



North Pacific Fishery Management Council

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Legislative Committee Meeting DRAFT Minutes

January 29, 2021, 1pm-4pm

Members Present: Simon Kinneen (chair), Bill Tweit, Steve Marx, Jim Balsiger, Rachel Baker, and Dave Hanson. Dave Witherell and Diana Evans provided staff support.

Public present: Alicia Miller, Arne Fuglvog, Dave Whaley, Dawn Winalski, Demian Schane, Diana Evans, Doug Duncan, Ernie Weiss, Heather Mann, Jason Anderson, Lauren Smoker, Linda Kozak, Mateo Paz-Soldan, Matt Tinning, Michael LeVine, Nicole Kimball, Stephanie Madson, Steve MacLean, Terry Haines.

Chairman Kinneen opened the virtual meeting with introductions and a review/approval of the agenda, and Dave Witherell provided a presentation on recent draft legislation, including the following:

- H.R. 8632 – The Ocean-Based Climate Solutions Act
- Huffman Discussion Draft on MSA Reauthorization
- H.R. 59- Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act
- H.R. 272
- Keep Fish Free Act

Mr. Witherell also noted the passage of several Executive Orders. The E.O. for Protecting Public Health and Environment and Restoring Science to Tackle Climate Crisis reinstated E.O. 13754 in its original form. This E.O. establishes the Northern Bering Sea Climate Resilience Area, establishes a Bering Sea Task Force and a Bering Intergovernmental Tribal Advisory Council to provide effective consultation with Alaska Native tribes, and incorporates traditional knowledge into decision-making.

Among other things, the E.O. for Tackling the Climate Crisis at Home and Abroad requires the Secretary of Interior to submit a report to the Climate Change Task Force recommending steps that should be taken to achieve the goal of conserving at least 30% of the land and ocean by 2030. The report to the Climate Change Task Force shall propose guidelines for determining whether lands and waters qualify for conservation, and it also shall establish mechanisms to measure progress toward the 30-percent goal. Part C of the E.O also includes a provision that “Within 60 days of the E.O. signing, a stakeholder process will be initiated by the NOAA Administrator to collect input from fishermen, regional ocean councils, *fishery management councils*, scientists, and other stakeholders on how to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.”

A request received from Senator Sullivan’s office a regarding potential revision to MSA to address management of Cook Inlet Salmon was also discussed. Ms. Smoker and Ms. Baker provided comment and perspective on the proposed revision and other possible approaches.

No one signed up for public testimony.

Committee Recommendations

The Committee provided numerous comments on different sections of the legislation that will be useful in developing a response, should we get a specific request for comments from Congress.

The Committee recommended that the Executive Director work with the other regional fishery management council executive directors and discuss ways to approach the E.O. for Tackling the Climate Crisis at Home and Abroad, and develop a unified CCC response if possible. The Councils should speak to the intention of the E.O. to make fisheries more resilient to climate change by maintaining ecosystem integrity and function. Unlike the draft legislation HR 8632, the E.O. does not mention MPAs, which can be overly precautionary and reduce flexibility, but rather focuses on the goal of conserving at least 30% of the land and ocean by 2030, and identifying strategies to make fisheries and protected resources more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research.

The Committee also addressed the State of Alaska proposal to amend the MSA Section 302 (h)(1) by adding the word “federal” to specify fisheries that require conservation and management. The proposal is intended to allow the State to continue to manage the Cook Inlet salmon fishery and other Alaska salmon fisheries in federal waters without federal fishery management plans. The Committee discussed unintended consequences of this proposal, and the pros and cons of this approach (and other approaches) relative to the Council’s ability to meet its management goals, objectives, and responsibilities under its grant. Specifically, while this MSA change may provide further clarification to Council functions, it is broad and does not provide a silver bullet solution to Cook Inlet salmon management, and the Council potentially would need to take further action to address any MSA revisions as needed. The possibility of a more specific approach to address Cook Inlet salmon management was discussed, such as the 306 note on page 114 of the MSA ‘blue book’ which provides the direct authority of West Coast states to manage Dungeness crab fisheries in the EEZ. One committee member suggested that folks may want to reach out to the PFMC for an assessment of how this amendment developed and pros and cons of this approach. The Committee noted that the Senator’s office could reach out to NMFS for technical drafting assistance on draft legislation. The Committee refrained from providing any recommendation on the proposed approach or alternative statutory language, as such a recommendation could be construed as lobbying.