

NWIFC STATEMENT ON APRIL PFMC MEETINGS

We understand that budgetary constraints mean the Council must engage in cost-cutting measures. One of those measures has been a reduction in the number of days the Council is in session. The Tribes were particularly alarmed in November to see that the April Council Meeting was proposed to be shortened from the usual length of approximately 5.5 days to slightly less than 4 days. That may not seem like a large reduction, but it has potentially severe negative consequences.

The April PFMC meeting is unique in that it involves the multijurisdictional process of finalizing salmon preseason negotiations. While the PFMC Meeting itself is primarily concerned with developing recommendations to NOAA Fisheries for salmon fisheries in federal waters, there are co-manager fisheries in adjacent terminal and inland areas that are impacted by those decisions and vice versa.

If the April PFMC is shortened too much, it could result in a situation where ocean fisheries are finalized according to the Council schedule while there is still much to be negotiated for inland and in-river fisheries. That has the potential to shift the burden of conservation toward terminal areas in violation of case law such as *Hoh v. Baldrige* and *United States v. Washington*. In those cases the courts found that sufficient fish must be returned to each Tribes' U&A to ensure they get their fair treaty-reserved share. Similarly, the power of the state or federal government to regulate a tribal fishery may only be done in order to preserve a particular run and only after all other regulatory means have been exhausted.

There are conservation requirements for listed Puget Sound Chinook or other stocks of conservation concern that are impacted by ocean fisheries, and different stocks may be “drivers” in any given season. Those driver stocks are the most limiting stocks within the mix of stocks and fisheries under consideration each year.

Managers must negotiate who gets what share of these limited impacts to the driver stocks as well as the associated access to healthy stocks. Those negotiations take place in an iterative fashion. Preterminal quotas and terminal quotas are negotiated and refined together. Likewise, Puget Sound stocks are impacted by both ocean and Puget Sound fisheries, so those impacts must be considered together. As ocean quotas are refined by season and area, Puget Sound and in-river quotas and seasons are refined.

The result is that each model run done in the evening by the salmon technical team (STT) is not just the result of guidance provided by Council members to shape ocean fisheries. That guidance includes changes responsive to shaping impacts to terminal and/or Puget Sound fisheries as well. In other words, the negotiations of fisheries impacts and the sharing of the burden of

conservation are being negotiated between each iteration of modeling and that includes additional, exploratory model runs in addition to the official runs presented to the Council.

A reduction of just a day may not seem like much; however, going from 5.5 days to 4 or even 4.5 days means that there are fewer opportunities for iterations of modeling and further negotiations. Much of the modeling work happens in the evenings after Council business for the day is complete, so a reduction to 4 days means 2 fewer nights to model proposed changes.

In summary, the April PFMC Meeting is unique in that not only must the Council deliberate and make recommendations to NOAA Fisheries for ocean fisheries, but those recommendations must be made in coordination with associated inland and terminal treaty tribal and state fisheries. Sufficient time is needed for managers to agree that the fisheries they have negotiated across the landscape result in a fair sharing of both the opportunities of access to healthy stocks as well as the burden of conservation for limiting stocks. If there is a need to limit the total number of in-person Council days over the course of the year, we suggest that keeping sufficient in-person time at the April PFMC Meeting should be the highest priority.