

DRAFT COUNCIL MEETING RECORD
259th Session of the
Pacific Fishery Management Council
April 6-9 and 12-15, 2021
Web-Based Council Meeting
April Council Meeting You-Tube Stream

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INTRODUCTION

This document contains or identifies the various elements, documents, and sources comprising the complete and official record of Council meeting discussions and actions. In addition to the Meeting Summary, which follows this introductory section (see #7 below), it includes information or references that serve as the functional detailed minutes for this Council meeting as required by §302(i)(2)(E) of the Magnuson-Stevens Act. The full record is maintained at the Council office, is available on the Council website (<http://www.pcouncil.org/>) or upon request from the Council office, and consists of the following:

1. **Meeting Notice and Proposed Agenda** – These documents are available on the Council Website prior to and following each meeting at <http://www.pcouncil.org/>.
2. **Attendance Records** – These documents are available for the Council meeting and each advisory body meeting by request from the Council office.
3. **All Documents, Reports, and Presentations for Council Consideration** – These items include (1) all documents produced or received for the meeting briefing book, validated by a label assigned by the Council Secretariat and distributed to Council Members; (2) written public comments received at the Council meeting in accordance with agenda labeling requirements; and (3) electronic material or handout materials used in presentations to Council Members during the open session. They are available from links in the Meeting Summary of this document or at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
4. **Council Decisions Summary Document** – This document is distributed shortly after each Council meeting. It provides very brief descriptions of most key Council decisions and is available at <https://www.pcouncil.org/council-meetings/previous-meetings/> and also provided by agenda item in the Meeting Summary of this document.
5. **Draft or Final Decision Documents Finalized after the Council Meeting** – Documents such as Environmental Impact Statements or Environmental Assessments are available on the Council website as they are completed.
6. **Gavel-to-Gavel Audio Recordings and Summary Transcripts** – These recordings contain the testimony, presentations, discussions, and actions occurring at the meeting and are labeled by date and time (e.g., 04-11-15am1) and have been annotated as to the time on the recording for the start of each agenda line item to help facilitate review. For additional reference, verbatim transcripts of Council Actions are available on the Council website. The recordings and transcripts may be accessed from the links contained within the Meeting Summary of this document or at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
7. **Meeting Summary** (immediately follows this section) – The Meeting Summary lists, in agenda item order, the briefing book documents, reports, presentations, and Council motions and actions, including a brief summary from the Council Decisions Summary Document for each agenda item. It constitutes the meeting record formally approved by the Council. The agenda heading for each agenda item, and most listed documents, serve as internet links to the actual briefing book documents. Internet links in brackets (e.g., [[mp3: 11-11-14pm1 @01:21:15](#)]) refer to the audio recording and elapsed time on the recording at which the agenda item was initiated. Links to the audio recordings are annotated by agenda item and may also be accessed at <https://www.pcouncil.org/council-meetings/previous-meetings/>.
8. **Voting Log** – The voting log lists, in Agenda order, the summarized Council motions and actions for each agenda item that took place during the meeting.

MEETING SUMMARY

A. Call to Order [[mp3: 4-8-21am1](#) 00:00:41]

1. Opening Remarks – Marc Gorelnik, Chair

Mr. Marc Gorelnik, Council Chair, called the 259th meeting of the Pacific Fishery Management Council (Council) to order at 9:00 a.m. on April 8, 2021. A closed session was held before this open session to discuss litigation and personnel matters.

2. Roll Call – Chuck Tracy [[mp3: 4-8-21am1](#) 00:03:27]

Council Members present (and online*) during the meeting week:

National Marine Fisheries Service:	Mr. Frank Lockhart, designee Mr. Ryan Wulff, designee Ms. Kelly Ames, designee Ms. Susan Bishop, designee
Alaska State Official:	Ms. Dani Evenson, nonvoting designee
Washington State Official:	Mr. Kyle Adicks, designee Ms. Heather Hall, designee Mr. Corey Niles, designee
Washington Obligatory:	Mr. Butch Smith
Oregon State Official:	Dr. Caren Braby, designee* Mr. Chris Kern, designee* Ms. Maggie Sommer, designee
Oregon Obligatory:	Ms. Christa Svensson
California State Official:	Ms. Marci Yaremko, designee Mr. Brett Kormos, designee Mr. John Ugoretz, designee* Ms. Joanna Grebel, designee Ms. Briana Braby, designee
California Obligatory:	Mr. Robert Dooley
Idaho State Official:	Mr. Virgil Moore, designee
Idaho Obligatory:	Mr. Pete Hassemer
Tribal Official:	Mr. Joseph Oatman
At-Large:	Mr. Phil Anderson Mr. Louis Zimm Mr. Brad Pettinger, Vice-Chair Mr. Marc Gorelnik, Chair
Pacific States Marine Fisheries Commission:	Dr. David Hanson, Parliamentarian, nonvoting designee
U.S. Coast Guard:	LCDR Scott McGrew, nonvoting designee LCDR Lee Crusius, nonvoting designee* Mr. Chris German, nonvoting designee*
U.S. Fish and Wildlife Service:	Mr. Mike Clark, nonvoting designee Dr. Kyle Hanson, nonvoting designee Mr. John Netto, nonvoting designee Mr. Roger Root, nonvoting designee

Mr. Tom Sinclair, nonvoting designee

Absent from the Meeting:

U.S. State Department:

Mr. David Hogan, nonvoting designee

3. [Executive Director's Report](#) – Chuck Tracy [[mp3: 4-8-21am1 00:06:01](#)]

Mr. Tracy presented the Informational Reports and identified that the MREP has a new video hat will be played during the breaks. Also identified is the collaboration with Bureau of Energy Management as discussed in [A.3, Supplemental Attachment 1](#): BOEM-PFMC Coordination E-Mail Correspondence.

4. Agenda – Marc Gorelnik [[mp3: 4-8-21am1 00:19:10](#)]

- a. Council Action: Approve Agenda

Motion 1 [[mp3: 4-8-21am1 00:24:20](#)]: Adopt [Agenda Item A.4, April 6-9 and 12-15, 2021 Council Meeting Agenda](#) – with the addition of moving H.3 Legislative Matters to Tuesday April 13, following Agenda Item D.5.

Phil Anderson/Butch Smith (Motion 1 carried unanimously)

B. Open Comment Period

1. [Comments on Non-Agenda Items](#) – Chuck Tracy [[mp3: 4-8-21am1 00:26:02](#)]

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-8-21am1 00:26:12](#)]
- b. **Public Comment** [[mp3: 4-8-21am1 00:40:54](#)]
- c. **Council Discussion and Comments, as Appropriate** [[mp3: 4-8-21am1 00:46:17](#)]

Staff Summary: None

C. Habitat

1. [Current Habitat Issues](#) – Jennifer Gilden [[mp3: 4-8-21am1 00:48:22](#)]

- a. **Report of the Habitat Committee** – Lance Hebdon [[mp3: 4-8-21am1 00:50:28](#)]
- b. **Reports and Comments of Management Entities and Advisory Bodies**
- c. **Public Comment** [[mp3: 4-8-21am1 00:56:07](#)]
- d. **Council Action: Consider Habitat Committee Report and Recommendations** [[mp3: 4-8-21am1 01:01:59](#)] and [[mp3: 4-8-21pm1 00:48:22](#)]

Motion 2 [[mp3: 4-8-21am1 01:30:03](#)]: Council request the HC to produce a letter requesting Interior Secretary Haaland withdraw the 2 Solicitor's opinions and the guidance on Klamath water use further that the HC try to get a draft during this meeting; if not, we proceed with fast track letter.

Virgil Moore/Louis Zimm

Amendment 1 [[mp3: 4-8-21am1 01:35:37](#)]: Strike “withdraw the 2 Solicitor’s opinions and the guidance on Klamath water use further that the HC try to get a draft during this meeting; if not, we proceed with fast track letter.” and replace with “reconsider those opinions and guidance documents in view of EFH needs and provide the draft letter to the Council for further consideration by Wednesday, April 14.”

