

DRAFT COUNCIL MEETING TRANSCRIPTS
249th Session of the
Pacific Fishery Management Council
April 9-16, 2019
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Meeting Transcript Summary

Verbatim transcripts of Council Actions are available on the Council website. The transcripts may be accessed at <http://www.pcouncil.org/council-operations/council-meetings/past-meetings/>.

A. Call to Order

4. Agenda

Phil Anderson [00:00:00] So next we'll consider approval of our draft agenda for this week's meeting. It's found under Agenda Item A 4 proposed Council meeting agenda, April 2019. We don't have any proposed changes to that agenda for your consideration, so the chair would entertain a motion to approve. Herb Pollard.

Herb Pollard [00:00:24] Thank you Chair Anderson. I move that we adopt the agenda as proposed.

Phil Anderson [00:00:31] And seconded by Pete Hassemer to approve our April agenda as presented. All those in favor say 'Aye'.

Council [00:00:39] Aye.

Phil Anderson [00:00:39] Opposed no? Motion carries.

B. Open Comment Period

No transcript

C. Habitat

1. Current Habitat Issues

Marc Gorelnik [00:00:01] Well that concludes public comment, brings us to Council discussions and recommendations. The Habitat Committee Report was quite extensive and I think it might be useful for us to organize our discussion by topic within the Habitat Committee Report so we're not bouncing around from topic to topic and if that's acceptable maybe we can start, see if there's any discussion on the recommendations from the Habitat Committee on the Central Valley Project. The Habitat Committee has offered to provide a letter that the Council could send commenting on the assessment, although I understand from Ryan that there actually is no public comment period here so I'm not sure about that. Any discussion? Anyone want to bite on the idea of a Council letter? Herb, or Rich.

Rich Lincoln [00:01:17] Thanks Vice Chair. Well I'll get the discussion going given the, given the little bit of back and forth during the presentation about the timing of a decision and the decision process. It seems to me that the Habitat Committee's Report identifies some specific changes in, in bullets all of which are proposed actions that could result in significant mortality to listed species. I don't, I'm not sure why forwarding this information to those decision agencies wouldn't meet the needs of the Habitat Committee recommendation and potentially avoid the need for us to spend time trying to craft a additional letter around. It's pretty, pretty clear it seems like, so that would be one possibility.

Marc Gorelnik [00:02:16] I would note that those areas are designated essential fish habitats so we do have a, we do have a stake in what happens there and it looks like that, what may be happening could have some significant impacts on Council managed fisheries but we....so I'm going to suggest and I'll throw out a trial balloon there and see what folks think about it, that, that we ask the Habitat Committee to draft a letter specifically referencing the bullet points here that the Council could send using the quick response procedure since that won't happen until we leave here today, but we do have a date out there hanging out there. Is there any support or opposition to taking that approach? Marci.

Marci Yaremko [00:03:19] Thank you Mr. Vice Chair. Maybe if I may ask Ryan a question here. As I understand this letter it would be drafted from the Council to NMFS, no? To BOR, to all, just to BOR. In your view would such a letter be helpful, well received, effective, maybe you can give us some feedback.

Marc Gorelnik [00:03:53] Ryan.

Ryan Wulff [00:03:54] Thank you Mr. Vice Chair. Thank you Marci for the question. The report recommends sending a letter to NMFS reclamation in the State Water Board. I'm unclear why the latter, but when it comes to, that's why I ask the clarifying question, the specific comments and concerns raised by the committee relate to reclamations assessment and the analyses contained within, potentially the conclusions contained within, so if the Council were to comment on that I think it would be relevant to have NFMS be CC'd or be part of it, but it seems like the letter would be more appropriately addressed to reclamation since that's, you're commenting on their product and their document. That that would be my recommendation from a process perspective if the Council wished to go that way.

Marc Gorelnik [00:04:52] Chris.

Chris Kern [00:04:54] Thanks Mr. Vice Chair. Just as a clarifying question the quick, the quick response process would provide the opportunity to insert the usual Council's duties relative the EFH, DRAFT Council Meeting Transcript
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This is the reason for the comment, et cetera, et cetera.

Marc Gorelnik [00:05:10] I would hope that the letter would include all that foundational information.

Chris Kern [00:05:15] That's important.

Marc Gorelnik [00:05:17] And I think perhaps one of the reasons for copying the State Water Resources Control Board is at least the state believes that any actions would need to be approved by that state agency, if I understand it correctly even though I don't think the feds really agree with that so there's a reason to keep them in the loop. Michele.

Michele Culver [00:05:38] Thanks. So as a follow up to your response Ryan is NMFS planning to consult on the Bureau of Reclamation's activities or, or actions as part of a EFH consultation?

Marc Gorelnik [00:05:59] Ryan.

Ryan Wulff [00:06:01] Yeah. Thank you Mr. Vice Chair. Thank you Miss Culver. Yes there will be a part of that consultation, so....

Michele Culver [00:06:08] Thanks and so I guess I took part of Marci's question to be whether NMFS would find that helpful if the Council were to send a letter and if you plan to do that consultation would that letter be helpful?

Marc Gorelnik [00:06:21] Ryan.

Ryan Wulff [00:06:22] Thank you Mr. Vice Chair, thank you Miss Culver. Yes, so I guess I was looking at it more from the ESA question and like looking at the Habitat Report which called out specific ESA related biological, I mean excuse me analysis in the Biological Assessment pulling EFH in, yes then I do think that would be appropriate to also have NMFS one of the agencies you send the overall letter to if you're touching on both. And to clarify also my earlier point about the State Water Board was just in reference to the ESA consultation, again there wasn't, there's no specific role for them in this consultation process although I take your point Mr. Vice Chair about the broader relevance.

