Herring PSC limits specified annually  Ongoing - Forage species included in Ecosystem SAFE				•   •	•			•		Other management actions related to this goal statement
	13. Incorporate ecosystem- based considerations into fishery management decisions, as appropriate.	2014 – Ecosystem Vision Statement  Ongoing - BS FEP  Ongoing – Ecosystem SAFE  Ongoing - USFWS Reports  GOA Pcod Assessment response  Arctic exploratory fishing	•	•	•	•   •	•		•		•	<ul> <li>Uncertainty and ecosystem considerations taken into account during stock assessment and harvest specifications</li> <li>Ecosystem indices reported and assessed in annual ecosystem SAFE report</li> <li>Adoption of the Aleutian Islands Fishery Ecosystem Plan</li> <li>Development of a Bering Sea Fishery Ecosystem Plan</li> <li>Development of ecosystem synthesis reports for the Bering Sea and the Aleutian Islands ecosystem areas, and ongoing development of report for the Gulf of Alaska</li> <li>Adoption, as Council policy, of an ecosystem vision statement</li> </ul>

Table 4. Activity associated with Priority 4 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

		Groundfish Management Workplan, as upda Recent, Current, Ongoing, Pending			017		Т	_	201				C	0.0			
General Priority	Management Objectives	Activity	F	Α	J (	0	D F	A	J	0	D		Cumulati	ve iviana	gement Actions/Outcomes		
		2013 - Restructured Obs. Program										FMP amen	dments rela	ted to th	nis goal statement		
		2015 - Bycatch limits for BS Chinook revised										114/104	BSAI/GOA	2017	Integrate electronic monitoring into the North Pacific Observer Program		
	14. Continue and improve current	2016 - Redefinition of Observer Strata										112/102	BSAI/GOA	2016	Small CPs added to partial selection		
	incidental catch and bycatch											111	BSAI	2016	Reduced PSC limits for halibut		
	management program.	Ongoing - Halibut Management Framework	•	•	•	•	• •	•	•	•	•	110	BSAI	2016	Established Chinook and chum salmon PSC avoidance measures		
		Ongoing - Annual/OAC reports			•				•			101	GOA	2016	Longline pot gear for sablefish		
		Ongoing – Review of Obs. ADP			•	•				•		79	BSAI	2014	Established groundfish retention standard		
	15. Develop incentive programs for						T					84/91	BSAI/GOA	2014	Established Bering Sea Chinook salmon bycatch restrictions		
	bycatch reduction including the development of mechanisms to	Ongoing - Halibut Management Framework	•	•	•	•	• •	•	•	•	•	94/89	BSAI/GOA	2012	Established trawl sweep elevation requirement in the flatfish fisheries		
	facilitate the formation of bycatch pools, vessel bycatch allowances,	Ongoing - Halibut deck sorting EFP	•	•	•	•	. .	•	•		•	89	GOA	2010	Established GOA area closures to reduce tanner crab bycatch		
4. Manage Incidental Catch and Reduce	or other bycatch incentive systems.	Consider Colors and the const		•			$\frac{1}{1}$	•				93/97	BSAI/GOA	2008	Established PSC limits for Chinook salmon in the GOA trawl pollock and non-pollock fisheries		
Bycatch and		Ongoing - Salmon genetics work										95	GOA	2006	Reduced PSC limits for GOA halibut		
Waste	16. Encourage research programs to evaluate current population	Ongoing – Included in research priorities			•				•			86/76	BSAI/GOA	2004	Restructured observer program to reduce statistical bias		
	estimates for non-target species with a view to setting appropriate bycatch limits, as information	Ongoing - Use of Three River Index  Ongoing - Forage fish included in  Ecosystem SAFE			•	•				•		103	BSAI	2004	Prohibited Pacific cod fishing in Pribilof Islands Habitat Conservation Zone		
	becomes available.	Ongoing – Halibut Management Framework	•	•			•	•	•	•	•	Regulato	rv amendn	nents re	lated to this goal statement		
	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.	2010 - Partially addressed by arrowtooth MRA analyses for BSAI  Ongoing - Halibut management framework  Ongoing - Partially addressed in rockfish program  Ongoing - Partially addressed in Council's Spatial Mgmt Policy	•							•		Annu     Stan     Rule     LL2  Other ma     Reg     ass     Ong     Coul	egulatory amendments related to this goal statement         Annual specifications for setting harvest levels         Standardized Bycath Reporting Methodology - Final Rule         LL2 endorsement modification  ther management actions related to this goal statement         Regular Center for International Experts reviews for stock assessments and harvest strategies         Ongoing work on accounting for uncertainty in control rules         Council policy and ongoing discussion of spatial management for stocks				

Table 4. Activity associated with Priority 4 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

