



Equity and Environmental Justice Gap Analysis Framework

Draft Work Plan

September 2024

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1. Background

In 2022, the National Marine Fisheries Service (NMFS) published a draft Equity and Environmental Justice (EEJ) Strategy and invited comments, including from the Regional Fishery Management Councils. When the Pacific Fishery Management Council (Council) reviewed the draft strategy, Council members expressed an interest in providing input on both the process for developing regional implementation plans and the content of the National EEJ plan and, in October 2022, submitted a comment letter to NMFS¹.

The final NMFS National EEJ Strategy (National EEJ Strategy) defines environmental justice as

‘the fair treatment and meaningful involvement of all people, regardless of race, color, gender, sexual orientation, national origin, tribal affiliation, religion, disability, or income during the development, implementation, and enforcement of environmental laws, regulations, and policies, including but not limited to: (1) Equitable protection from environmental and health hazards; (2) Equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices; and (3) Equitable opportunity and access to decision-making processes for underserved communities. Equity is defined as ‘the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.’

This document uses these terms consistent with how they are defined in the National EEJ Strategy.

While NMFS was developing its own EEJ plan, the Council began formal consideration of what it wants to do on its own behalf with respect to EEJ issues ([Agenda Item F.1, Situation Summary](#)). In April 2023, the Council reviewed a draft staff analysis, Existing Council Activities Responsive to EEJ Concerns ([Agenda Item F.1, Attachment 1](#)), and appointed an ad-hoc Equity and Environmental Justice Committee (EEJC) “to assist the Council in addressing EEJ issues and, in particular, to advise the Council on working with NMFS on the forthcoming EEJ Strategy Regional Implementation Plan and the geographic strategic plan” (Council Motion, April 2023).

The ad-hoc EEJC held their first organizational meeting on July 11, 2023 and, in September 2023, provided a number of recommendations to the Council on how it could work both internally and with partners to address EEJ issues and increase engagement with underserved communities ([Agenda Item H.5.b, Supplemental EEJC Report 1](#)). One of these recommendations was for the Council to evaluate its own operations and decision making with respect to EEJ issues. The EEJC stated:

“This could start with an EEJ gap analysis that reviews Council processes and products noting where there might be improvements that would address EEJ considerations. The gap analysis would be followed by a prioritization of next steps for the Council, as necessary. The gap analysis could end up being the first step in the development of a Council EEJ plan, if the Council wishes to develop one after considering the results of the gap analysis. Outside expertise (including NMFS expertise, if available) could be used as part of a review of the gap analysis or to assist in any follow-on steps. Academic partnerships could also be useful in this regard. A full gap analysis may require an extensive effort, but it must be subject to the limitations of existing priorities, budgets and workload. If necessary due to those limitations, the gap analysis may need to be focused on

¹ Letter from the Council to NMFS available at <https://www.pcouncil.org/documents/2022/10/october-2022-letter-to-noaa-on-draft-environmental-equity-and-justice-strategy.pdf/>

particular areas (for example, evaluation of some recent policy analyses or Council operations). The EEJC recommends that the Council charge it with developing a proposal for a gap analysis that considers current limitations but is scalable if additional resources are acquired.”

Council staff have already initiated an analysis of the Council Operating Procedures and the development of an EEJ focused webpage. Although related to the gap analysis, these discrete projects will be completed on their own timeline and are anticipated to be available at the end of 2024. The gap analysis and development of a Council EEJ plan will also consider the strategies laid out in the NMFS West Coast Regional EEJ Implementation Plan, which was released in August 2024².

The EEJC reiterated the importance of the gap analysis in their June 2024 statement ([Agenda Item C.2.b, Supplemental EEJC Report](#)) as a critical step in identifying how the Council can better address EEJ concerns and inform the development of a Council EEJ Plan, if the Council decides to pursue one.

2. Purpose of this Document

This document outlines Council processes and products that have been discussed as areas that may benefit from improvements or modifications to better address EEJ concerns. These items were identified from a number of sources, including but not limited to: (1) previous Council meeting discussions (April 2023, September 2023, and June 2024); (2) EEJC supplemental reports and meeting discussions; (3) the Final NMFS National Equity and Environmental Justice Strategy¹; and (4) the 2024 National Academy of Sciences, Engineering, and Medicine (NAS) report *Equity in the Distribution of Fisheries Management Benefits: Data and Information Availability (2024)* (NAS 2024).