Marci Yaremko/Bob Dooley (Amendment 1 carried, Mr. Lockhart abstained)
(Motion 2, as amended, carried, Mr. Lockhart abstained)

Motion 5 [[mp3: 4-8-21pm1 00:37:26](#)]: Council rescind the motion made under Agenda item C.1.
Marci Yaremko/Pete Hassemer (Motion 5 carried unanimously)

Staff Summary: None

D. Salmon Management

1. Tentative Adoption of 2021 Management Measures for Analysis – Robin Ehlke [\[mp3: 4-8-21am2 00:00:07\]](#)

[Preseason Report II](#): Proposed Alternatives and Environmental Assessment – Part 2 for 2021 Ocean Salmon Fishery Regulations (*Electronic Only*)

[D.1, Attachment 1](#): Emergency Changes to the Salmon FMP

[D.1, Attachment 2](#): FR 97-22094: Policy Guidelines for the Use of Emergency Rules

a. Update of Estimated Impacts of March 2021 Alternatives – Michael O’Farrell [\[mp3: 4-8-21am2 00:04:03\]](#)

[D.1.a, Supplemental STT Report 1](#)

b. Summary of Public Hearings – Hearings Officers [\[mp3: 4-8-21am2 00:11:22\]](#)

[D.1.b, Supplemental Public Hearing Report 1 \(WA\)](#)

[D.1.b, Supplemental Public Hearing Report 2 \(OR\)](#)

[D.1.b, Supplemental Public Hearing Report 3 \(CA\)](#)

c. Recommendations of the U.S. Section of the Pacific Salmon Commission – Phil Anderson [\[mp3: 4-8-21am2 00:18:00\]](#)

[D.1.c, Supplemental PSC Report 1](#)

d. Recommendations of North of Falcon Forum – Oregon, Washington, Tribes

e. Reports and Comments of Management Entities and Advisory Bodies [\[mp3: 4-8-21am2 00:39:13\]](#)

[D.1.e, Supplemental Tribal Report 1](#): Testimony of the Quinault Indian Nation

[D.1.e, Supplemental Tribal Report 2](#): Testimony of the Columbia River Treaty Tribes

[D.1.e, Supplemental SAS Report 1](#): Proposed 2021 Ocean Salmon Management Measures For Tentative Adoption

- f. [Public Comment \[mp3: 4-8-21am2 01:09:15\]](#) and [\[mp3: 4-8-21pm1 00:02:19\]](#)
- g. **Council Action: Adopt Tentative 2021 Ocean Salmon Management Measures for Collation and Analysis** [\[mp3: 4-8-21pm1 00:04:14\]](#)

Motion 3 [\[mp3: 4-8-21pm1 00:09:32\]](#): Council to tentatively adopt the ocean salmon fishery management measures for non-Indian fisheries as presented in Agenda Item D.1.e, Supplemental SAS Report 1, dated April 8, 2021 for STT collation and analysis.
Kyle Adicks/Phil Anderson (Motion 3 carried unanimously)

Motion 4 [\[mp3: 4-8-21pm1 00:13:56\]](#): Council adopt for STT analysis the following initial Treaty Troll salmon management measures.

- Makah Tribe
 - Alternative I: 50,000 Chinook and 50,000 coho
 - Alternative II: 35,000 Chinook and 35,000 coho
 - Alternative III: 0 Chinook and 0 coho
- QTA Tribes
 - Alternative I: 35,000 Chinook and 16,500 coho
 - Alternative II: 25,000 Chinook and 10,000 coho
 - Alternative III: 0 Chinook and 0 coho

The alternatives consist of a May 1 – June 30 Chinook-directed fishery and a July 1 – September 15 all-species fishery. The Chinook quota should be evenly split between the two time periods.

Joe Oatman/Kyle Adicks (Motion 4 carried unanimously)

Staff Summary: None

- 2. [Methodology Review Preliminary Topic Selection](#) – Robin Ehlke [\[mp3: 4-8-21pm1 00:47:49\]](#)
 - a. **Reports and Comments of Management Entities and Advisory Bodies** [\[mp3: 4-8-21pm1 00:50:41\]](#)
 - [D.2.a, Supplemental MEW Report 1](#)
 - [D.2.a, Supplemental STT Report 1](#)
 - [D.2.a, Supplemental SSC Report 1](#)
 - [D.2.a, Supplemental Tribal Report 1](#): Joint Testimony from the Western Washington Treaty Tribes
 - b. [Public Comment](#)
 - c. **Council Action: Council Guidance on Potential Methodologies to Review in 2021** [\[mp3: 4-8-21pm1 01:15:53\]](#)

Motion: None

Staff Summary: The Council supported the majority of items for review submitted by the Model Evaluation Workgroup (MEW), Salmon Technical Team (STT), and the Scientific and Statistical Committee including:

1. Documentation of the Fishery Regulation Assessment Model (FRAM) program and the development of the new Chinook FRAM base period, including algorithms and User Manual (assigned to MEW).
2. Evaluate post-season metrics of FRAM model performance (assigned to MEW).
3. Provide documentation of the abundance forecast approach used for Willapa Bay natural coho (STT).
4. Review Oregon Production Index, Hatchery (OPIH) forecast (STT).

3. [Clarify Council Direction on 2021 Management Measures](#) – Robin Ehlke [[mp3: 4-12-21pm3 00:30:16](#)]

- a. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-12-21pm3 00:31:00](#)]

[D.3.a, Supplemental STT Report 1: Preliminary Analysis of Tentative 2021 Ocean Salmon Fishery Management Measures](#)

- b. [Public Comment](#) [[mp3: 4-12-21pm3 00:35:30](#)]
- c. [Council Guidance and Direction](#) [[mp3: 4-12-21pm3 00:36:27](#)]

Motion: None

Staff Summary: None

4. [Southern Oregon/Northern California Coast Coho Endangered Species Act \(ESA\) Consultation](#) – Robin Ehlke [[mp3: 4-9-21pm2 00:00:05](#)]

[D.4.a, Supplemental SONCC Coho Workgroup Report 1](#)

- a. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-9-21pm2 00:02:53](#)]
- b. [Public Comment](#)
- c. [Council Action: Review Workgroup Progress on Developing a Risk Assessment and Range of Alternatives; Provide Guidance as Necessary](#) [[mp3: 4-9-21pm2 00:13:39](#)]

Motion: None

Staff Summary: None

5. [Further Direction for 2021 Management Alternatives](#) – Robin Ehlke [[mp3: 4-13-21pm2 01:11:48](#)] and [[mp3: 4-13-21pm3 00:00:17](#)]

- a. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-13-21pm3 00:00:59](#)]

[D.5.a, Supplemental STT Report 1](#): Preliminary Analysis of Tentative 2021 Ocean Salmon Fishery Management Measures

b. **Public Comment**

c. **Council Guidance and Direction** [[mp3: 4-13-21pm3](#) 00:11:27]

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-15-21am1](#) 00:25:55]

[D.5.a, Supplemental STT Report 2](#): Preliminary Analysis of Tentative 2021 Ocean Salmon Fishery Management Measures (04/14/21)

b. **Public Comment** – *no additional public comment*

c. **Council Guidance and Direction** [[mp3: 4-15-21am1](#) 00:28:54]

Motion: None

Staff Summary: None

6. **[2021 Management Measures – Final Action](#)** – Robin Ehlke [[mp3: 4-15-21pm3](#) 00:00:24]

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-15-21pm3](#) 00:02:28]

[D.6.a, Supplemental STT Report 1](#): STT Analysis of Tentative 2021 Ocean Salmon Fishery Management Measures

[D.6.a, Supplemental Tribal Report 1](#) (The Confederated Tribes of the Colville Reservation)

[D.6.a, Supplemental Tribal Report 2](#) (Testimony of the Columbia River Treaty Tribes)

b. **[Public Comment](#)** [[mp3: 4-15-21pm3](#) 00:16:40]

c. **Council Action: Adopt Final Management Measures for 2021 Ocean Salmon Fisheries** [[mp3: 4-15-21pm3](#) 00:18:15] and [[mp3: 4-15-21pm4](#) 00:00:14]

Motion 20 [[mp3: 4-15-21pm3](#) 00:38:09]: Council adopt the non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from Cape Falcon, Oregon to the Oregon/California border as presented in Agenda Item D.6.a, Supplemental STT Report 1, dated April 15, 2021.

Chris Kern/Brad Pettinger (Motion 20 carried unanimously)

Motion 21 [[mp3: 4-15-21pm3](#) 00:39:48]: Council adopt the 2021 non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from the Oregon/California border to the U.S./Mexico border as presented in Agenda Item D.6.a, Supplemental STT Report 1, dated April 15, 2021, including the commercial and recreational requirements, definitions, restrictions, or exceptions.