Marc Gorelnik [00:07:04] Because we of course are concerned also with non-listed runs that we fish on. All right. Ryan.

Ryan Wulff [00:07:15] One more point. Thank you Mr. Vice Chair. Just to clarify, looking at the Habitat Report a little, in a little bit more detail. There is no peer review process required. So it mentions that NMFS is on an expedited timeline which has limited the peer review process, so I do want to be clear if you are going to make comments that you understand there is no peer review process required when it comes to ESA consultations. If you do want to pick up some of their recommendations and recommend peer review that is something that has been done on methodologies, on analyses both pre-issuance of consultation or opinions but also post issuance, so I just wanted to clarify that for the record. Thanks.

Marc Gorelnik [00:08:03] Thank you. Any other comments around the table on this first topic in the Habitat Committee Report? So Jennifer can we look to you to work with the Habitat Committee to get that process started on that letter?

Jennifer Gilden [00:08:16] Yes Mr. Vice Chair.

Marc Gorelnik [00:08:17] Thank you. Next we have the coastal zone management issue and I think there was a recommendation from the Habitat Committee on that as well so let's see if there's any discussion around the table on that topic, and we also had a public comment on that as well. Michele.

Michele Culver [00:08:45] Thanks so I appreciate the Habitat Committee and public comment bringing this to our attention. I do think it is important. I haven't reviewed the proposed rule for the streamlining. I will say that the importance of the Coastal Zone Management Act is, it affects Council fisheries and Council's actions as those, is the state agencies that implement the CZMA are those that review the Council's actions for federal consistency determination and the, the agency and the process is different for each state, and so for Washington it's our Department of Ecology has that CZMA authority and so there is coordination between myself and Department of Ecology in reviewing the Council's actions for federal consistency. I think in California it's the, the Coastal Commission and then in Oregon there's a different agency as well. We've also in Washington been, become more familiar with the CZMA and its role relative to federal waters as we developed our coastal marine spatial plan which undergoes review and approval by the National Ocean Service through the CZMA, so and then separately from that we certainly have an interest in the shoreline management plans that are developed and approved by our counties and the effects of those on Council managed species and fisheries. So I think the Council does have a role and certainly has an interest. Not having seen the proposed rule and what the details are there I'm not exactly sure what the process and the timing of that process would be, but would certainly be supportive of the Council providing comments as it relates to the effects on our fisheries.

Marc Gorelnik [00:11:14] Thanks for that Michele, and then specifically the recommendation was to ask for the Council to engage the CCC. I don't, we could do that but the agenda is set for the May CCC meeting. So nothing really could happen I think until our meeting in October so. Any other dis...
Chuck.

Chuck Tracy [00:11:40] Yeah. Thank you. So if the Council were to want to do something along these lines to address the, the proposed revision to the CZMA process, that's something that we could, you know certainly forward around to the other executive directors and they would make their other councils aware of it. As Marc mentioned the, the agenda is set for for the May meeting, so I think it would be unlikely that the coun... that the CCC itself would take any, be able to take any action in any timely manner, but other individual councils, regional councils around the country might, just might peak their interest and they might be able to submit some comments on it but so we could just let them know what's going on.

Marc Gorelnik [00:12:34] That seems like a good approach is there general agreement around the table to ask Chuck to make the other ED's aware of this Council's concern with this topic? I think there is. Any other discussion on the Coastal Zone Management Act topic within the Habitat Committee Report? Not seeing any. Is there any discussion on the Oregon Department of Transportation Beaver policies? This was another portion of the Habitat Committee Report where they suggested they could prepare a draft letter for review at the June meeting. Is there any disagreement with that recommendation or any wish to discuss this topic further? Chris.

Chris Kern [00:13:33] Thanks Mr. Vice Chair. Just a few thoughts on it. Obviously you know beaver and their effect on Habitat is important, so I think there's a, there's a nexus there for EFH that, you know if we wanted to comment we could. If we reach out to the Department of Transportation the language in the habitat report and in the interest of timeliness I'll just characterize it as it sounds a lot like, 'we don't like what you're doing change it'. It looks like there's some form of ongoing, and I don't, I don't know this because I'm not involved in this area, but some kind of ongoing update to ODOT's

policy and process that might be a good thing for the Habitat Committee to look at and review and then consider comments based upon that. I'm not clear from the habitat report that that's occurred yet, and so I'm, I'm comfortable with the Habitat Committee looking at those things and, and you know commenting on how that affects EFH relative to the Council's view and as well as ESA. I'm a little less comfortable with saying 'we just don't like what you're doing do it differently', and maybe I'm mis-characterizing it but that, that's sort of the tone I get at the moment and it's an initial reach out to the Council so I get it, I'm not you know, I'm not picking, picking on that, it just, it looks to me like it might be something that would be more the committee advising the, or, or the Council advising ODOT of our role in EFH and our interest in reviewing how this may affect that rather than commenting on the specific policies at this time, unless I'm misunderstanding the level of detail they went into.

Marc Gorelnik [00:15:16] Well I think what the Habitat Committee Report commented on is the removal of beaver dams without consultation and if that's something we think ought to be done then maybe, and even I think that's a good point that maybe the Habitat Committee needs to reach out to ODOT and so if they're going to bring us a draft letter for our consideration in June that it be more specific and thorough than the summary report we have here. Is that reas....uh Phil.