A complete methodology for the Gap Analysis would be developed after the Council adopts this work plan and will be included in the final report. On a high level, the analysis would first analyze each process/product listed in Section 3 to determine how it does or does not address EEJ concerns. For instance, each process/product could be analyzed by how it addresses the four types of equity described in the NAS report (distributional, recognition, procedural, and contextual). Analyzing a process or product for how it addresses each of these types of equity is complex and the analysis may take into consideration questions like: *Are benefits and costs equitably distributed? Are power imbalances recognized? Is there adequate representation and participation of all relevant groups? Are social, economic, environmental, cultural, and political history and circumstances considered?* Next, recommendations for improvements to processes/products to better address EEJ considerations and increase engagement with underrepresented communities would be developed.

The results would be compiled into a final document for the Council to review and prioritize next steps. The completion date for the analysis is dependent on resources and time available, with a report tentatively scheduled to be delivered to the Council in mid- to late-2025. Note that a few ‘light lift’ items (ex. plain language training for staff) may be able to occur while the full gap analysis is under development. Completion of the final report does not indicate completion of Council efforts to identify gaps in management and methods for better incorporating EEJ considerations. Work would be iterative and ongoing, taking into account lessons learned and emergent processes to address the items listed in Section 3 and items not yet identified.

² Regional Plan available at <https://www.fisheries.noaa.gov/s3/2024-08/WC-EEJ-Implementation-Plan.pdf>

Communication and coordination with the ongoing Inflation Reduction Act (IRA) projects would occur and could be integrated into the gap analysis, as appropriate. IRA Project #2, *Considering the effects of Council management actions on human well-being in vulnerable fishing communities impacted by a changing marine ecosystem*, would develop tools and a decision framework to allow the Council to more explicitly consider how specific management proposals affect vulnerable West Coast fishing communities. Some vulnerable communities may also meet the definition of underserved and/or underrepresented communities. There is therefore the potential that the products from this project could also help form recommendations to address identified EEJ gaps.

The development of the gap analysis would leverage the knowledge and expertise of individuals within and outside of the region and consider relevant literature and reports. Although not exhaustive, some of these items are included in Section 4.

3. Gap Analysis Items for Consideration

1. Review of the Council Operations and Procedures (COP) Document

In September 2023, the EEJC recommended a review of the “COPs for consistency with the EEJ-related definitions and to identify portions of the COPs that might benefit from revision to better take into account EEJ considerations. Actual development of proposed COP revisions would come as a second step, prioritized based on results of the initial review.”

Work on part one of this recommendation (review of the COPs) is currently underway by Jim Seger. Additional work may be recommended depending on the outcome of the review.

2. Advisory Body (AB) Membership Appointments Process

In June 2024, the EEJC noted there could be modifications to the AB appointments process to increase outreach to underserved and underrepresented communities (Agenda Item C.2.b, Supplemental EEJC Report). The EEJC noted that the current AB appointments process for the 2025-2027 term is already underway but work to develop an outreach plan could be done between now and 2027, when solicitation for the 2028-2030 term begins. Any future decisions on AB size and composition should consider EEJ goals and any feedback or concerns raised by the EEJC.

Expanded outreach for the 2025-2027 AB terms is under development. Through the gap analysis, identification of current outreach strategies and potential improvements to recruitment could be identified. The analysis should consider the current composition of the Council and ABs and whether there are constituencies who are not represented or are underrepresented in the AB membership. Strategies for outreach to such groups to raise awareness and identify barriers to potential participation in the Council's ABs should be explored. Outreach approaches taken by other Councils should also be considered, particularly outreach to remote, culturally diverse, and historically underrepresented communities.

3. Identification of Specific Barriers

The National EEJ Strategy, the EEJC, and the Council have all discussed how barriers to participate in the Council process are likely impacting engagement with underserved and underrepresented communities. The National EEJ Strategy identifies several types of barriers, including (1) unawareness of underserved communities, (2) structural barriers, (3) barriers to engagement and accessing services, (4) system complexity, (5) gaps in expertise, and (6) gaps in representation. Some of these barriers may stem from current Council policies and practices.

This section of the gap analysis should begin with clear definitions of any barriers or barrier types identified. For structural barriers (defined by the National EEJ Strategy as laws, regulations, and policies), the analysis should consider the structure of the Council itself, its inclusivity, and how it may be contradictory and exclusionary of other cultures.

The analysis should consider strategies for identifying and addressing barriers, including those strategies taken by other Councils. Recent (within the last three years) public testimony on barriers to engagement should be compiled and summarized. Documents and resources included in Section 4 (ie: UN Sustainable Development Goals; NAS 2024) should be reviewed and any relevant strategies for addressing barriers included. Partnerships with social non-governmental organizations and academics could support the development of strategies to identify and address barriers. How financial constraints currently impact or may in the future impact the Council's ability to address barriers should be discussed.

Once underrepresented constituents and barriers for engagement are identified, methods for addressing barriers to engagement from unintentional, exclusionary comments or gaps in expertise could be addressed through staff and Council member trainings. Topics could include EEJ, diversity, equity, inclusion, and accessibility (DEIA), and microaggressions. Trainings and their potential to create a more inclusive environment should be considered.