Brett Kormos/Bob Dooley (Motion 21 carried unanimously)

Motion 22 [[mp3: 4-15-21pm4 00:19:40](#)]: Council tentatively adopt a natural escapement target of 3,154 for Queets wild coho in 2021.
Kyle Adicks/Butch Smith

Amendment 1 [[mp3: 4-15-21pm4 00:22:11](#)]: That the word “tentatively” be removed from the main motion.
Phil Anderson/Virgil Moore (Amendment 1 carried unanimously)
(Motion 22, as amended, carried unanimously)

Motion 23 [[mp3: 4-15-21pm4 00:24:39](#)]: Council adopt for submission to the U.S. Secretary of Commerce the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in D.6.a, Supplemental STT Report 1, dated April 15, 2021.
Kyle Adicks/Phil Anderson (Motion 23 carried, Ms. Bishop abstained)

Motion 24 [[mp3: 4-15-21pm4 00:28:05](#)]: Council adopt the Treaty Indian Troll fishery management measures for submission to the U.S. Secretary of Commerce for the area north of Cape Falcon as shown in Table 3b on Agenda Item D.6.a, Supplemental STT Report 1, April 15, 2021.
Joe Oatman/Kyle Adicks (Motion 24 carried, Ms. Bishop abstained)

Staff Summary: The Council adopted management measures for 2021 ocean salmon fisheries and will transmit its recommendations to National Marine Fisheries Service for implementation by May 16, 2021. Detailed management measures and a press release are posted on the [Council's webpage](#).

E. Coastal Pelagic Species Management

1. [National Marine Fisheries Service](#) – Kerry Griffin [[mp3: 4-9-21am1 00:02:17](#)]

a. [Regulatory Activities](#) – Frank Lockhart [[mp3: 4-9-21am1 00:02:55](#)]

[E.1.a, Supplemental NMFS Report 1](#)

b. [Fisheries Science Center Activities](#) – Annie Yao [[mp3: 4-9-21am1 00:03:55](#)]

[E.1.b, Supplemental NMFS Presentation 1](#): Coastal Pelagic Species Research Updates

c. [Reports and Comments of Management Entities and Advisory Bodies](#)

d. [Public Comment](#) [[mp3: 4-9-21am1 00:21:35](#)]

e. [Council Discussion](#) [[mp3: 4-9-21am1 00:22:32](#)]

Motion: None

Staff Summary: None

2. [Exempted Fishing Permits \(EFPs\) for 2021-2022 Final Action](#) – Kerry Griffin
[[mp3: 4-9-21am1 00:23:34](#)]

[E.2 Attachment 1](#): West Coast Pelagic Conservation Group Proposal

[E.2 Attachment 2](#): California Wetfish Producers Association Point Sets Proposal

[E.2 Attachment 3](#): California Wetfish Producers Association Biological Sampling Proposal

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-9-21am1 00:27:43](#)]

[E.2.a, Supplemental SSC Report 1](#)

[E.2.a, Supplemental CPSMT Report 1](#)

[E.2.a, Supplemental CPSAS Report 1](#)

b. **Public Comment** [[mp3: 4-9-21am1 00:36:02](#)]

c. **Council Action: Adopt Final EFP Recommendations for 2021-2022 Fisheries**
[[mp3: 4-9-21am1 01:03:08](#)]

Motion 7 [[mp3: 4-9-21am1 01:07:14](#)]: Council adopt the exempted fishing permit proposals in Agenda Item E.2 in Attachments 1, 2, and 3 for consideration of harvest amounts under Agenda Item E.4.

Briana Brady/Bob Dooley (Motion 7 carried unanimously)

Staff Summary: The Council approved three EFP [proposals](#) designed to support stock assessments for Pacific sardine. This includes a total amount of up to 830 mt for nearshore acoustic-trawl sampling, nearshore aerial surveys, and directed biological sampling.

3. [Review of Essential Fish Habitat](#) – Kerry Griffin [[mp3: 4-9-21am1 01:09:29](#)]

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-9-21am1 01:13:10](#)]

[E.3.a, CPSMT Report 1](#)

[E.3.a, Supplemental CPSMT Presentation 1](#)

[E.3.a, Supplemental CPSAS Report 1](#)

[E.3.a, Supplemental HC Report 1](#)

b. **Public Comment** [[mp3: 4-9-21am1 01:36:23](#)]

c. **Council Action: Review Phase 1 Report and Determine if Modifications to Essential Fish Habitat Provisions are Warranted** [[mp3: 4-9-21am1 01:39:09](#)] and [[mp3: 4-9-21am2 00:00:04](#)]

Motion 8 [[mp3: 4-9-21am2 00:02:48](#)]: Council recommends the CPS EFH review process move to phase 2.

Briana Brady/Marc Gorelnik (Motion 8 carried unanimously)

Staff Summary: The Council approved moving forward with Phase 2 of the Coastal Pelagic Species (CPS) essential fish habitat (EFH) review, to consider options for updating EFH elements in the CPS Fishery Management Plan and appendices.

4. [Pacific Sardine Assessment, Harvest Specifications, and Management Measures – Final Action - Kerry Griffin \[mp3: 4-9-21am2 00:07:19\]](#)

[E.4, Attachment 1](#): Catch-Only Projection Estimate

[E.4, Supplemental Attachment 2](#): Addendum to Catch-Only Projection of the Pacific Sardine Resource in 2021 for U.S. Management in 2021-2022

a. [Reports and Comments of Management Entities and Advisory Bodies \[mp3: 4-9-21am2 00:12:34\]](#)

[E.4.a, Supplemental CDFW Report 1](#)

[E.4.a, Supplemental CDFW Report 2](#)

[E.4.a, Supplemental CDFW Report 3](#)

[E.4.a, Supplemental SSC Report 1](#)

[E.4.a, Supplemental CPSMT Report 1](#)

[E.4.a, Supplemental CPSAS Report 1](#)

b. [Public Comment \[mp3: 4-9-21am2 01:25:37\]](#) and [\[mp3: 4-9-21pm1 00:00:37\]](#)

[E.4.b, Supplemental Public Presentation 1](#) (California Wetfish Producers Association)

[E.4.b, Supplemental Public Presentation 2](#) (Oceana)

c. **Council Action: Adopt a Pacific Sardine Assessment, Final Harvest Specifications, and Management Measures for 2021-2022 Pacific Sardine Fishery [mp3: 4-9-21pm1 00:30:53]**

Motion 9 [mp3: 4-9-21pm1 00:57:37]: Council adopt:

Biomass	28,276 mt
OFL	5,525 mt
P* Buffer	0.40
ABC _{Tier 3}	3,329 mt
ACL	3,329 mt
ACT	3,000 mt

1. Exempted fishing permit amounts for Agenda Item E.2
 - a) Attachment 1 – 10 mt
 - b) Attachment 2 – 300 mt
 - c) Attachment 3 – 520 mt
2. Incidental landing limit in CPS fisheries of 20 percent.
3. If landings in the live bait fishery attain 1,800 mt, a per landing limit of one mt of Pacific sardine per trip will apply to the live bait fishery.
4. If the ACT of 3,000 mt is attained, a per trip limit of one mt of Pacific sardine applies to all CPS fisheries.
5. An incidental per landing allowance of two mt of Pacific sardine in non-CPS fisheries until the ACL is reached.

Briana Brady/Bob Dooley (Motion 9 carried, Mr. Lockhart abstained)

Staff Summary: The Council adopted final harvest specifications and management measures for the 2021 – 2022 Pacific sardine fishery. Due to the absence of acoustic-trawl survey data, these specifications are based on the 2020 stock assessment and biomass estimate:

Biomass	28,276 mt
Overfishing limit (OFL)	5,525 mt
P* (Uncertainty) Buffer	0.40
Allowable Biological Catch (ABC _{Tier 3})	3,329 mt
Annual Catch Limit (ACL)	3,329 mt
Annual Catch Target (ACT)	3,000 mt

Management Accountability Measures include:

1. Incidental sardine landing limit in other CPS fisheries of 20 percent.
2. If landings in the live bait fishery attain 1,800 mt of sardine, a per-landing limit of one mt of Pacific sardine per trip will apply to the live bait fishery.
3. If the ACT of 3,000 mt is attained, a per-trip limit of 1 mt of Pacific sardine applies to all CPS fisheries.
4. An incidental per-landing allowance of 2 mt of Pacific sardine in non-CPS fisheries until the ACL is reached.