		Groundfish Management Workplan, as updat Recent, Current, Ongoing, Pending		20	)17			2	2018	8			Cumulati	uo Mara	goment Actions/Outcomes
General Priority	Management Objectives	Activity	F	Α	J (	D	F	Α	J	0	D		Cumulativ	ve iviana	gement Actions/Outcomes
	18. Continue to manage incidental	2010 - Kodiak Tanner crab protections										FMP amen	dments rela	ted to th	nis goal statement
	catch and bycatch through seasonal distribution of total allowable catch and geographical gear restrictions.	Ongoing – Halibut Management Framework	•	•	• •	•	•	•	•	•	•	114/104	BSAI/GOA	2017	Integrate electronic monitoring into the North Pacific Observer Program
												112/102	BSAI/GOA	2016	Small CPs added to partial selection
	19. Continue to account for bycatch	2013 - Restructured Obs. Program										111	BSAI	2016	Reduced PSC limits for halibut
	mortality in total allowable catch accounting and improve the	Ongoing – Halibut Management Framework	•	•	•	•	•	•	•	•	•	110	BSAI	2016	Established Chinook and chum salmon PSC avoidance measures
	accuracy of mortality assessments	Ongoing – Review of Obs. ADP										101	GOA	2016	Longline pot gear for sablefish
	for target, prohibited species catch, and noncommercial species.	Ongoing - Revised Halibut DMR			•					•		79	BSAI	2014	Established groundfish retention standard
		calculations				•				•	•	84/91	BSAI/GOA	2014	Established Bering Sea Chinook salmon bycatch restrictions
		2010 - Kodiak Tanner crab protections										94/89	BSAI/GOA	2012	Established trawl sweep elevation requirement in the flatfish fisheries
4. Manage		2011, 2013 - GOA Chinook PSC limits										89	GOA	2010	Established GOA area closures to reduce tanner crab bycatch
Incidental Catch		2012 - GOA halibut PSC limit reduction													Established PSC limits for Chinook
and Reduce	20. Control the bycatch of prohibited	2014 - Template for BSAI crab bycatch										93/97	BSAI/GOA	2008	salmon in the GOA trawl pollock and non-pollock fisheries
Bycatch and Waste	species through prohibited species catch limits or other appropriate	limits initiated										95	GOA	2006	Reduced PSC limits for GOA halibut
(cont'd)	measures.	2015 - Partially addressed in BS salmon bycatch analyses										86/76	BSAI/GOA	2004	Restructured observer program to reduce statistical bias
		Ongoing - PSC limits for BS Chinook										103	BSAI	2004	Prohibited Pacific cod fishing in Pribilof Islands Habitat Conservation Zone
		Ongoing - Halibut ABM			•		•				• [				islands Habitat conscivation zone
			•	•	• •	•	•	•	•	•	•				
		2016 - Longline pot gear for sablefish													
		Ongoing – Halibut Management Framework	•	•	•	•	•	•	•	•	•	<ul><li>Annu</li></ul>	al specifica	tions for	lated to this goal statement setting harvest levels eporting Methodology - Final
	21. Reduce waste to biologically	Ongoing - bycatch management through PSC limits and other actions	•	•	•	•	•	•	•	•	•	Rule		•	
	and socially acceptable levels.	Pending - halibut retention in sablefish pots (BSAI)			•	,		•				<ul> <li>Regulation</li> </ul>	ılar Center	for Interr	related to this goal statement national Experts reviews for stock st strategies
		WGOA temporal patterns of halibut and Chinook PSC				•			•			<ul><li>Ongo</li><li>Cour</li></ul>	oing work o	n accour nd ongoi	nting for uncertainty in control rules ng discussion of spatial
		2017 - Stranded Pcod discussion paper										man	agement ic	n stocks	

Table 5. Activity associated with Priority 5 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing, Pending		20	17			201	L8		Cumulativa Managament Actions (Outcomes
deficial Filolity	ivianagement Objectives	Activity	F.	Α.	J O	D	F.	A J	0	D	Cumulative Management Actions/ Outcomes
	22. Continue to cooperate with U.S.	2008 - Avoidance measures in area 4E									107 BSAI 2014 Walrus protection and transit corridors around Round Island and Cape Pierce
	Fish and Wildlife Service (USFWS) to protect ESA-listed species, and if appropriate and practicable, other seabird species.	2015 - Re-consultation for short-tailed albatross  Ongoing USFWS Report at every Council meeting	•	•	•	•	•	• •	•	•	20/25 BSAI/GOA  1991  • year-round trawl closures in the GOA and BSAI area within 10 nm of key Steller sea lion rookeries; • new GOA pollock management districts, • limitation on pollock seasonal harvest allowances specified for these districts.
5. Reduce and Avoid Impacts to	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.	2011 - SSL BiOp  2014 - Updated SSL BiOp  Ongoing - SSL EIS regs in place  Pending - SSL Critical Habitat proposed rule	•	•	• •	•	•	•	•	•	
Seabirds and Marine Mammals	24. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.	Ongoing - Monitoring through the Protected Species Report  Request for NMFS to update Conservation Plan for Northern Fur Seals  Marine mammal status update to SSC	•	•	•		•	•	•	•	Regulatory amendments related to this goal statement  Revisions to seabird avoidance measures, including in Area 4E  Revisions to Steller sea lion closures for pollock and cod fisheries in the GOA  Revisions to Steller sea lion protection measures for Atka mackerel, Pacific cod, and pollock fisheries in the Aleutian Islands  Designation of critical habitat for Cook Inlet beluga whale
	25. Continue to cooperate with NMFS and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.	Ongoing - Monitoring through the Protected Species Report	•	•	• •	•	•	•	•	•	Other management actions related to this goal statement  • ESA consultations on fishery impacts on listed seabirds and marine mammals  • Council receives protected species report at each meeting, monitoring issues with seabirds and marine mammals  • Reconsideration of Steller sea lion closures in 2014 biological opinion and 2014 EIS