Phil Anderson [00:15:52] Well I'm here thinking if I'm in ODF and W's shoes, seat and we've got the Council delving into this topic which might be a good thing for us to do but I'm, I am apprehensive about us getting out in front of where ODF and W might be on this issue, and so I would, if we're going to send a letter or consider a letter in June, before I'd be comfortable sending that letter, not obviously, not knowing exactly what the content would be, I would want to have a good sense from Oregon Department of Fish and Wildlife to where they are in this issue and whether the Council commenting on this issue would be helpful.

Marc Gorelnik [00:16:42] Chris.

Chris Kern [00:16:43] Thanks Mr. Vice Chair I appreciate that point. It's one of the things I'm concerned about as well and I can't provide any guidance on where we're at with that today.

Marc Gorelnik [00:16:55] Herb.

Herb Pollard [00:16:57] Thank you Marc. I just, a comment on beaver dam removal. Beavers really love to plug culverts and I suspect that this removal is associated with immediate hazards to roads and I think leaving it with ODFW to communicate with their transportation, but certainly earlier in my life I've directed people to go remove beaver dams from culverts to save rural roads, and that was a fish and game animal damage control operation and certainly that, that happens very often widespread throughout the West and they're not removing beaver dams from headwaters they're, they're doing road maintenance by removing beaver dams and occasionally removing beavers that keep building dams and culverts on rural roads and I think that that's, that's between the between and among the state agencies rather than a Council issue.

Marc Gorelnik [00:18:06] Perhaps the Habitat Committee should be working with ODF and W before they propose any draft letter for the Council to consider. Chris.

Chris Kern [00:18:20] Thanks and we could talk about the schedule for the next Habitat Committee meeting. I can talk about getting, you know maybe somebody here to talk about that, so I think that's a good suggestion. The other conundrum as Mr. Pollard pointed out is not only does it, a beaver dam in a culvert cause some risk to the roads, it also triggers fish passage criteria in the State of Oregon which we oversee and have to then enforce as well, so there's a lot of things happening with this and I don't

know enough about any of the details of them to do much more than what we've already done so I think if we want to have somebody come talk about them that would be something I could commit to looking into getting somebody to do that.

Marc Gorelnik [00:19:01] It's not a simple issue.

Chris Kern [00:19:06] No.

Marc Gorelnik [00:19:06] So just, just a recap here. Are we going to recommend that the Habitat Committee work with ODF and W and then decide whether to bring forward a draft letter and what it should contain? Okay? Those are the three items that the Habitat Committee had requested Council action. Let's go through these others quickly if we can. We have a topic of shared NMFS Council habitat priorities. Is there any discussion on that portion of the report? They are offering to prepare an initial list of actions and activities for review at a future meeting. That seems like a reasonable approach. Anyone object to that? And let's move on to the study of juvenile salmon use of the Sacramento Delta. Any discussion there? There's the discussion of future studies. Maybe that's something that Habitat Committee could bring back to us at the next, their next opportunity. Any, any desire to do anything different on that topic? We were advised of the Washington drought declaration although I understand it's starting to rain up there is that right?

Phil Anderson [00:20:36] I didn't know it had stopped but.....(laughter).

Marc Gorelnik [00:20:44] There is a discussion of the disposal of waste at sea. I think that was something that Bob and Louis had, had spoken to Lance about. Is there any further discussion on that portion of the Habitat Committee Report or any need for Council action? I'm not seeing any raised hands. And then there was a discussion of the change in priority list for NOAA aquaculture plan outline. Is there any discussion there or a request for Council action on that? Pete.

Pete Hassemer [00:21:27] Thank you Mr. Vice Chair. Based on the comment in that this what stage that's in right now I would just recommend the Habitat Committee keep this on their radar when the draft report comes out as opposed to the outline and follow that for us.

Marc Gorelnik [00:21:46] I think that's a good idea. Chuck.

Chuck Tracy [00:21:51] Thanks Mr. Vice Chair and just to Pete's comment. I, I, you know I, this came across my desk and I kind of stuck it in as an informational report just because I, you know as I read the outline I did think the, it was fairly unidirectional in terms of the, the direction you know where it was going in terms of promoting aquaculture and I didn't see much in there about looking at such things as interactions so that, I think that would, I think would be a good idea to keep, keep track of this and to see where the policy goes. See if the Council might find some interest in that down the road.

Marc Gorelnik [00:22:36] I think there's general agreement there. Is there any fur...any further discussion on the Habitat Committee Report on any of the items contained therein? If not I'm going to turn to Ms. Gilden and see if we're, we're done with this agenda item.

Jennifer Gilden [00:22:53] Yes Mr. Vice Chair, I can summarize the actions taken. I will be working with the Habitat Committee to develop a quick response letter to BOR on the Central Valley Project issue. We will, staff will work with other councils to make them aware of the Coastal Zone Management Act issue. The Habitat Committee will work with Chris Kern to invite ODFW staff to address the Habitat Committee and Beaver issues. Habitat Committee will bring back information on

future studies of juvenile salmon use of the Sacramento Delta for a future report, and also we'll keep the NOAA aquaculture plan on the Habitat Committee's radar.

Marc Gorelnik [00:23:33] Thanks for that. Any further comments or questions on this agenda item from the Council? Not seeing any hands. I have ten fifty one. Let's take a break.

D. Administrative Matters

1. National Marine Sanctuary Coordination Report

Marc Gorelnik [00:00:00] So that takes us to Council discussion on the National Marine Sanctuary Coordination Report. There are a number of suggestions in that report for us to consider and I'll now open up the floor for discussion. Phil.