The Council also endorsed up to 830 mt of sardine to support exempted fishing permit research (see Agenda Item E.2).

F. Groundfish Management

1. [National Marine Fisheries Service](#) – Todd Phillips [[mp3: 4-12-21am1 00:03:06](#)]

a. Regulatory Activities – Kelly Ames [[mp3: 4-12-21am1 00:04:26](#)]

[F.1.a, NMFS Report 1](#): Recently Published Rulemakings and Workload

b. Fisheries Science Center Activities – Kevin Werner [[mp3: 4-12-21am1 00:19:15](#)]

[F.1.b, Supplemental NMFS Presentation 1](#): Groundfish Science Report

c. Reports and Comments of Management Entities and Advisory Bodies

d. [Public Comment](#) [[mp3: 4-12-21am1 00:23:01](#)]

e. Council Discussion and Guidance, as Appropriate [[mp3: 4-12-21am1 00:28:48](#)]

Motion: None

Staff Summary: None

2. **[Humpback Whale Endangered Species Act \(ESA\) Consultation](#)** – Todd Phillips
[[mp3: 4-12-21am1 00:33:18](#)]

[F.2, Attachment 1](#): Groundfish ESA Workgroup Report: Excerpted Humpback Whale Section

[F.2, Attachment 2](#): Endangered Species Act Section 7(a)(2) Biological and Conference Opinion – Continuing Operation of the Pacific Coast Groundfish Fishery Humpback whale (*Megaptera novaeangliae*)

[F.2, Supplemental Attachment 3](#): Pacific Coast Groundfish and Endangered Species Work Group Terms of Reference

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-12-21am1 00:37:01](#)]

[F.2.a, NMFS REVISED Presentation 1](#): Overview of Humpback Whale ESA Consultation and Next Steps

[F.2.a, Supplemental CDFW Report 1](#)

[F.2.a, Supplemental ODFW Report 1](#)

[F.2.a, Supplemental WDFW Report 1](#)

[F.2.a, Supplemental GMT Report 1](#)

[F.2.a, Supplemental GAP Report 1](#)

b. **[Public Comment](#)**

c. **Council Action: Provide Guidance on the Development of Management Measures to Satisfy the Terms and Conditions of the Humpback Whale ESA Consultation, as Appropriate** [[mp3: 4-12-21am2 00:00:11](#)]

Motion 10 [[mp3: 4-12-21am2 00:15:47](#)]: The Council:

1. Regarding Term & Condition #1, feasibility study of additional pot gear marking regulations, including determination of whether additional gear marking would increase NMFS' ability to attribute humpback whale entanglements to specific fisheries, and identification of potential modifications to pot gear regulations that could reduce incidental take of humpback whales:
 - a. Request that NMFS engage directly with state agencies, tribes, and industry to understand existing and planned measures regarding whale entanglement, which include but are not limited to those described in reports from the west coast states under this agenda item.
 - b. Recommend that NMFS hold one or more workshops with fishing industry members to develop any potential new management measures related to this action.
 - c. Use dedicated Council meeting agenda items to consider and provide input to NMFS on draft new management measures prior to finalization of any regulatory changes.
2. Regarding Term & Condition #2, review of the Terms of Reference for the Groundfish Endangered Species Workgroup (GESW) and priority of needs associated with incidental humpback whale bycatch in groundfish fisheries:
 - a. Membership: As currently allowed under "Other representatives as determined by the Council", add a representative of the Groundfish Advisory Subpanel (GAP). The GAP

chair will designate a GAP member or alternate to serve as the GAP representative on the GESW to provide the appropriate expertise based on GESW meeting topics (similar to STAR panels). This addition should occur prior to the GESW meeting scheduled for April 2021.

3. Regarding Term & Condition 3, relating to observer coverage: encourage NMFS to consider additional data sources including logbooks and electronic monitoring (EM), and use the most cost-effective means to obtain scientifically defensible humpback whale bycatch estimates and reduce uncertainty.
4. Regarding Term & Condition 4, review and consider measures for maximizing the utility and benefit of EM with respect to gathering information from any future bycatch events of humpback whales:
 - a. Recommend that NMFS ensure consultation with vessel captains about any humpback whale interactions detected through EM data as soon as possible after the event occurs.
 - b. Recommend that NMFS consider including this topic in the industry workshop(s) proposed in 1.b.

Maggie Sommer/Marci Yaremko (Motion 10 carried unanimously)

Staff Summary: The Council considered the four Terms and Conditions (T&C) of the most recent [humpback whale biological opinion](#) (BiOp) and adopted the following recommendations.

T&C 1: Regarding Fixed Gear Marking

- National Marine Fisheries Service (NMFS) should engage directly with state agencies, tribes, and industry to understand existing and planned measures regarding whale entanglement mitigation, which include but are not limited to those described in [California](#), [Oregon](#), and [Washington](#) Department of Fish and Wildlife reports.
- NMFS should hold workshops with fishing industry members to develop any potential new management measures related to this action.
- Dedicated Council meeting agenda items should be used to consider and provide input to NMFS on draft new management measures prior to finalization of any regulatory changes.

T&C 2: Regarding the Groundfish Endangered Species Workgroup [Terms of Reference](#).

- The Groundfish Advisory Subpanel (GAP) chair will recommend a representative for the Council to appoint short-term to the Groundfish Endangered Species Workgroup (GESW) to provide additional expertise based on GESW meeting topics. This short-term appointment was made by the Council under Administrative Matter H.4 – Appointments (see below).

T&C 3: Relating to Observer Coverage

- Encourage NMFS to consider additional data sources including logbooks and electronic monitoring, and use the most cost-effective means to obtain scientifically defensible humpback whale bycatch estimates and reduce uncertainty.

T&C 4: Regarding to Electronic Monitoring (EM)

- NMFS should consult with vessel captains regarding humpback whale interactions detected through EM data as soon as possible after an event occurs.
- NMFS should consider including EM in the industry workshops noted above under T&C 1.

3. **Scoping of Prioritized Non-trawl Sector Area Management Measures** – Todd Phillips/Brett Wiedoff [[mp3: 4-12-21am2 00:49:44](#)]

[F.3, Supplemental Staff Presentation 1](#): Scoping of Non-Trawl Sector Area Management Measures (Todd Phillips)

[F.3, Attachment 1](#): Informational Report 4: Non-Trawl Scoping Section Excerpt (June 2020)

[F.3, Attachment 2](#): Non-Trawl Sector Groundfish Area Management Modifications: Scoping Discussion Document

a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-12-21am2 01:04:00](#)] and [[mp3: 4-12-21pm1 00:00:09](#)]

[F.3.a, Supplemental HC Report 1](#)

[F.3.a, Supplemental GMT Report 1](#)

[F.3.a, Supplemental GAP Report 1](#)

[F.3.a, Supplemental SAS Report 1](#)

[F.3.a, Supplemental EC Report 1](#)

b. **Public Comment** [[mp3: 4-12-21pm1 00:28:26](#)]

[F.3.b, Supplemental Public Presentation 1](#) (Enticknap, Oceana)

c. **Council Action: Scope Issues Regarding Implementing Gear and Methods Tested Under the Emley/Platt Exempted Fishing Permit in Regulations and Modifying Rockfish Conservation Areas for Non-Trawl Sectors; consider Purpose and Need Statements; and Provide Guidance on Further Development of Issues and Alternatives** [[mp3: 4-12-21pm2 00:00:05](#)]

Motion 11 [[mp3: 4-12-21pm2 00:16:18](#)]: Council adopt the Draft Purpose and Need:

The purpose of these proposed actions is to provide access to additional areas that are currently closed to groundfish fishing inside the Non-Trawl Rockfish Conservation Area (RCA). The Non-Trawl sector is presently unable to access many species of shelf rockfish where they are most abundant. The actions are needed to provide increased attainment of available healthy shelf rockfish species that largely reside inside the Non-Trawl RCA, thereby increasing their utilization and economic value of the groundfish fishery. The actions are also needed to help diversify fishing strategies in light of restrictive salmon and crab opportunities, provide more stable, year-round fishing opportunity, and expand opportunities to supply seafood, while bringing financial benefit to fishermen, communities, and the infrastructures they support. The additional access might be provided by 1) moving the existing Non-Trawl RCA boundaries, and/or 2) allowing groundfish fishing inside the Non-Trawl RCA using only select gears that minimize bottom contact.