The gap analysis will provide an initial outline of barriers to participating in the Council process, but as noted in Section 1, new barriers may emerge or be identified over time and work on addressing them will be ongoing.

4. New Council Member Equity and Environmental Justices Training

New political appointees to any Regional Fishery Management Council are required to attend a New Council Member Training. In recent years, Council members have received a presentation on Equity and Environmental Justices in Federal Fisheries Management developed collaboratively by staff from each fishery management council (see [2023 New Council Member Training, Day 5](#)). The inclusion of this training is recent and appreciated.

The gap analysis would identify ways the training and presentation could ensure that Council members are equipped with tools and strategies to integrate EEJ considerations into their deliberations on proposed actions. Coordination with other regional fishery management staff or the Council Coordination Committee EEJ subgroup should occur. The analysis should discuss the benefits of extending this training or a related EEJ training to all new council members (not only political appointees).

5. Council Analytical Documents

Council and NMFS regional staff work collaboratively to analyze the potential social, economic, and biological impacts of a proposed action and to address National Environmental Protection Act (NEPA) and Magnuson-Stevens Act (MSA) requirements and other applicable laws. These analyses provide the Council with the information required to make a decision when considering a proposed action. Although equity issues may be considered under several of the National Standard Guidelines or in other sections of analytical documents, there is no explicit section that describes a proposed action's impacts on equity and environmental justice.

Through the gap analysis, a method for better addressing EEJ in Council analytical documents would be identified and proposed. The section could include a discussion of EEJ considerations for each proposed alternative, in a manner that supports comparison of differing impacts. The information included in this section may benefit the Council, its advisory bodies, and the public. An EEJ section could also describe whether the action is meeting tribal trust responsibilities and dietary and cultural needs, if relevant to the action. Any modifications to templates or required contents of Council analytical documents would be reviewed by both NMFS and Council staff.

6. Language Translation Services and Clear Communication

A need for language translation services has been noted on numerous occasions by advisory bodies and the Council. Members of these groups have also voiced a need to ensure that Council documents are accessible and digestible to a common audience, noting that many documents are jargon-heavy and technical. Individuals cannot properly engage in the Council process if they are unable to understand the content and potential impacts of a proposed action due to either of these reasons.

The gap analysis could address this in multiple ways, including but not limited to: (1) identification of the most common foreign languages spoken by stakeholders; (2) identification of language translation services and ongoing efforts by partners; (3) if resources are constrained, a prioritization of which Council documents would be most appropriate to have translated into the identified languages; (4) plain language training for Council staff officers, and (5) potential partnerships and trainings with plain language translation services

4. Relevant reports, resources, and Council documents

Council Coordination Committee (CCC). 2022. Council Coordinating Committee (CCC) Equity and Environmental Justice (EEJ) Working Group (WG) Recommendations to Address the May 2022 CCC Motion Regarding EEJ. Available at:

<https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6356b2597678dd7d7fbbaa71/166626140557/Day2+%235+-+EEJ+WG+Recommendations.pdf>

National Academies of Sciences, Engineering, and Medicine (NAS). 2024. Assessing Equity in the Distribution of Fisheries Management Benefits: Data and Information Availability. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27313>. Available at:

<https://www.pcouncil.org/documents/2024/05/h-2-attachment-1.pdf/>

NOAA Fisheries. 2023. Equity and Environmental Justice Strategy. Available at:

<https://www.fisheries.noaa.gov/s3/2023-05/NOAA-Fisheries-EEJ-Strategy-Final.pdf>

NOAA Fisheries. 2024. West Coast Equity and Environmental Justice Implementation Plan. Available at

<https://www.fisheries.noaa.gov/s3/2024-08/WC-EEJ-Implementation-Plan.pdf>

Pacific Fishery Management Council. 2023. Existing Council Activities Responsive to EEJ Concerns. Prepared for the April 2023 Pacific Fishery Management Council. Available at:

<https://www.pcouncil.org/documents/2023/03/f-1-attachment-1-existing-council-activities-that-responsive-to-eej-concerns.pdf/>

Poe, Melissa R., Karma C. Norman, and Phillip S. Levin. 2014. Cultural dimensions of socioecological systems: key connections and guiding principles for conservation in coastal environments.

Conservation Letters 7.3: 166-175. Available at:

<https://conbio.onlinelibrary.wiley.com/doi/full/10.1111/conl.12068>

United Nations Sustainable Development Goals Trainings. Available at <https://sdgacademy.org/courses/>.

Western Pacific Fishery Management Council EEJ Resources. Available at

<https://www.wpcouncil.org/hot-topics/>.