Table 7. Activity associated with Priority 7 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing, Pending		2	017	7	Ť		201	8			Cumul	ativo Manago	ment Actions/Outcomes
General Friority	ivialiagement Objectives	Activity	F	Α	J	0	D	FA	J	0	D		Cumui	ative ivialiage	ment Actions/ Outcomes
												FMP amendn	nents related	to this goal sta	
		2010 - Central GOA Rockfish Pgm										101	GOA	2016	Allow use of longline pots for sablefish
		2014 - Small boat CDQ Pcod										109	BSAI	2016	Allow for a small boat CDQ Pacific cod fishery
	31. Provide economic and community	2015 - Longline pots for sablefish										113	BSAI	2016	Al Pcod catcher vessel fishery and shoreplant delivery requirement
	stability to harvesting and processing sectors through fair allocation of	2015 - Al Pcod shoreplant delivery requirement										106	BSAI	2014	AFA vessel replacement
	fishery resources.	Ongoing - Halibut ABM	•	•	•	•			•	•	•	102	BSAI	2014	Implement a CQE program for sablefish in the BSAI
		Ongoing - Sector allocations: e.g., Pcod, flatfish, POP, Atka mackerel	•	•	•	•	• •	•	•	•	•	94,96	GOA	2013, 2014	Revisions to GOA CQE program entities, revise vessel use caps, allow purchase of small blocks
												99	BSAI	2013	BSAI freezer longline maximum length overall adjustment
	32. Maintain the license limitation program, modified as necessary, and											85/83	BSAI/GOA	2011	Sector allocations for Pacific cod
	further decrease excess fishing capacity and overcapitalization by	2008 - Trawl LLP recency										86	GOA	2010	Fixed gear endorsement in GOA
	eliminating latent licenses and extending programs such as	2009 - GOA fixed gear latent licenses										78,85,88	GOA	2009, 2011	Rockfish Program revisions; new program authorized
	community or rights-based management to some or all groundfish	2009 - OOA fixed goal faterit floorises										80,90,93,97	BSAI	2007-2012	Vessel replacement and cooperative revisions
7. Promote Equitable and	fisheries.											82,92 / 86	BSAI/GOA	2005-2010	Latent licenses rescinded
Efficient Use of Fishery Resources	33. Provide for adaptive management by periodically evaluating the	Ongoing – Program reviews for AM80, AFA, Halibut-Sablefish IFQ Pgm, others	•	•	•	•	•	•	•	•	•	62/62	BSAI/GOA	2009	Revise the BSAI FMP description of the CV Operational Area and remove sunset date for inshore/offshore sector allocations of pollock and Pacific cod in GOA
	effectiveness of rationalization programs and the allocation of access rights based on performance.	Ongoing Co-op Reports	•	•	•	•	• •	•	•	•	•	62	GOA	2009	IFQ B quota shareholders can fish on any size
	ngnes based on performance.	2017 - Area 4 halibut IFQ leasing by CDQ groups			•							72	GOA	2008	vessel IRIU rescinded in GOA for shallow water flatfish
		2008 - VMS exemption for dinglebars										80	BSAI	2007	Sector allocations and cooperative formation for 3 flatfish species, POP, and Atka mackerel in BSAI
		2008 - Trawl LLP recency in 2008										68	GOA	2006	Cooperative program for rockfish in central GOA
	34. Develop management measures	2009 - GOA fixed gear latent licenses										82	BSAI	2005	Al pollock to the Aleut Corporation
	that, when practicable, consider the efficient use of fishery resources	2009 - GOA Pcod sector allocations											_		
	taking into account the interest of harvesters, processors, and	2010 - GOA rockfish program renewed										<ul> <li>Modify mo</li> </ul>	nitoring and	reporting requ	his goal statement uirements for BSAI cod freezer longliners
	communities.	2017 - WGOA pollock trip limits							•			<ul> <li>Minor revi</li> </ul>	sions to AFA	, CDQ, IFQ, R	agement measures Rockfish Programs
		2017 - GOA Stranded Pcod										GOA pollo	•		
		Ongoing - MRA adjustments					ا ً							ions related t n (all FMPs)	o this goal statement

Table 6. Activity associated with Priority 6 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing, Pending Activity		)17 1 0	В		018	3 O D		Cumulative	Manage	ement Actions/Outcomes
									FMP amer	ndments rel	ated to	this goal statement
	26. Review and evaluate efficacy of existing habitat protection measures	2012 - Council's EFH Consultation Policy 2014 - Partially addressed in crab bycatch limits disc. Paper							104	BSAI	2015	Designated skate nurseries in Bering Sea as HAPC Updated EFH information with
	for managed species.	2017 - EFH 5 year review, fishing effects model	•						98/90	BSAI/GOA	2012	findings from the 2010 EFH 5- year review
									94/89	BSAI/GOA	2010	Established trawl sweep elevation requirement in the flatfish fisheries
		2011 - HAPC cycle changed to 5 years							89	BSAI	2008	Established Bering Sea Habitat Conservation area closures for non-pelagic trawling
	27. Identify and designate essential	2012 - NBSRA plan halted							78/73			HAPCand EFH amendments, and
	fish habitat and habitat areas of particular concern pursuant to	2013 - HAPC skate nurseries adopted							65/65	BSAI/GOA	2006	associated fishery area closures in the GOA and Al
	Magnuson-Stevens Act rules, and mitigate fishery impacts as necessary and practicable to continue the sustainability of	2015 – Fishery impacts on Pribilof corals  2017 - EFH 5 year review and Omnibus  Amds	•									
6. Reduce and	managed species.	Ongoing - Included in research priorities		•		•						
Avoid Impacts to Habitat	Ongoing - BS/GOA flatfish trawl mods											
	28. Develop a Marine Protected Area policy in coordination with national and state policies.	Ongoing - Actions are developed complementary to Federal MPA Center and AK	• •	•	•	•	•	•				
	29. Encourage development of a research program to identify regional baseline habitat information and	Ongoing EFH 5-year reviews, including updates to fishing effects model and EFH descriptions	•  •	•	•	•	•	•	<ul> <li>Revisio</li> </ul>	ns to seabird	l avoidar	ated to this goal statement nce measures, including in Area 4E
	mapping, subject to funding and staff availability.	Ongoing – (related) Extensive mapping program through NMFS Habitat Division	• •	•	•	•	•	• •	in the GO • Revisio mackerel	A ns to Steller , Pacific cod,	sea lion and poll	closures for pollock and cod fisheries protection measures for Atka lock fisheries in the Aleutian Islands
	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.	Ongoing - Addressed in purpose and need for individual actions	• •	• •	• •	•	•	•	Other ma • ESA comarine m • Council monitoring • Recons	inagement ansultations of ammals receives progressing issues with	nctions r n fishery otected s seabird	related to this goal statement impacts on listed seabirds and pecies report at each meeting, is and marine mammals a lion closures in 2014 biological