Marci Yaremko/Louis Zimm (Motion 11 carried unanimously)

Motion 12 [[mp3: 4-12-21pm2 00:27:16](#)]: Council adopt the following:

Do not proceed with scoping the proposal for commercial salmon troll fishermen to retain shelf rockfish while fishing in the Non-Trawl RCA as part of this package. Consider possible inclusion of this item in the 2023-2024 specifications process, as the action would necessitate new off-the-top set-asides.

Marci Yaremko/Maggie Sommer (Motion 12 carried unanimously)

Motion 13 [[mp3: 4-12-21pm2 00:35:09](#)]: Council continue to develop a range of alternatives that would move the existing Non-Trawl RCA boundaries, and/or allow groundfish fishing inside the Non-Trawl RCA using only select gears that minimize bottom contact, as follows:

1. GAP Summary Recommendation #1: Prioritize analysis of opening the existing Non-Trawl RCA to open access fisheries using hook-and-line gear, and excluding longline, dinglebar and pot/trap gear (Option 1 in the table at the end of Supplemental GAP report F.3.a).
2. GAP Summary Recommendation #2: Conduct a complementary analysis that considers how the LEFG fishermen can access their higher trip limits within the RCA, using hook-and-line gears.
3. GAP Summary Recommendation #5: Conduct a complementary analysis regarding RCA line modifications to allow LEFG access to areas of the RCA. (GAP Table 1, Options 2 and 3).
4. As the alternatives develop, engagement and technical assistance from NMFS would be appreciated on topics including but not limited to: current and future observer coverage and considerations, limited entry fixed gear permit regulations and endorsements, gear definitions, open access and limited entry declarations and trip limit provisions, and specific information on the known locations of sensitive, vulnerable or unique habitats, including structure-forming invertebrates, that occur within the Non-Trawl RCA.

Marci Yaremko/Marc Gorelnik

Amendment 1 [[mp3: 4-12-21pm2 01:06:20](#)]: Council amend the motion as follows:

3. GAP Summary Recommendation #5: Conduct a complementary analysis regarding RCA line modifications (Table 1, Options 2 and 3) to allow LEFG access to areas of the RCA. (GAP Table 1, Options 2 and 3). In addition to GAP options described in Table 1, RCA line modifications may also include discrete changes to the 100 fm RCA boundary in Washington north of 46°16' N. lat.

Heather Hall/Butch Smith (Amendment 1 carried unanimously)

(Motion 13, as amended, carried unanimously)

Staff Summary: The Council initiated the scoping process for Non-Trawl rockfish conservation area (RCA) management measures at this meeting and adopted a draft [purpose and need statement](#) for public review.

The Council plans to continue to develop a range of alternatives (ROA) to address modifying existing Non-Trawl RCA boundaries and measures to allow groundfish fishing inside the Non-Trawl RCA using only select gears that minimize bottom contact.

The Council provided the following guidance, based on [GAP Report 1](#) recommendations, to develop the ROA:

1. Prioritize analysis of opening the existing non-trawl RCA off Oregon and California to open access fisheries using hook-and-line gear, and excluding longline, dinglebar, and pot/trap gear.
2. Conduct a complementary analysis that considers how the LEFG fishermen can access their higher trip limits within the RCA, using the above gear types.
3. Include an analysis that examines options, as described in [GAP Report 1](#), to narrow the non-trawl RCA by adjusting the seaward and/or shoreward non-trawl RCA boundaries for the following areas: 1) Point Conception, CA to 40° 10' N. lat.; 2) 40° 10' N. lat. to the Oregon/Washington border, and 3) the 100 fm seaward non-trawl RCA boundary off of Washington.

Additionally, the Council also requested technical assistance from NMFS on relevant topics such as habitat impacts, permits, regulations, and monitoring.

The Council did not recommend moving forward with scoping of the proposal for commercial salmon troll fishermen to retain shelf rockfish while fishing in the Non-Trawl RCA as part of this package. This item may be considered in the 2023-2024 groundfish harvest specifications and management measure process.

4. [Sablefish Gear Switching – Identify the Gear Switching Level to Use in Developing Alternatives](#) – Jim Seger [[mp3: 4-13-21am1 00:55:52](#)]

[F.4, Supplemental Staff Presentation 1](#) (Doerpinghaus)

[F.4, Attachment 1](#): Analysis of Gear Switching Levels

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-13-21am2 00:00:35](#)] and [[mp3: 4-13-21pm1 00:00:52](#)]

[F.4.a, Supplemental CDFW Report 1](#)

[F.4.a, Supplemental REVISED GMT Report 1](#)

[F.4.a, Supplemental GAP Report 1](#)

- b. **Public Comment** [[mp3: 4-13-21pm1 00:46:52](#)] and [[mp3: 4-13-21pm2 00:00:11](#)]

[F.4.b, Supplemental Public Presentation 1](#) (Pacific Seafood, Gonzalez)

[F.4.b, Supplemental Public Presentation 2](#) (Oceanbeat Consulting, Robinson)

- c. **Council Action: Select Gear Switching Level to Guide Development of the Gear Switching Alternatives and Provide Other Guidance as Appropriate** [[mp3: 4-14-21pm1 00:00:27](#)] and [[mp3: 4-14-21pm2 00:00:27](#)]

Motion 17 [[mp3: 4-14-21pm1 01:40:03](#)]: Council adopt, for the purpose of guiding the development of draft alternatives that would limit gear switching, a maximum level of fixed gear attainment of the trawl sector's northern sablefish allocation of 29 percent.

Maggie Sommer/Phil Anderson (Motion 17 carried, Ms. Yaremko voted no, Mr. Zimm abstained)

Staff Summary: The Council adopted a maximum gear switching limit of 29 percent of the trawl sector's northern sablefish allocation. No action (i.e., no limit on gear switching) will remain an alternative. The Council is scheduled to next address this issue at its September 2021 meeting.

5. [Cost Recovery Report and Final Regulations](#) – Jim Seger [[mp3: 4-14-21am1 00:03:00](#)]

a. [National Marine Fisheries Service Report - Keeley Kent](#) [[mp3: 4-14-21am1 00:04:52](#)]

[F.5.a, NMFS Report 1](#): Pacific Coast Groundfish Trawl Rationalization Program Cost Recovery Annual Report Fee Calculation for 2021 and Fishing Year 2020 Payments

[F.5.a, NMFS Report 2](#): National Marine Fisheries Service Report on Cost Recovery Calculations for the Mothership and Catcher-Processor Sectors

[F.5.a, Supplemental NMFS Presentation 1](#): Cost Recovery Annual Report (Fee Calculation for 2021 and Fishing Year 2020 Payments)

b. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-14-21am1 00:24:17](#)]

[F.5.b, Supplemental GAP Report 1](#)

c. [Public Comment](#)

d. **Council Action: Provide Comments on the Report and Adopt Final Regulatory Changes** [[mp3: 4-14-21am1 00:30:43](#)]

Motion 14: Council adopt as a final recommendation that the cost recovery regulation language be adjusted to state that the value of “Pacific whiting” instead of “all groundfish” be used in the annual cost recovery fee calculations for the at-sea sectors as described in Agenda Item F.5.a, NMFS Report 2.

Kelly Ames/Bob Dooley (Motion 14 carried unanimously)

Staff Summary: The Council will consider prioritizing a review of trawl catch share program costs during the next groundfish workload and new management measures agenda item, which will be no sooner than September 2021. This review of costs related to various program elements could be considered within the scope of the trawl catch share review that is scheduled to be initiated in 2022.

The Council also took final action to modify the cost recovery fee determination for the at-sea sector so that they will be based on Pacific whiting exvessel value rather than the value of all groundfish.