Phil Anderson [00:00:21] Well I don't want to, I mean I'm not anxious to get out in front of, particularly of California on the, on the ideas of at least having some preliminary discussions about providing protections for seamounts that aren't, that currently don't have protections and is, is there a, if they were off Washington I'd be advocating that we take them up on that offer pretty strongly and at least begin that conversation to see if it takes us anywhere, but I think it's an interesting idea. I think it could put us in a position where, we get out in front of it so we're not having to maybe deal with proposals to make national monuments out of them, things like that, that are are not things that I would support, so that was in addition to, as I said before appreciating the information that was contained in the report and some of the really cool things that have happened as a result of the collaboration that we have. That was the one piece that I was interested to see if there was any other Council members that were interested in at least taking them up on that offer. I'm not sure exactly where we start or where we go with it but at least an indication that, of our interests would be good.

Marc Gorelnik [00:01:59] Marci.

Marci Yaremko [00:02:01] Thank you Mr. Vice Chair and thank you Phil for the remarks. I, I believe I would agree with that approach. I think scoping the idea, assessing where, you know where we align in our interests to provide protection. Having additional discussions with Bill and his staff. I think you know about the prospect is worthwhile. I'm a little uncomfortable committing a state position on this at this time. This is, this is new, but I really do want to thank Bill for bringing the dialogue to us in this annual report. This is our chance to have some open discussion on areas of mutual interest and areas for future work. This annual report just continues to get better and better with each successive year. Karen you just knocked it out of the park. It's certainly a report that I reflect on during the course of the year and have relied on to bring me up to date on the activities that are ongoing. I think in talking with a few of our department staff that are serving as members of the Sanctuary Advisory Committees and we identified the list of things that, that you've provided in your report. We are co-participants in something like seven or eight of these projects and your, your simple highlight summary high level overview of them is a really good I think reflection of the partnerships between the Council's efforts and the state agency efforts and the sanctuary, so I want to really thank you for highlighting the whale disentanglement work that you're doing and that has certainly been a benefit to our processes both here and stateside. The EFH and RCA modifications effort, you know I think we, we couldn't have done all we did without you, so you know you're doing a lot more behind the scenes and at the ground level I think than we can possibly do. So your willingness to bring your resources, your data and your, your your people to our our process there is just very much appreciated. I think that's it. I don't have any other thoughts at this time but I do look forward to additional discussions on, on seamounts and what we might do there. Thank you.

Marc Gorelnik [00:04:56] Further comments around the table? I do think that there are some, some good suggestions in that report that we need to take back to our respective states and discuss. I think we have a common interest in protecting that habitat especially now that there's an Octopus Garden on the seamount. Are there any comments or anything further on this agenda item? Phil.

Phil Anderson [00:05:32] I would just encourage some offline conversations and you know if there's,

if as a result of those there's something that is brought back to a workload discussion in June so be it or great you know or if there's other avenues to pursue at least to at least have some initial discussions about how we might collaborate in getting protections in place that are appropriate and align with our goals and objectives that, that occur and would just ask if, if those conversations result in a desire to have some further engagement by the Council that we'd be, be prepared to talk about that.

Marc Gorelnik [00:06:26] All right Ker... Oh Michele.

Michele Culver [00:06:28] Thanks. I guess just to build upon that I think it, in one of the the slides there toward the end there have been some potential options on mechanisms or processes to consider in protecting California seamounts and there were a couple that were relative to the sanctuaries. One was expanding the existing sanctuaries similar to the approach we took with the Davidson Seamount. The other was to designate a new sanctuary, and it wasn't clear to me on the, whether the, the workload process and timeline for each of those avenues were the same or whether one is more onerous than the other, and so I would appreciate perhaps getting some feedback from the National Marine Sanctuaries on, relative to those two options or avenues, and it would certainly also be helpful that on the expansion of the existing sanctuaries to know how those seamounts displayed on the map may line up with the existing sanctuaries and who would be responsible for managing which ones?

Marc Gorelnik [00:08:02] Well Bill's at the table now so....

Bill Douros [00:08:03] Mr. Vice Chair and Michele that that is just an excellent question, a series of questions and I think, I think it kind of begins in sort of two different pathways, one is an assessment of which are those seamounts that might warrant additional conservation protection status, and I think once, you know while who one is all of us, you know me, you, whomever conclude well these make sense, maybe this one doesn't, cause mind you in the California Seamounts Group's proposal is Tanner Cortes bank, which was proposed as a nomination but we've rejected it. The Navy had concerns. So maybe that's in, maybe that's out, et cetera. I think that's one avenue of exploration, you know where, where do, you know groups and organizations and institutions kind of feel those shake out. Secondly though is this other path, okay how would you do it? If you wanted to go down a sanctuary designation as a California seamounts pathway, it would first need to be nominated to NOAA. We'd have to review it, add to the inventory and then someone would have to say let's move forward with the designation, so that's not something that I can control or me and you know all of us working together could control that, it'd be elsewhere within NOAA, but the same is probably true for adding a sanctuary seamount, a seamount to a sanctuary, we would consider that as we did with Davidson during a management plan review process. Right so the Monterey Bay ones underway right now, Guide, Gumdrop, Pioneer are right offshore Monterey Bay. They're not in the management plan and that regulatory process right now. If, how, however whomever felt like that made more sense we could add an action plan over the next five years to consider that, adding those two because very close by. Tanney is way out to the West, way farther north of even Farallons is Mendocino Ridge and Gorda Ridge, would those makes sense to add to Farallons when we do that management plan review process in a few years? I don't know they're getting kind of far away, and so I think it's, there's sort of a tradeoff issue but it is probably safe to say it's easier in terms of a process to expand a sanctuary to add a seamount than it is to designate a whole new one. On the other hand you may get better organized management of a series of seamounts as one sanctuary than you would get if each sanctuary had one or two seamounts added to it. I think that's sort of the tradeoff we would need to do within NOAA, but again adding Davidson was a bit of a risk, we hadn't done that before. We think it's been a success but whether or not it's better to always do it that way or not would sort of depend on the issues, and as you noted how far away is it? Does it line up? You know one of them, just and I'll stop, Rodriguez Seamount is right next to Channel Islands. It's also part of a Chumash sanctuary proposal, should it be in that? Should it be added to Channel

Islands? You know that's a sort of a discussion that I think Mr. Anderson was getting at. You know let's, maybe there's a willingness you know to talk about, well is it a good idea and if so how would you best go about doing it. Does that answer the question you're asking?