Table 8. Activity associated with Priority 8 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing,		20	17			2	201	8			Lumul	ativo N	Management Actions/Outcomes
General Priority	ivialiagement Objectives	Pending Activity	F.	A J	0	D	F	Α	J	0 1	D		Julliul	ative i	Management Actions/ Outcomes
												FMP a	mendn	ents re	elated to this goal statement
	35. Continue to incorporate local and traditional knowledge in fishery management.	2007 - AI FEP Ongoing – BS FEP	•	•	•	•	•	•	•	•	•	113	BSAI	2016	Aleutian Islands Pacific cod catcher vessel fishery and shoreplant delivery requirement
												109	BSAI	2016	Allow for a small boat CDQ Pacific cod fishery
												102	BSAI	2014	Establish CQE program in Area 4B
8. Increase	36. Consider ways to enhance collection of local and traditional knowledge from communities, and incorporate such knowledge in fishery	Pending - Subsistence module in BSFEP		•	•	•	•	•	•	•	•	96	GOA		Revise the sablefish IFQ program to allow GOA CQEs to transfer and hold small blocks of sablefish quota shares
Alaska Native & Community Consultation	management where appropriate.											94	GOA		Revise the vessel use caps applicable to sablefish quota share held by GOA CQEs
		2009 Protocol approved										82	GOA	2009	Al pollock to the Aleut Corporation
	37. Increase Alaska Native participation and consultation in fishery management.	2008 - Protocol approved  2017 - St Paul Island outreach  Ongoing - continued outreach on BSAI salmon bycatch  Ongoing - Council Outreach  Committee meets periodically	•	•	•	•	•	•	•	•	•	• Con by Co • Con (curre	nent nmunit uncil in nmunit ntly fo osite re	y outre n 2008 y comi cused	each and consultation policy adopted mittee helps prioritize outreach on BSAI salmon analyses) ned to include a rural outreach

Table 9. Activity associated with Priority 9 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing, Pending		201				)18		Cumulative Management Actions/Outcomes
General Priority	ivianagement Objectives	Activity	F A	/ J	0 0	F	Α	) (	0 D	Cumulative Management Actions/ Outcomes
		2013 - ObsPgm Restructured 2013 - EM Strategic Plan								
		2015 - Reg Amdts for coverage categories								FMP amendments related to this goal statement  Integrate electronic monitoring into the North Pacific Observer Program
	38. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.	2016 - Obs coverage on BSAI trawl CVs								Change observer coverage category exemptions for small catcher processors
	Ç	2015 - EM Analysis Observer tendering (on hold)								86/76 BSAI/GOA 2012 Observer program restructuring
		Ongoing – Halibut Mgmt Framework	•	•	• •	•	•	•	•	73/77 BSAI/GOA 2008 Remove dark rockfish from FMP, allow management by State of Alaska
		Ongoing - Annual Review and ADP		•						
		2008/2010 - Restructuring adopted/approved								
9. Improve Data		2013 - EM Strategic Plan approved								
Quality, Monitoring and	39. Develop funding mechanisms that achieve equitable costs to the industry for implementation of the	2015 - Reg Amendments for coverage categories								
Enforcement	North Pacific Groundfish Observer	2015 - EM Analysis								
	Program.	Observer coverage on BSAI trawl CVs (on hold)	•	•	•	•	•	•	•	
		Ongoing - Annual Program Review and Deployment Plan	• •	•	• •	•	•	•	•	
		2008 - Partially addressed in AM 80								
	40. Improve community and regional economic impact costs and benefits through increased data reporting	2009 - Partially addressed in BS Chinook bycatch EIS								Other management actions related to this goal statement
	requirements.	Ongoing - EDRs, EDR requirement in GOA	• •	•	• •	•	•	•	•	Annual refinement of observer data through the deployment plan     Ongoing work to improve Catch Accounting System     Discussion paper on VMS use and requirements
	41. Increase the quality of monitoring and enforcement data through	2014 - Advanced features integrated in enforcement precepts								Electronic monitoring is being developed as a tool for catch monitoring. Pre-implementation program approved for 2016.     Council encourages research through annual research priorities, cooperates with North Pacific Research Board
	improved technology.	Pending - Discussion paper on VMS/EM for vessels without VMS								Council initiated and participates in Alaska Marine Ecosystem     Forum, as well as maintaining other relationships with partner entities

Table 9. Activity associated with Priority 9 of the Programmatic Groundfish Management Workplan, as updated through January 26, 2018.