6. [Inseason Adjustments for 2021 – Final Action](#) – Todd Phillips [[mp3: 4-14-21am1 00:01:36](#)]

a. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-14-21am1 01:02:20](#)] and [[mp3: 4-14-21am2 00:00:10](#)]

[F.6.a, Supplemental NMFS Report 1](#)

[F.6.a, Supplemental GMT Report 1](#)

[F.6.a, Supplemental GMT Report 2](#)

[F.6.a, Supplemental GAP Report 1](#)

- b. [Public Comment \[mp3: 4-14-21am2 00:07:45\]](#)
- c. **Council Action: Adopt Final Inseason Adjustments for 2021, as Necessary, to Achieve but Not Exceed Annual Catch Limits and Other Management Objectives [mp3: 4-14-21am2 00:22:37]**

Motion 15 [mp3: 4-14-21am2 00:23:11]: Council adopt the GMT recommendation described in Agenda Item F.6.a, Supplemental GMT Report 1 regarding the modification needed to the RCA language in Trip Limit Table 2.

Marci Yaremko/Marc Gorelnik (Motion 15 carried unanimously)

Motion 16 [mp3: 4-14-21am2 00:56:31]: Council recommend adjusting the incidental salmon troll lingcod allowance to one per two chinook salmon, plus one lingcod with a trip limit of ten lingcod. This recommendation is contingent upon NMFS' determination that the action has already been adequately analyzed and good cause for waiving notice and comment is met.

Corey Niles/Phil Anderson (Motion 16 carried unanimously)

Staff Summary: The Council recommended corrections to the non-trawl RCA south of 34° 27' N. lat. in the [Groundfish Trip Limit Table 2](#) to be consistent with the Council's recommendation under the 2021-2022 groundfish harvest specifications and management measures action in June of last year. The shoreward and seaward boundaries in that area should be 100 fm to 150 fm.

The Council also recommended adjusting the incidental salmon troll lingcod allowance to one lingcod per two Chinook salmon, plus one lingcod per trip, with a trip limit of ten lingcod. This recommendation is contingent upon NMFS' determination that this action is applicable under inseason action. NMFS will investigate and inform the Council of their findings.

The Council tasked Staff and the Groundfish Management Team to modify the [Chinook salmon catch table \(salmon scorecard\)](#) to include the [trawl gear exempted fishing permit](#) and update the Council at the June 2021 meeting. Alternatively, the Council recommended NMFS provide this information only at the Council's April and November meetings.

- 7. [Implementation of the 2021 Pacific Whiting Fishery Under the U.S./Canada Agreement – John Devore \[mp3: 4-14-21am2 01:23:58\]](#)
 - a. **Joint Management Committee Report – Frank Lockhart/Phil Anderson [mp3: 4-14-21am2 01:28:51]**
 - b. **Reports and Comments of Management Entities and Advisory Bodies [mp3: 4-14-21am2 01:45:48]**

[F.7.b, Supplemental DFO Report 1](#)

[F.7.b, Supplemental GAP Report 1](#)

- c. [Public Comment](#)

- d. **Council Action: Consider Necessary Actions for Implementing the 2021 Pacific Whiting Fishery** [[mp3: 4-14-21am2 01:45:55](#)]

Motion: None

Staff Summary: The Council received a briefing on this year's U.S./Canada Pacific Whiting Treaty process. The Joint Management Committee, the decision-making body in the whiting treaty process, did not reach consensus on a 2021 coastwide whiting total annual catch (TAC). NMFS will therefore publish a proposed rule for a 2021 U.S. whiting TAC in late April/early May. An interim allocation of whiting to tribal and non-tribal sectors will be issued to start the whiting season on May 15, with a final rule published after public notice and comment on the proposed TAC.

G. Pacific Halibut Management

1. **[Incidental Catch Limits for 2021 Salmon Troll Fishery](#)** – Robin Ehlke [[mp3: 4-8-21pm1 00:41:29](#)]

[G.1, Attachment 1](#): Summary of Pacific Halibut Incidental Catch Management

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-8-21pm1 00:43:42](#)]

[G.1.a, Supplemental SAS Report 1](#)

- b. **[Public Comment](#)**
- c. **Council Action: Adopt Final Incidental Pacific Halibut Catch Recommendations for 2021 and Early 2022 Non-Indian Salmon Troll Fisheries** [[mp3: 4-8-21pm1 00:44:56](#)]

Motion 6: Council adopt the final landing restrictions for Pacific halibut caught incidentally in the non-Indian salmon troll fishery as reflected in Agenda Item G.1.a, Supplemental SAS Report 1.

Chris Kern/Heather Hall (Motion 6 carried unanimously)

Staff Summary: The Council adopted final incidental halibut catch limits as follows:

Open May 16, 2021, through the end of the 2021 salmon troll fishery, and beginning April 1, 2022, until modified through inseason action or superseded by the 2022 management measures. License holders may land no more than one Pacific halibut per two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut landed per trip.

H. Administrative Matters

1. **[Research and Data Needs Update](#)** – John DeVore [[mp3: 4-12-21pm2 01:12:58](#)]

[H.1, Supplemental RDN Database Briefing](#)

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-12-21pm2 01:34:59](#)]

[H.1.a, EWG Report 1](#)
[H.1.a, Supplemental SSC Report 1](#)
[H.1.a, Supplemental GMT Report 1](#)
[H.1.a, Supplemental GAP Report](#)
[H.1.a, Supplemental HC Report 1](#)
[H.1.a, Supplemental CPSMT Report 1](#)
[H.1.a, Supplemental CPSAS Report 1](#)
[H.1.a, Supplemental EAS Report 1](#)

- b. [Public Comment](#)
- c. **Council Action: Provide Guidance on the Development of a Research and Data Needs Database and Provide Guidance** [[mp3: 4-12-21pm3 00:00:05](#)]

Motion: None

Staff Summary: The Council received a [briefing](#) on a new database designed to capture priority research and data needs and provided guidance on further database development and a future process for determining research priorities. Guidance included structural changes to the database including adding a “Habitat” category to the Research Focus field, capturing all future advisory body priority recommendations in the database, and using the priority ranking system recommended by the [Scientific and Statistical Committee](#). The Council also supported a future process of deciding research priorities every 2-3 years rather than every 5 years. They tasked Council staff and other advisors to develop process recommendations for further consideration, tentatively scheduled for fall 2021.

2. [Update on Executive Order 13921](#) – Jim Seger [[mp3: 4-15-21am1 00:03:21](#)]

[H.2, Attachment 1](#): E.O. Federal Register Notice; Executive Order 13921 of May 7, 2020: Promoting American Seafood Competitiveness and Economic Growth

[H.2, Attachment 2](#): Letter to Chris Oliver with Council’s response to EO 13921

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-15-21am1 00:07:53](#)]
- b. **Council Action: Review Progress on Initiating the Prioritized List of Recommended Actions to Reduce Burdens on Domestic Fishing and Increase Production, Including the Review of Aquaculture Opportunity Areas, Provide Guidance as Appropriate**

Motion: None

Staff Summary: None

3. [Legislative Matters](#) – Jennifer Gilden [[mp3: 4-13-21am1 00:00:35](#)] and [[mp3: 4-15-21am1 00:41:10](#)]

[H.3, Attachment 1](#): Staff Summary of Federal Legislation

[H.3, Attachment 2](#): Oregon House Bill 3375

[H.3, Supplemental Attachment 3](#): Draft letter to the Department of Interior and Department of Commerce on EO 14008

[H.3, Supplemental Attachment 4](#): Draft letter to Dr. Paul Doremus on EO 14008

[H.3, Supplemental Attachment 5](#): Proposed Amendments to HB 3375

[H.3, Supplemental Attachment 6](#): California Assembly Bill 525

[H.3, Supplemental Attachment 7](#): REVISED Draft Letter to the Secretary of Commerce re: Executive Order Section 216(a)

[H.3, Supplemental Attachment 8](#): Revised Draft letter to Dr. Paul Doremus on EO 14008

- a. [Report of the Legislative Committee](#) – Dave Hanson [[mp3: 4-13-21am1 00:03:13](#)]
- b. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-13-21am1 00:06:20](#)]

[H.3.b, Supplemental WDFW Report 1](#): Letter from WDFW to Paul Doremus re: Federal Executive Order 14008

[H.3.b, Supplemental HMSAS Report 1](#)

[H.3.b, Supplemental GAP Report 1](#)

[H.3.b, Supplemental EAS Report 1](#)

- c. [Public Comment](#) [[mp3: 4-13-21am1 00:18:54](#)]
- d. **Council Action: Consider Legislative Committee Report and Recommendations** [[mp3: 4-13-21am1 00:28:31](#)]
- c. [Public Comment](#)– *no additional public comment after attachments 7 & 8 were presented*
- d. **Council Action: Consider Legislative Committee Report and Recommendations** [[mp3: 4-15-21am1 00:51:09](#)]

Motion: None

Staff Summary: The Council directed staff to send a letter on Executive Order 14008 Section 216(a) regarding steps the U.S. should take to conserve at least 30 percent of U.S. lands and waters by 2030 to the Department of the Interior and Commerce, and directed staff to send a separate letter on EO 14008 Section 216(c) on increasing resilience to climate change to National Marine Fisheries Service.