Marc Gorelnik [00:11:27] Any further questions? Michele.

Michele Culver [00:11:30] Yes. Thank you. I appreciate the response and I guess just looking to a question for Ryan then also in the designation of Davidson Seamount as a EFH conservation area which was done through groundfish, would that be kind of the similar process we would look to the next five year EFH review?

Marc Gorelnik [00:12:01] Go ahead.

Ryan Wulff [00:12:01] Thank you Vice Chair. Thank you Michele. Yes I would think so.

Marc Gorelnik [00:12:08] Any other questions comments on this agenda item? Kerry.

Kerry Griffin [00:12:17] Thank you Mr. Vice Chair. Another regulatory vehicle is the discretionary measures which the Council paired up with EFH conservation measures so just you know that's another tool that could be used to protect certain areas from certain fishing activities. If you wanted to in the future.

Marc Gorelnik [00:12:41] Further questions? Discussion? Kerry how are we doing?

Kerry Griffin [00:12:46] I think that wraps up your business for this agenda item if there's no further Council discussion.

Marc Gorelnik [00:12:52] Again I'd like to thank the sanctuaries for coming here.

Bill Douros [00:12:54] You bet. Thanks for the opportunity.

Marc Gorelnik [00:12:56] Sure. All right. It is 12:01. Seems like an appropriate time to break for lunch.

2. Saltonstall-Kennedy Grant Program Review

Michele Culver [00:00:05] Yes thank you. And so I, I would also echo from Washington Department of Fish and Wildlife we certainly appreciate the SK program and have benefited from both the, the direct funding of our data collection and estimation programs primarily for our recreational port sampling efforts that ensure we are compliant with the Council's annual catch limits and harvest guidelines and quotas for the stocks that are under the Council management as well as halibut, Pacific halibut that's under international management, so we receive funding for both our ocean sampling program and our Puget Sound sampling program of SK funds that help improve our data collection but also our catch estimation methodologies and, which ensures we were able to be certified through the NOAA Marine Recreational Information Program as being responsive to some recommendations that they had in our data collection and catch estimation, programs that we have in place as well as we have been fortunate to have received grants through the competitive grant process that have benefited our West Coast fisheries, including those for the Oregon Trawl Commission. We've had quite a few in California. We've had improvements that were made to our salmon FRAM modeling. The Tulalip Tribes also on their salmon data collection and modeling, so we certainly see the value in continuing the SK program and, and certainly open to whatever we can do to help ensure its continuation and, and funding. In terms of your specific question on dissemination of results, I would certainly be interested in learning about the results of those projects. The ones that affect Council fisheries I think we do get good information back but perhaps we don't necessarily recognize the SK funded portion of the information that we get back and, and when we use it for our management purposes, but that's certainly something that I think is, is worth considering adding into our process. So I appreciate you, you coming here and, and highlighting this for our attention.

Cliff Cosgrove [00:03:13] Thank you. One of the things we're trying to do is catalog this in a way that can be useful to the Council so they can see the results over time, you know even short snapshots and look at some of the projects that have been useful and some a direction that's taken maybe some decisions, so we don't have a way to really do that right now so thank you.

Marc Gorelnik [00:03:34] Further discussion on this agenda item? Keeping in mind there's the presentation this evening and a further opportunity for discussion. I'm not seeing any. Thank you very much. Mike, are we okay here?

Mike Burner [00:03:50] Yes. Thank you Mr. Vice Chair. Just seven o'clock is another opportunity so thank you.

Marc Gorelnik [00:03:56] All right. I think that concludes D 2 unless someone else has something to say. Not hearing any, I'll hand the gavel back to Chair Anderson.

Phil Anderson [00:04:03] Thank you very much. That takes care of our business for the day.

3. Legislative Matters

Marc Gorelnik [00:00:00] There is no public comment which brings us to Council discussion to consider the Legislative Committee Report and recommendations, in particular the list of topics that the committee suggested for discussion with Representative Huffman. Not all at once. Herb.

Herb Pollard [00:00:28] Thank you Vice Chair Gorelnik. In the Legislative Committee meeting we discussed those topics. We, we looked, Jennifer looked back at the letters we had written and we, we kind of boiled it down to that limited number, I think there's maybe five bullets there that we intend, I guess it's Monday we will have lunch with Representative Huffman. If anyone has other ideas at aren't en, encompassed in those bullets that we need to bring up. We, well we paired down to what 15 bullets I think to, to those five, maybe combined a couple to try to get things that were really important that we'd like to hear from the other Council members if there's, if there's additions to that list.

Marc Gorelnik [00:01:24] Yeah over the past few years the Council's been asked to comment on a number of different bills reauthorizing or amending Magnuson and those are the documents from which these bullets were taken and the content was taken from those, so these were all previously authorized views of the Council. Phil.