General Priority	Management Objectives	Recent, Current, Ongoing, Pending		201				20			Cumulative Management Actions/Outcomes
General Priority	wanagement Objectives	Activity	F /	A J	0	D	F /	A J	J O	D	) Cumulative Management Actions/ Outcomes
	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.	Ongoing – Research priorities Ongoing - Ecosystem SAFE		•	•	•		•	•	•	FMP amendments related to this goal statement  Integrate electronic monitoring into the North Pacific Observer Program  Change observer coverage category exemptions for small
	43. Cooperate with research institutions such as the North Pacific Research Board in identifying research needs to address pressing	Ongoing – Research priorities		•				•	•		catcher processors  86/76 BSAI/GOA 2012 Observer program restructuring  Remove dark rockfish from FMP,
	fishery issues.	2015 Sablefish pot allowance	$\frac{1}{1}$								73/77 BSAI/GOA 2008 allow management by State of Alaska
9. Improve Data Quality, Monitoring and Enforcement	44. Promote enhanced enforceability.	Ongoing – Development of EM options Ongoing – Enforcement precepts, Enforcement committee activities			•				•		
(cont'd)	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.	Ongoing - The Council maintains long history of cooperative management with all involved agencies and entities. The Council recognizes and works to achieve the shared goals of its many partners in stewardship of Alaska's fisheries and its supporting ecosystems.  Besides those partners listed in Objective 45, the Council maintains effective working relationships with the North Pacific Fishery Commission, Arctic Council, Bering Sea Fishery Advisory Body, Bering Sea Elders, among others.	• •	•	•	•	•	•	•	•	Other management actions related to this goal statement  • Annual refinement of observer data through the deployment plan  • Ongoing work to improve Catch Accounting System  • Discussion paper on VMS use and requirements  • Electronic monitoring is being developed as a tool for catch monitoring. Pre-implementation program approved for 2016.  • Council encourages research through annual research priorities, cooperates with North Pacific Research Board  • Council initiated and participates in Alaska Marine Ecosystem Forum, as well as maintaining other relationships with partner entities

# Appendix - History of the PSEIS

# A.1. The Alaska Groundfish Fisheries Programmatic SEIS

The original EISs for the GOA and BSAI groundfish FMPs were finalized in 1979 and 1981, respectively. In 1998, a Supplemental EIS (SEIS) updating both FMPs was prepared because the fisheries had changed considerably through amendments, regulations, and adaptations to federal law. Additionally, information on marine mammals, sea birds, and fishes were different from that in the original FMPs, including ESA listings for some species. Finally, information about ecosystem processes, the impacts of fisheries, and available management tools had changed since the original EISs.

The 1998 SEIS focused much of its attention on the annual TAC specification process and how prohibited species catch limits were determined. Although TAC specification was the *action* that the SEIS addressed, the analysis addressed a range of related information, including location and timing of fisheries, harvestable amounts, exploitation rates, exploited species, groupings of exploited species, gear types and groupings, allocations, product quality, organic waste and secondary utilization, at-sea and onland organic discard, trophic levels, habitat alterations, as well as impacts to coastal communities, society, the economy, and the domestic and foreign groundfish markets, in-season management, enforcement, monitoring, stock assessment, and summary analyses. The 1998 SEIS also incorporated updated scientific information about the North Pacific ecosystem and analyzed this information by considering a range of alternative total allowable catch (TAC) levels.

#### A.1.1 Litigation

The adequacy of the 1998 SEIS was challenged in District Court (*Greenpeace v. National Marine Fisheries Service*) with plaintiffs arguing that the 1998 SEIS was deficient because it only analyzed alternatives dealing with TAC levels. In its decision, the court determined that the *action* under review in the SEIS should have been the *FMPs* and the numerous regulations managing the groundfish fisheries, rather than the TAC setting process. The decision asserted that NEPA requires NMFS to analyze how the federally-permitted groundfish fisheries (which are consequences of the FMPs) affect the North Pacific ecosystem. The court ruled in favor of the plaintiffs that the 1998 SEIS was legally inadequate under NEPA and remanded the document back to NMFS for additional analysis, with direction that a "Programmatic" SEIS (PSEIS) be prepared.

#### A.1.2 Preparation of the PSEIS

In October 1999, a five-year process of PSEIS preparation (Figure 1.) was begun as NMFS published an NOI announcing a PSEIS that would analyze groundfish management under the FMPs as a large-scale program.

The "multi-tiered" PSEIS was envisioned as one that would serve to streamline the NEPA process by allowing future EAs and EISs that focus on specific federal actions to reference analyses in the PSEIS. A programmatic EIS is usually prepared at the onset of a new federal program, but in this case, since the GOA and BSAI FMPs had been in place for approximately 25 years, the PSEIS provided a comprehensive review of the existing FMPs. The PSEIS was developed to fulfill NEPA requirements by evaluating the FMPs (as the federal action) for their impacts on the human environment. This evaluation would be achieved by:

- Updating the information contained in the original EISs by providing a historical review of how the groundfish fisheries and the environment have changed since publication of the original EISs.
- Describing how new scientific and fishery information is being utilized.
- Describing the cumulative effects of past, present, and reasonably foreseeable future groundfish fisheries management on the marine ecosystem.
- Analyzing current and alternative management regimes to determine their potential impacts on the human environment.