4. [Membership Appointments and Council Operating Procedures](#) – Mike Burner [[mp3: 4-15-21am1 01:07:11](#)]

- a. [Reports and Comments of Management Entities and Advisory Bodies](#) [[mp3: 4-15-21am1 01:13:34](#)]

[H.4.a, CPSMT Report 1](#)

[H.4.a, Supplemental SSC Report 1](#)

[H.4.a, Supplemental GAP Report 1](#)

[H.4.a, Supplemental CPSAS Report 1](#)

- b. [Public Comment](#)

- c. **Council Action: Consider Appointments to Council Committees and Advisory Bodies; Adopt Changes to Council Operating Procedures** [[mp3: 4-15-21am1 01:33:04](#)]

Motion 18 [[mp3: 4-15-21am1 01:38:41](#)]: Council appoint Mr. Bob Eder to represent the GAP on the Groundfish Endangered Species workgroup at the GESW April 2021 meeting.
Maggie Sommer/Bob Dooley (Motion 18 carried unanimously)

Motion 19 [[mp3: 4-15-21am1 01:41:50](#)]: Council adopt the revisions to COP 26 presented in H.4.a, CPSMT Report 1, April 2021.
Maggie Sommer/Briana Brady (Motion 19 carried unanimously)

Staff Summary: The Council approved the [CPSMT's proposed changes](#) to Council Operating Procedure 26 regarding Coastal Pelagic Species methodology reviews.

Regarding appointments, the Council appointed Mr. Bob Eder to represent the Groundfish Advisory Subpanel and as a temporary member of the Groundfish Endangered Species Workgroup for its [April 26-28, 2021 meeting](#).

5. **[Future Council Meeting Agenda and Workload Planning](#)** - Chuck Tracy [[mp3: 4-15-21am2 00:00:14](#)]

[H.5, Attachment 1](#): Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary

[H.5, Attachment 2](#): Draft Proposed Council Meeting Agenda, June 2021

[H.5, Supplemental Attachment 3](#): Pacific Council Workload Planning: Preliminary Year-at-a-Glance Summary (v. 04/14/2021; 16:42)

[H.5, Supplemental Attachment 4](#): Draft Proposed Council Meeting Agenda, June 2021 (v. 4/14/2021 4:39 PM)

- a. **Reports and Comments of Management Entities and Advisory Bodies** [[mp3: 4-15-21am2 00:05:22](#)]

[H.5.a, Supplemental State Report 1](#) (CDFW, ODFW, WDFW and IDFG)

[H.5.a, Supplemental SSC Report 1](#)

[H.5.a, Supplemental STT Report 1](#)

[H.5.a, Supplemental GMT Report 1](#)

[H.5.a, Supplemental GAP Report 1](#)

[H.5.a, Supplemental CPSMT Report 1](#)

- b. **Public Comment** [[mp3: 4-15-21am2 00:37:12](#)]

- c. **Council Discussion and Guidance on Future Meeting Agenda and Workload Planning** [[mp3: 4-15-21pm1 00:00:07](#)] and [[mp3: 4-15-21pm2 00:00:05](#)]

Motion: None

Staff Summary: None

INFORMATIONAL REPORTS

[Informational Report 1](#): U.S. Coast Guard 2020 Report to the PFMC

[Informational Report 2](#): U.S. Coast Guard Report – Illegal, Unreported, and Unregulated Fishing Strategic Outlook

[Informational Report 3](#): NOAA Fisheries 2020 West Coast Whale Entanglement Summary

[Supplemental Informational Report 4](#): Whiting Mothership Cooperative; An Amendment 20 Mothership Catcher Vessel Cooperative Final Report on the 2020 Pacific Whiting Fishery

[Supplemental Informational Report 5](#): Pacific Whiting Conservation Cooperative; Amendment 20 Catcher/Processor Cooperative Annual Report 2020

[Supplemental Informational Report 6](#): Secretary of Commerce Announces Allocation of an Additional \$255 Million in CARES Act Funding to States and Territories

[Supplemental Informational Report 7](#): FACT SHEET: Biden Administrative Jumpstarts Offshore Wind Energy Projects to Create Jobs

[Supplemental Informational Report 8](#): Withdrawal of Klamath Project-Related Memoranda, Letters, and Analyses

[Supplemental Informational Report 9](#): Secretary of the Interior – Secretary’s Duties under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf

VOTING LOG

Motion 1: Adopt [Agenda Item A.4, April 6-9 and 12-15, 2021 Council Meeting Agenda](#) – with the addition of moving H.3 Legislative Matters to Tuesday April 13, following Agenda Item D.5.

Phil Anderson/Butch Smith (Motion 1 carried unanimously)

Motion 2: Council request the HC to produce a letter requesting Interior Secretary Haaland reconsider those opinions and guidance documents in view of EFH needs and provide the draft letter to the Council for further consideration by Wednesday, April 14.

Virgil Moore/Louis Zimm (Motion 2, as amended, carried, Mr. Lockhart abstained)

Motion 3: Council to tentatively adopt the ocean salmon fishery management measures for non-Indian fisheries as presented in [Agenda Item D.1.e, Supplemental SAS Report 1](#), dated April 8, 2021 for STT collation and analysis.

Kyle Adicks/Phil Anderson (Motion 3 carried unanimously)

Motion 4: Council adopt for STT analysis the following initial Treaty Troll salmon management measures.

- Makah Tribe
 - Alternative I: 50,000 Chinook and 50,000 coho
 - Alternative II: 35,000 Chinook and 35,000 coho
 - Alternative III: 0 Chinook and 0 coho
- QTA Tribes
 - Alternative I: 35,000 Chinook and 16,500 coho
 - Alternative II: 25,000 Chinook and 10,000 coho
 - Alternative III: 0 Chinook and 0 coho

The alternatives consist of a May 1 – June 30 Chinook-directed fishery and a July 1 – September 15 all-species fishery. The Chinook quota should be evenly split between the two time periods.

Joe Oatman/Kyle Adicks (Motion 4 carried unanimously)

Motion 5: Council rescind the motion made under Agenda item C.1.

Marci Yaremko/Pete Hassemer (Motion 5 carried unanimously)

Motion 6: Council adopt the final landing restrictions for Pacific halibut caught incidentally in the non-Indian salmon troll fishery as reflected in [Agenda Item G.1.a, Supplemental SAS Report 1](#).

Chris Kern/Heather Hall (Motion 6 carried unanimously)

Motion 7: Council adopt the exempted fishing permit proposals in Agenda Item E.2 in [Attachments 1, 2, and 3](#) for consideration of harvest amounts under Agenda Item E.4.

Briana Brady/Bob Dooley (Motion 7 carried unanimously)

Motion 8: Council recommends the CPS EFH review process move to phase 2.

Briana Brady/Marc Gorelnik (Motion 8 carried unanimously)

Motion 9: Council adopt:

Biomass	28,276 mt
OFL	5,525 mt
P* Buffer	0.40
ABC _{Tier 3}	3,329 mt
ACL	3,329 mt
ACT	3,000 mt

1. Exempted fishing permit amounts for Agenda Item E.2
 - a) Attachment 1 – 10 mt
 - b) Attachment 2 – 300 mt
 - c) Attachment 3 – 520 mt
2. Incidental landing limit in CPS fisheries of 20 percent.
3. If landings in the live bait fishery attain 1,800 mt, a per landing limit of one mt of Pacific sardine per trip will apply to the live bait fishery.
4. If the ACT of 3,000 mt is attained, a per trip limit of one mt of Pacific sardine applies to all CPS fisheries.
5. An incidental per landing allowance of two mt of Pacific sardine in non-CPS fisheries until the ACL is reached.