Phil Anderson [00:01:49] Thank you. Well let me first express my appreciation to the Legislative Committee for the work that they did in refining the topic areas to be discussed with Representative Huffman, and I think the, the last bullet, the groundfish loan refinancing is not necessarily an item that's specifically related to Magnuson-Stevens but I think it's a very important topic and I support adding that topic to the list to discuss with Representative Huffman. As most of you know I've been heavily involved in the Pacific Salmon Commission. We, and as you know we've recently renegotiated very, various chapters of that treaty. One one of them being chinook salmon and we have a funding package that goes with the implementation of, of that agreement that has a number of different pieces to it that we are currently asking Congress to support in the 2020 budget and beyond. Several of those areas will bring, if funded, will benefit Council managed fisheries in particularly in Washington and Oregon. They include habitat improvements. They include elements for hatchery production that's specific to augment the prey base of southern resident killer whales. They also, funds would be expended toward monitoring of our fisheries there and there's a component dealing with mark selected fisheries and I wanted to see whether or not, I have some material with me that would be a, that we have used in a, as a lead behind in our visits with congressional offices. I made a trip back to D.C. here a couple of weeks ago and I was wondering if there would be any support to add that topic as an area that the Council is supporting the funding of the implementation of the new Pacific Salmon Treaty.

Marc Gorelnik [00:04:42] Thanks for that Phil. I guess I have a question for you. Is that federal legislation that we've been asked to comment upon?

Phil Anderson [00:04:59] Not to my knowledge.

Marc Gorelnik [00:05:02] Which could be problematic.

Phil Anderson [00:05:05] Have we been asked to comment on the groundfish loan refinancing issue?

Marc Gorelnik [00:05:10] I believe we have in the past.

Phil Anderson [00:05:18] It is, let's see it's, the meeting is on Monday? I could see if I could get such a request before our meeting on Monday, but I...

Marc Gorelnik [00:05:33] I see merit in what you're suggesting, I think we have a problem.

Phil Anderson [00:05:35] Yeah I appreciate the concern. Let me, let me see if I can do something about that.

Marc Gorelnik [00:05:45] All right. Herb.

Herb Pollard [00:05:48] Thank you Marc. What was the form of, of Representative Huffman's request for this meeting? Did he ask us to specifically stick to MSA or did he say we want to talk about things of interest to the Council? Because he asked us to say what's, what things are up for the Council, I think that's, that might be a way to finesse that, you know, here are, here are things that concern us. I think giving him information on things that concern us may not necessarily be lobbying for passage but some of that depends on what did he ask for? Did he ask for us to come in and...

Marc Gorelnik [00:06:37] My understanding from his staff person is he was interested in our views on Magnuson. But I think the issue that we have isn't related to the nature of his request, it relates to the nature of whether we can take a position on legislation without having first received a request. Phil.

Phil Anderson [00:07:03] So this is not legislation? There is no legislation associated with funding requests.

Marc Gorelnik [00:07:13] Okay. All right. Well I guess, I mean we can certainly discuss that here and see if we want to put that on the list but I guess I'd look to Chuck and see, just to make sure that we're on the straight and narrow there.

Chuck Tracy [00:07:30] Well I'm not sure. I might ask Maggie if she wants to weigh in on this or, or Ryan. I think, you know I guess, and I don't know if, I'm sorting through my e-mails but I think there was some a.....Representative Huffman is going to be here and speak to the Council on Monday briefly. So I know that he is interested in Councils in general and I think he's making some rounds to the other Councils so I'm not sure that his interest is solely focused on that although I'm not sure we've had an explicit communication that he's interested in other topics so I just, I don't know. Maggie do you have any additional thoughts on that and where we might stand legally?

Maggie Smith [00:08:37] Sure. I mean I think as a technical matter there is a, a appropriations bill that you would be asking for additional funding to be put into so it does seem to fall under the overarching prohibition, however I mean if the representative is going to be here and you're having a conversation and you get asked questions, I don't think that it's meant to prevent the Council from answering those questions and providing input, but in terms of, you know having a written request absent some sort of, that is the consensus view of the Council, absent some sort of request from Congress I do think it is problematic.

Marc Gorelnik [00:09:40] So if we received a request during the course of our conversation from Representative Huffman on this appropriations need we could respond to it?

Maggie Smith [00:09:51] Yes.

Marc Gorelnik [00:09:55] Well let me ask the Council should we received such a request somehow from Representative Huffman, what is the sense of the Council on the need for that appropriation that Phil outlined? So general support for it? I'm seeing a nodding of heads. Okay. Further discussion on... Marci.

Marci Yaremko [00:10:22] Thanks Mr. Vice Chair. I guess I'm getting some cold feet here. I feel like the Ledge Committee made a solid effort here to lay out their thoughts about priority topics to discuss and I appreciate the input from General Counsel that if the Council receives an inquiry on, in a floor discussion that it's certainly I think within bounds for us to respond but I didn't see any material in the briefing book asking us to develop recommended talking points or anything like that so I think the Ledge Committee did a good job identifying topics based on prior comment letters that we have provided on pending legislation and on other relevant topics where we've commented, so I mean I can imagine that around this table that a number of Council members have kind of priority items that they would like to discuss with the representative but I don't know that I'm prepared to discuss a prioritization effort on, on those special kind of interests that we all might bring to a discussion.

Marc Gorelnik [00:12:02] Thank you. Further discussion? Michele.

Michele Culver [00:12:10] Thank you. So I guess in reading, rereading the Legislative Report a little bit more closely on the groundfish loan refinancing it, it sounds like that this was actually approved, signed into law. It's just yet to be implemented. It's yet to be acted upon and so I guess first of all I don't know what has to happen. What the steps are to implement and who is the appropriate agency if that's something that's within OMB or it, but what is, what was clear was that perhaps Representative Huffman is not the appropriate person to talk to about this given that it has passed and it's more of the implementation of actually refinancing.