Figure 1. Timeline of events involved in preparation of the Council's Groundfish PSEIS.

#### A.1.3 Alternatives in the PSEIS

The alternatives in the PSEIS consisted of four different policy statements, each presented in a standard framework that would provide management flexibility and allow for adaptation as new information on the ecosystem and the fisheries was obtained. Each of the alternatives was composed of three elements:

- 1. A management approach statement that described the goals, rationale and assumptions behind the alternative;
- 2. A set of management objectives that complemented and further refined the goals set forth in the management approach; and,
- 3. Except for the No Action Alternative, a pair of example FMP "bookends" that illustrated and framed the range of implementing management measures under that alternative.

The management approach and objectives served to define the direction the Council wished to follow in the management of the fisheries. The example bookends provided practical inputs for analyzing the physical, biological and socioeconomic impacts of the alternatives, and provided the public with a picture of the management measures that could achieve the goals of each of the alternatives going into the future. The *Preferred Alternative*, which was approved and incorporated into the FMPs (BSAI Am. 81, GOA Am. 74), reflects the Council's current Groundfish Management Policy and Management Objectives. The range of potential management measures, as illustrated by the example FMP bookends (PA.1 and PA.2) retained management flexibility under the MSA to adaptively manage the fishery through future FMP amendments.

#### A.1.4 Preferred Alternative FMP Bookends

Preferred Alternative FMP Bookend 1 (PA.1) comprised a conservative management approach that continued existing risk-averse practices, increased conservation-oriented constraints on fisheries, formalized precautionary practices in the FMPs, and initiated scientific review of management measures to assess and improve fishery management.

This FMP bookend built on existing conservative procedures for determining ABC, annual quotas, and the existing suite of closed areas, and implemented changes to the TAC-setting process following a comprehensive review. Precautionary practices such as setting TAC less than or equal to the ABC and specifying MSSTs for Tiers 1-3 stocks in accordance with NS Guidelines, would be formalized in the FMPs. The NPFMC and NOAA Fisheries would continue to use and improve harvest control rules to maintain a spawning stock biomass with the potential to produce sustained yields on a continuing basis, and to distribute allocations by area, season, and gear as appropriate. Efforts to develop ecosystem indicators to be used in TAC-setting, as per ecosystem management principles, would be continued. In order to balance the needs of social and economic stability with habitat protection and resource conservation, the NPFMC and NOAA Fisheries would develop a Marine Protected Area (MPA) efficacy methodology, including the development of definitions, program goals, objectives, and criteria for establishing MPAs. Additionally, existing habitat and bycatch area restrictions would be maintained. Measures would also be retained to protect ESA-listed species. To minimize bycatch, a moderate reduction of PSC limits in the BSAI would be initiated, and PSC limits or other appropriate measures for protection of crab, herring and salmon would be authorized in the GOA. Effective monitoring and timely reaction to change in the environment and the fisheries would be enhanced through improvements in the Observer Program and existing reporting requirements.

Existing programs addressing excess capacity and overcapitalization were maintained under this example FMP, with continued development of rights-based management to be undertaken as needed. In order to mitigate adverse impacts of fisheries management decisions on fishing communities, and to comply with other national directives, procedures to encourage increased participation of Alaska Natives in fishery management, would be pursued.

*Preferred Alternative FMP Bookend 2 (PA.2)* accelerated adaptive precautionary management by increasing conservation measures that would provide a buffer against uncertainty, instituted research and review of existing measures, and expanded data collection and monitoring programs.

This FMP bookend significantly accelerated precautionary management by incorporating an uncertainty correction into the estimation of ABC for all species. The current precautionary practice of setting TAC less than or equal to ABC would be formalized in the FMP. The calculation of the OY caps would be periodically reviewed to determine their relevancy to current environmental conditions and stock levels. Criteria would be developed and implemented for using key ecosystem indicators in TAC-setting, and other precautionary practices such as developing appropriate harvest strategies for rockfish stocks. In implementing this bookend, data would be collected, and analysis undertaken to allow the specification of MSSTs priority stocks in Tiers 4-5. The development of criteria to manage target and nontarget species consistently, and for removing some stocks from the other species and non-specified species management categories, would initially involve breaking sharks out of the other species category for TAC setting and management purposes in the BSAI, as well as breaking sharks and skates out of the other species category in the GOA.

This FMP bookend also reexamined area restrictions in the BSAI and the GOA by reviewing the existing system of closure areas in the BSAI and the GOA in conjunction with developing MPAs. PA.2 considered adopting MPAs, with a guideline of 0 to 20 percent of the EEZ (3 to 200 nm) being closed. The objective of these measures was to provide greater protection to a full range of marine habitats within the 1,000-m bathymetric line. This incorporated an Aleutian Islands management area to protect coral and living bottom habitat, and also any modification to the 2002 Steller sea lion closures. The closed area would indirectly mitigate adverse effects due to fishing. The guideline aimed to provide greater protection for a wide range of species, from Steller sea lions to slope rockfish to prohibited species, while at the same time respecting traditional fishing grounds and maintaining open area access for coastal communities. Additionally, the bookend would extend the existing BSAI bottom-trawl ban on pollock to the GOA.