Briana Brady/Bob Dooley (Motion 9 carried, Mr. Lockhart abstained)

Motion 10: The Council:

1. Regarding Term & Condition #1, feasibility study of additional pot gear marking regulations, including determination of whether additional gear marking would increase NMFS' ability to attribute humpback whale entanglements to specific fisheries, and identification of potential modifications to pot gear regulations that could reduce incidental take of humpback whales:

- a. Request that NMFS engage directly with state agencies, tribes, and industry to understand existing and planned measures regarding whale entanglement, which include but are not limited to those described in reports from the west coast states under this agenda item.
 - b. Recommend that NMFS hold one or more workshops with fishing industry members to develop any potential new management measures related to this action.
 - c. Use dedicated Council meeting agenda items to consider and provide input to NMFS on draft new management measures prior to finalization of any regulatory changes.
2. Regarding Term & Condition #2, review of the Terms of Reference for the Groundfish Endangered Species Workgroup (GESW) and priority of needs associated with incidental humpback whale bycatch in groundfish fisheries:
 - a. Membership: As currently allowed under “Other representatives as determined by the Council”, add a representative of the Groundfish Advisory Subpanel (GAP). The GAP chair will designate a GAP member or alternate to serve as the GAP representative on the GESW to provide the appropriate expertise based on GESW meeting topics (similar to STAR panels). This addition should occur prior to the GESW meeting scheduled for April 2021.
 3. Regarding Term & Condition #3, relating to observer coverage: encourage NMFS to consider additional data sources including logbooks and electronic monitoring (EM), and use the most cost-effective means to obtain scientifically defensible humpback whale bycatch estimates and reduce uncertainty.
 4. Regarding Term & Condition #4, review and consider measures for maximizing the utility and benefit of EM with respect to gathering information from any future bycatch events of humpback whales:
 - a. Recommend that NMFS ensure consultation with vessel captains about any humpback whale interactions detected through EM data as soon as possible after the event occurs.
 - b. Recommend that NMFS consider including this topic in the industry workshop(s) proposed in 1.b.

Maggie Sommer/Marci Yaremko (Motion 10 carried unanimously)

Motion 11: Council adopt the Draft Purpose and Need:

The purpose of these proposed actions is to provide access to additional areas that are currently closed to groundfish fishing inside the Non-Trawl Rockfish Conservation Area (RCA). The Non-Trawl sector is presently unable to access many species of shelf rockfish where they are most abundant. The actions are needed to provide increased attainment of available healthy shelf rockfish species that largely reside inside the Non-Trawl RCA, thereby increasing their utilization and economic value of the groundfish fishery. The actions are also needed to help diversify fishing strategies in light of restrictive salmon and crab opportunities, provide more stable, year-round fishing opportunity, and expand opportunities to supply seafood, while bringing financial benefit to fishermen, communities, and the infrastructures they support. The additional access might be provided by 1) moving the existing Non-Trawl RCA boundaries, and/or 2) allowing groundfish fishing inside the Non-Trawl RCA using only select gears that minimize bottom contact.

Marci Yaremko/Louis Zimm (Motion 11 carried unanimously)

Motion 12: Council adopt the following:

Do not proceed with scoping the proposal for commercial salmon troll fishermen to retain shelf rockfish while fishing in the Non-Trawl RCA as part of this package. Consider possible inclusion of this item in the 2023-2024 specifications process, as the action would necessitate new off-the-top set-asides.

Marci Yaremko/Maggie Sommer (Motion 12 carried unanimously)

Motion 13: Council continue to develop a range of alternatives that would move the existing Non-Trawl RCA boundaries, and/or allow groundfish fishing inside the Non-Trawl RCA using only select gears that minimize bottom contact, as follows:

1. GAP Summary Recommendation #1: Prioritize analysis of opening the existing Non-Trawl RCA to open access fisheries using hook-and-line gear, and excluding longline, dinglebar and pot/trap gear (Option 1 in the table at the end of [Supplemental GAP Report 1, F.3.a](#)).
2. GAP Summary Recommendation #2: Conduct a complementary analysis that considers how the LEFG fishermen can access their higher trip limits within the RCA, using hook-and-line gears.
3. GAP Summary Recommendation #5: Conduct a complementary analysis regarding RCA line modifications to allow LEFG access to areas of the RCA. ([GAP Table 1, Options 2 and 3](#)). In addition to GAP options described in Table 1, RCA line modifications may also include discrete changes to the 100 fm RCA boundary in Washington north of 46°16' N. lat.
4. As the alternatives develop, engagement and technical assistance from NMFS would be appreciated on topics including but not limited to: current and future observer coverage and considerations, limited entry fixed gear permit regulations and endorsements, gear definitions, open access and limited entry declarations and trip limit provisions, and specific information on the known locations of sensitive, vulnerable or unique habitats, including structure-forming invertebrates, that occur within the Non-Trawl RCA.

Marci Yaremko/Marc Gorelnik (Motion 13, as amended, carried unanimously)

Motion 14: Council adopt as a final recommendation that the cost recovery regulation language be adjusted to state that the value of “Pacific whiting” instead of “all groundfish” be used in the annual cost recovery fee calculations for the at-sea sectors as described in [Agenda Item F.5.a, NMFS Report 2](#).

Kelly Ames/Bob Dooley (Motion 14 carried unanimously)

Motion 15: Council adopt the GMT recommendation described in [Agenda Item F.6.a, Supplemental GMT Report 1](#) regarding the modification needed to the RCA language in Trip Limit Table 2.

Marci Yaremko/Marc Gorelnik (Motion 15 carried unanimously)

Motion 16: Council recommend adjusting the incidental salmon troll lingcod allowance to one per two chinook salmon, plus one lingcod with a trip limit of ten lingcod. This recommendation is contingent upon NMFS’ determination that the action has already been adequately analyzed and good cause for waiving notice and comment is met.

Corey Niles/Phil Anderson (Motion 16 carried unanimously)

Motion 17: Council adopt, for the purpose of guiding the development of draft alternatives that would limit gear switching, a maximum level of fixed gear attainment of the trawl sector's northern sablefish allocation of 29 percent.

Maggie Sommer/Phil Anderson (Motion 17 carried, Ms. Yaremko voted no, Mr. Zimm abstained)

Motion 18: Council appoint Mr. Bob Eder to represent the GAP on the Groundfish Endangered Species workgroup at the GESW April 2021 meeting.

Maggie Sommer/Bob Dooley (Motion 18 carried unanimously)

Motion 19: Council adopt the revisions to COP 26 presented in [H.4.a, CPSMT Report 1, April 2021](#).

Maggie Sommer/Briana Brady (Motion 19 carried unanimously)

Motion 20: Council adopt the non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from Cape Falcon, Oregon to the Oregon/California border as presented in [Agenda Item D.6.a, Supplemental STT Report 1, dated April 15, 2021](#).

Chris Kern/Brad Pettinger (Motion 20 carried unanimously)

Motion 21: Council adopt the 2021 non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from the Oregon/California border to the U.S./Mexico border as presented in [Agenda Item D.6.a, Supplemental STT Report 1, dated April 15, 2021](#), including the commercial and recreational requirements, definitions, restrictions, or exceptions.

Brett Kormos/Bob Dooley (Motion 21 carried unanimously)

Motion 22: Council adopt a natural escapement target of 3,154 for Queets wild coho in 2021.

Kyle Adicks/Butch Smith (Motion 22, as amended, carried unanimously)

Motion 23: Council adopt for submission to the U.S. Secretary of Commerce the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in [D.6.a, Supplemental STT Report 1, dated April 15, 2021](#).

Kyle Adicks/Phil Anderson (Motion 23 carried, Ms. Bishop abstained)

Motion 24: Council adopt the Treaty Indian Troll fishery management measures for submission to the U.S. Secretary of Commerce for the area north of Cape Falcon as shown in Table 3b on [Agenda Item D.6.a, Supplemental STT Report 1, April 15, 2021](#).

Joe Oatman/Kyle Adicks (Motion 24 carried, Ms. Bishop abstained)

ADJOURN

The Council meeting adjourned on Thursday, April 15, 2021 at 8:56 p.m.

Marc Gorelnik
Council Chair

Date