Marc Gorelnik [00:13:20] My understanding and maybe Jennifer can correct me is that Congress approved the program but Congress didn't provide the funding for the program which it sometimes does. Michele.

Michele Culver [00:13:33] Well and so perhaps some clarification is that I don't think it's necessarily the funding for the refinance action but there had been some discussion about funding that may be needed to offset the loss associated with refinancing. So maybe some clarification on what exactly the funding is, is for and who it would go to? I thought it was Department of Treasury that would be potentially losing some funds through the refinance that we were looking for funding to kind of offset some of that loss but....

Marc Gorelnik [00:14:20] Well Congress has the power of the purse so I guess it's up to the Congress. Jennifer can you help us out here?

Jennifer Gilden [00:14:25] I can try Mr. Vice Chair. So Kurt Schrader introduced a bill in the last session to provide funding to offset the loss and the Council wrote in response to that request approving it. I'm not sure about the original bill, the funding sources for the original bill but I know that the Council approved that second request to offset the costs.

Marc Gorelnik [00:14:53] I think that the language here is drawn to requests that we received last year in response to sort of an omnibus request on a number of different bills that related to Magnuson, so this is simply the position that, that the Council took sometime last year, September or something like that. Chuck.

Chuck Tracy [00:15:17] Thank you. Yeah it was, that's correct it was in response to the request from Representative Schrader and Senator Cantwell. It's in our February 18th, 2018 letter, or February 2nd, 2018 letter. Yeah it's the last, basically it comes directly, pretty, pretty much a direct quote from that letter, towards the end of the letter but....

Marc Gorelnik [00:15:45] Michele.

Michele Culver [00:15:45] Thanks well, so I guess it would be helpful I would think to get what the status is of that legislation from Representative Schrader as to what, what the status is of that prior to meeting with Representative Huffman.

Marc Gorelnik [00:16:10] We can do that. I mean that congressional session is over so it's either passed in which case it's a moot point, and if it didn't pass it's still a valid point that I assume the Council's wishes to maintain. Brad.

Brad Pettinger [00:16:26] Yeah thank you Mr. Vice Chair. It's, we had hoped to get the appropriations at the end of last year but the government shutdown kind of messed up everything for a lot of people besides this, this matter. We're still in play. I believe this is the number one appropriations request for Senator Merkley in the state of Oregon, so it's, nothing much has changed since last year and we're still actively pursuing a resolution of this matter and actually a group of us were going back in about three weeks to a, to a D.C. for another trip so we still, nothing has changed since last year and the process still continues.

Marc Gorelnik [00:00:00] Okay. Thanks for the clarification Brad. Marci.

Marci Yaremko [00:00:04] Thank you Mr. Vice Chair. I think this question is probably for Jennifer. In the Ledge Committee Report they've identified these priority topics based on previous requests for comments on legislation, but I'm not seeing on this bullet list the Fish Act and the comments that we offered on that issue.

Marc Gorelnik [00:00:38] Jennifer.

Jennifer Gilden [00:00:38] Yes. Mr. Vice Chairman and Miss Yaremko. The Fish Act has been reintroduced during this session and so I believe the Council's waiting for a request for comments on that. We have not been asked to comment on that act at this point although we have commented on it in the past.

Marc Gorelnik [00:00:59] You're correct I mean the bill did not go anywhere last session. It's been resurrected this session. I gather the reason why it wasn't included in the Legislative Committee Report was that the request we understood from Representative Huffman's office was related to Magnuson and not to other issues that the Council has commented on that are important to the Council, but certainly the Council has taken a position on that bill from the last session and unless folks around the table think we should reconsider that position we, we still have that position in our pocket. Marci.

Marci Yaremko [00:01:40] Thank you Mr. Vice Chair. Yeah that was exactly the reason why I asked the question. It looks like the items in the bullet list, the first one, two, three, four for sure are MSA related. Then we get into the groundfish loan refinancing which is not necessarily MSA related. And then we get into a recommendation on a third party review fund and then we've heard some other ideas here around the table so I guess if the, it's a question of intent. Is it our intent to offer discussion points solely on MSA based on the request that we, are what we, we believe the representative is wanting to hear from us about or are we expanding that net to include a broader range of topics?

Marc Gorelnik [00:02:44] Well I think we're trying to be responsive to instructions from his staff but certainly if there's time, I think the goal was to try to keep the list to a reasonable length, but you're correct there are some things in here that are not strictly speaking Magnuson reauthorization issues. Is

there a sense from the Council whether the Fish Act would be an appropriate topic for this lunch provided there's time to get into all these different topics? Just a reminder the Fish Act from Representative Calvert of California would take away ESA responsibility for salmonids and if, well actually all anadromous and catadromous fish from the National Marine Fisheries Service and bring it to the Fish and Wildlife Service and we commented last year on that, how difficult it would make the process here at the Council especially considering the expertise is in the National Marine Fisheries Service. So this is a reminder if you didn't understand what the Fish Act was all about. Is there an interest? I'm just....does the Council, time permitting is that a topic that the Council would like to see us raise with Representative Huffman? I'm seeing nodding here. I'm seeing nodding. Okay fair enough, it's not in the report but if there's time I think it's an appropriate thing for us to raise unless anyone objects. We'll put that in our hip pocket. Bob. Along with the appropriations issuance on the salmon.