To increase precaution regarding bycatch, existing PSC limits would be reduced, and limits would be set for all prohibited species in the GOA, with appropriate in-season closure areas. The achievement of these bycatch reductions was expected to be realized through the comprehensive rationalization of all fisheries (except those already part of a cooperative or IFQ program), which reduces concentrated effort in the fisheries, or through bycatch incentive programs implemented in this example FMP.

In accordance with ecosystem principles, the Council and NOAA Fisheries would seek to cooperate with the USFWS to develop fishing methods that reduce incidental take of all seabird and marine mammal species in the longline and trawl fisheries. Procedures would also be pursued to increase consultation with and representation of Alaska Natives in fishery management by incorporating local and traditional knowledge. Increased observer coverage and improvements to the observer data would enhance effective monitoring and timely reaction to change in the environment and the fisheries. Additionally, this bookend explored programs that would expand the mandatory economic data collected from industry while protecting confidentiality.

#### A.2. Evaluating the Continued Applicability of the Programmatic SEIS

The U.S. Supreme Court has held that supplementing an existing EIS is necessary only if there remains major Federal action to occur. As found in *Oregon Natural Resources Council v. Harell*, "an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decision-making intractable." In other words, a supplement to an EIS is needed only if the new information is sufficient to show a proposed or remaining action will affect the quality of the human environment in a significant manner or to a significant extent *not already* 

considered. The Groundfish PSEIS was designed to anticipate the need to adapt management to a continually changing environment. The purpose of the FMP "bookends" was to characterize the range likely future management measures in that environment.

Nevertheless, because fisheries management is dynamic, and because the Council and Agency have broad discretion to manage fisheries consistent with the MSA, the Council and Agency have a duty to continually evaluate new information relevant to the impacts of their actions and also to continually review the sufficiency of the PSEIS in light of those changing conditions. When the conditions and information are significantly different in degree or in kind from the impacts considered in the existing PSEIS, the Council and the agency must prepare a supplement to that PSEIS. The Council monitors conditions and information in a number of ways that are discussed below.

# A.2.1 2015 Supplemental Information Report (SIR)

The Programmatic Workplan and FMP-mandated annual review both focus on the *activities* of the Council relative to the Groundfish Management Policy. In order to address changes that have occurred in the human environment since the development of the PSEIS, and to review the accumulated information about the managed groundfish fisheries and their impacts, a more wide-ranging analysis is needed. An approach for this analysis is the preparation of a Supplemental Information Report (SIR), which is a "non-NEPA" document, that the courts have supported as an appropriate tool for determining whether a given EIS continues to provide NEPA compliance. After reviewing discussion papers in 2012 on the timing and need for supplementing or updating the PSEIS, the Council chose to develop a SIR to formally address this issue. The supporting analysis:

- Reviewed changes to the FMPs since the 2004 PSEIS.
- Identified new information and new circumstances since 2004.
- Evaluated whether impacts predicted in the PSEIS were still valid.

Noting that the Council and NMFS could choose to supplement the PSEIS at any time for a variety of reasons, the SIR focused on whether the triggers had been met that would *require* the Council and NMFS to supplement the PSEIS. There are two conditions (triggers) that would require supplementing an EIS:

- 1. If NMFS and the Council made a substantial change in the proposed action (i.e., the management of the Federal groundfish fisheries) that is relevant to environmental concerns, or
- 2. If there are significant new circumstances or information relevant to environmental concerns and bearing on the management of the groundfish fisheries or their impacts.

Regarding condition #1, the SIR summarized changes to the management program since the 2004 PSEIS, all of which have been subject to NEPA analysis. The SSC and Council considered these changes in their discussions of this issue in 2012. The SSC discussed the management changes at the March 2012 Council meeting and found them to be consistent with the preferred alternative evaluated in the 2004 PSEIS. This helped determine that the changes do not represent a substantial change to federal management of the groundfish fisheries that is relevant to environmental concerns.

The Council evaluated the information in the draft SIR and concluded that the management program was still consistent with the Preferred Alternative in the PSEIS, that a supplemental EIS was not required, and that they would choose not to initiate a new PSEIS.

Regarding condition #2, the SIR provided a comprehensive review of the circumstances and information relevant to environmental concerns and bearing on the management of the groundfish fisheries or their impacts. Expert reviewers (stock assessment scientists and other fishery science specialists) found that the new information reported in this SIR did not suggest that a new analysis would result in a significantly different conclusion for almost all resource components. Some exceptions included added uncertainty in

assessing the condition of some fish stocks or previous conclusion with respect to whales. Nevertheless, the necessity to supplement the PSEIS needs to be based on the federal action (management of the groundfish fisheries) as a whole.

In its evaluation of the draft SIR, the Council concluded that the new circumstances and information were not sufficient to trigger supplementing the PSEIS. For those components where there may have been a new conclusion, the experts noted that the groundfish fisheries are not having a significant impact.

In 2015, NOAA Fisheries in the AK Region determined, based on the analyses of the SIR that the "2004 PSEIS continues to provide NEPA compliance for the groundfish FMPs and a supplemental NEPA document is not necessary."

# A.3. Council Actions Outside the Scope of the Groundfish FMPs but Affected by the PSEIS

The Management Objectives established within the Groundfish Management Policy were intended to support decision making under the BSAI and GOA Groundfish FMPs. However, the Policy's explicitly ecosystem-based fishery management approach and the comprehensive nature of its objectives reflected an evolution in Council thinking about the scope of its responsibilities. This advance contributed to a number of forward-thinking actions outside of the Groundfish FMPs.

# A.3.1 Aleutian Islands Fishery Ecosystem Plan

The AIFEP can be seen as a direct offshoot of the effort involved in producing the Groundfish PSEIS. Its development very closely followed the finalization of the PSEIS, and this was not coincidental. The unique characteristics of (especially coral habitat in) the Aleutian Islands was very much the product of the review of ecosystem characteristics and processes that occurred during the development of the PSEIS. Following approval of the PSEIS, the issue of whether the Aleutian Islands should be managed under a separate groundfish FMP was discussed by the Council, and this eventually prompted the development of the AIFEP. Re-working the BSAI Groundfish FMP into separate Bering Sea and AI FMPs was foreseen as a very time-consuming effort on the part of the Council and NMFS, with likely negative consequences to the fisheries during any transition period. Additionally, the FEP could serve as a nexus to specifically focus on ecosystem issues in the AI in the context of EBFM.

The AIFEP was developed to achieve the following purposes:

- a) to integrate information from across the FMPs with regard to the Aleutian Islands, using existing analyses and reports such as the Groundfish PSEIS, the EFH EIS, and the Ecosystem Considerations chapter of the BSAI Groundfish SAFE;
- b) to identify a set of indicators for the Aleutian Islands to evaluate the status of the ecosystem over time;
- c) to provide a focal point to develop and refine tools, such as ecosystem models to evaluate the indicators;
- d) to identify sources of uncertainty and use them to determine research and data needs; and
- e) to assist the Council in setting management goals and objectives, and understanding the cumulative effects of management actions

The relationship between the FEP and other Council documents and projects was envisioned as a synergistic one. The purpose of the FEP, however, is to look holistically at the AI ecosystem, at the relationships between the different FMP fisheries, physical and biological characteristics of the ecosystem, human communities, and other socio-economic activities ongoing in the ecosystem area.

The FEP has no legal standing and is purely a guidance document and resource for the Council. If the Council decides to initiate any action as a result of the evaluations in the FEP, those actions would be subject to the existing process for analysis.

# A.3.2 Bering Sea Fishery Ecosystem Plan

Building on lessons learned from the AIFEP, and still in development, the BSFEP was first considered for addition as a tool for the Council in 2013. At that time, and since, there has been extensive national discussion on best practices for EBFM. The Council therefore adopted, as Policy, an ecosystem vision statement that would apply to all its fishery management, including that affecting groundfish fisheries. At the time (Feb 2014) the Council explicitly considered the relationship of the vision statement with the Groundfish Management Policy, and found no inconsistency:

#### Value Statement

The Gulf of Alaska, Bering Sea, and Aleutian Islands are some of the most biologically productive and unique marine ecosystems in the world, supporting globally significant populations of marine mammals, seabirds, fish, and shellfish. This region produces over half the nation's seafood and supports robust fishing communities, recreational fisheries, and a subsistence way of life. The Arctic ecosystem is a dynamic environment that is experiencing an unprecedented rate of loss of sea ice and other effects of climate change, resulting in elevated levels of risk and uncertainty. The North Pacific Fishery Management Council has an important stewardship responsibility for these resources, their productivity, and their sustainability for future generations.

#### Vision Statement

The Council envisions sustainable fisheries that provide benefits for harvesters, processors, recreational and subsistence users, and fishing communities, which (1) are maintained by healthy, productive, biodiverse, resilient marine ecosystems that support a range of services; (2) support robust populations of marine species at all trophic levels, including marine mammals and seabirds; and (3) are managed using a precautionary, transparent, and inclusive process that allows for analyses of tradeoffs, accounts for changing conditions, and mitigates threats.

#### Implementation Strategy

The Council intends that fishery management explicitly take into account environmental variability and uncertainty, changes and trends in climate and oceanographic conditions, fluctuations in productivity for managed species and associated ecosystem components, such as habitats and non-managed species, and relationships between marine species. Implementation will be responsive to changes in the ecosystem and our understanding of those dynamics, incorporate the best available science (including local and traditional knowledge), and engage scientists, managers, and the public.

The vision statement was to be given effect through all of the Council's work, including long-term planning initiatives, fishery management actions, and science planning to support ecosystem-based fishery management.

#### A.3.3 Arctic FMP

In 2009, the Council approved, and NMFS implemented, a new FMP for Fish Resources of the Arctic Management Area (Arctic FMP). The Council's action recognized the different and changing ecological conditions of the Arctic, including warming trends in ocean temperatures, the loss of seasonal ice cover, and the potential long-term effects from these changes on the Arctic marine ecosystem. In recognition that the emergence of unregulated, or inadequately regulated, commercial fisheries could have adverse effects on the Arctic ecosystem and marine resources, and on the subsistence way of life for residents of Arctic communities, the FMP closed all waters of the U.S. Arctic EEZ to commercial harvest of finfish, mollusks, crustaceans, and all other forms of marine animal and plant life.

The Council's management policy for the U.S. Arctic EEZ is an ecosystem-based management policy that proactively applies judicious and responsible fisheries management practices, based on sound scientific research and analysis, to ensure the sustainability of fishery resources, to prevent unregulated or poorly regulated commercial fishing, and to protect associated ecosystems for the benefit of current users and future generations. The management policy recognizes the need to balance competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the ecosystem and the optimization of yield from its fish resources. The policy recognizes the complex interactions among ecosystem components and seeks to protect important species utilized by other ecosystem component species, potential target species, other organisms such as marine mammals and birds, and local residents and communities.