Bob Dooley [00:04:33] Thank you Mr. Vice Chair. I'd just like to comment on the, on the, number one the Magnuson....sorry about that....reauthorization. I, I totally agree with what the Council's position in the past. It's a good law. It's working well. I actually testified before Congress in 2013 March on, on this reauthorization and said the very same thing on behalf of United Catcher Boats at the time and I, I think that's true. I think we saw last year that H.R. 200 from Representative Don Young's office was quite a, quite a train and kept getting more and more fire on the, or coal on the fire as it went along and that's my concern on this is that it is a good law. I think we need to work on some interpretations of the existing law, but I don't, I'm concerned about opening that door and what might come in and we've seen some glimpses of that. I understand from a trip to D.C. a few months ago that it's probably going to be very difficult to get anything moved on Magnuson in this, in this Congress, so I would, I and given the election year, I think we really need to support what the Council's done in the past in that Representative Huffman I understand may present a bill as well. On the buyback I think it's very important to bring this up with him. He is, he was one of the pioneers on this. He started us out pretty much, well Mike Thompson before him and then he, he grabbed the torch and this is an ongoing industry effort and it's been many iterations we finally got a law after I believe three or four tries in different Congresses and got it, got it passed and then we ran into OMB problems that were supposedly fixed and aren't and we're still pursuing that down the line and many I mean widespread industry support and Council support for this, and in that he is, was one of the original authors of this to begin with, that it's important that he hears that we still are very concerned about that. I realize the course has changed and we don't necessarily have a bill in the hopper right now but one is percolating. There's, there's a lot of interest in doing this and bipartisan support so I would really think we should inform him of that that we still have that desire. So thank you.

Marc Gorelnik [00:06:59] Thanks Bob. Further discussion on this agenda item? Phil.

Phil Anderson [00:07:07] What is it we're going to be representing regarding the Fish Act?

Marc Gorelnik [00:07:14] In the last Congress, I don't have the wording in front of me but we responded to a request for comment on the Fish Act opposing, opposing it because we did not feel that removal of the responsibility for endangered species that we deal with should be moved from NMFS to the Fish and Wildlife Service. Further discussion? I'm not seeing any. Jennifer how are we doing?

Jennifer Gilden [00:07:53] Mr. Vice Chair I think if there are no other comments then, then we're done here.

Marc Gorelnik [00:08:00] Okay great. Anything else before we conclude this agenda item and move on to the next? Chuck.

Chuck Tracy [00:08:11] Yeah thank, Thank you. I guess I just want to make sure I'm clear as to what the final outcome here has been though I think, I think what I gathered was that the topics on the Legislative Committee Report were appropriate for discussion with Representative Huffman and that a couple other items that would possibly be appropriate provided we got the go ahead or the, the request would be the Fish Act and PSC funding as I read that correctly.

Marc Gorelnik [00:08:49] Well I think it's true on PSC funding because we don't have a request on that. We've previously received a request on the Fish Act on substantially identical legislation, so we can certainly comment how we felt about it last session. Is that fair enough? And that's in our hip pocket if we have time. It's not clear we're gonna have time to get all these topics. Phil.

Phil Anderson [00:09:10] Well what I heard was Marci expressed the view that the Legislative Committee had taken a good look at everything and brought forward the list and that we had not been asked as individual Council members to do, you know with any of the briefing material to bring to do some thinking about what other items we may want to add, but we added the Fish Act. I'm not going to pursue the Pacific Salmon Commission Treaty funding implementation issue any further with this group.

Marc Gorelnik [00:09:51] Marci.

Marci Yaremko [00:09:53] Thank you Mr. Vice Chair and I guess just to clarify further, I was, I wanted to make sure that the Ledge Committee had in fact taken a good look at our prior comment letters and included a kind of a comprehensive list of items that we had recently commented on that might be relevant for discussion. They've certainly covered the MSA items and then including groundfish loan refinancing, but I was curious as to why the Fish Act or our prior comments on the previous bill, you know was not included on this list and I believe I understood from Mr. Gorelnik that potentially the reason it wasn't on the list is because the focus had been on MSA related content but then it looks like the Ledge Committee took an extra step in thinking about another item that they saw as a priority relating to third party review, so that's why I asked the questions I did and I thought the outcome here was that we were sticking with the MSA items because that was the nature of the original request but if there was additional time we would add the other items that were, that either we have previously commented on like the Fish Act or that are recommended here by the Ledge Committee, so in my view it's not totally clear what our thoughts are relating to this recommendation to discuss third party review funding. So that's, that's where I'm at.

Marc Gorelnik [00:11:45] Chuck.

Chuck Tracy [00:11:46] Thank you Mr. Vice Chair, Miss Yaremko. So I did want to touch on that third party review act, so that is not something that we've commented on in, in another, in a letter, you know or response to a request for Magnuson Act, but it is something that came up on the Council floor in regards to electronic monitoring under one of our electronic monitoring agenda items and there was direction by the Council for me to look into the possibility of you know some of the issues associated with the North Pacific Fishery Management Observer Fund and so, so the Council did express some interest in that. That is a, a part of the mag, the North Pacific Observer Fund is part of the Magnuson Act so there was thoughts that, that would potentially be something that the Council might be interested in pursuing. So that, that's why we included it or that's why I suggested it be included in the Legislative Committee report, that the Council had expressed some interest in it. It was a Magnuson reauthorization issue. So but that's also why it was pulled out a little bit from the other topics that we had actually already responded to.

Marc Gorelnik [00:13:10] Did I understand you correctly Chuck that we have not received a legislative request on electronic monitoring?

Chuck Tracy [00:13:16] That's correct.

Marc Gorelnik [00:13:18] So is that an appropriate thing for us to raise with Representative Huffman?

Chuck Tracy [00:13:28] Thank you Mr. Vice Chair. Well I believe we received a request from Representative Huffman and his staff to discuss Magnuson Act priorities and so that is something that is on the Council record so I believe in this case we, we did get that request from Representative Huffman for this particular meeting so....

Marc Gorelnik [00:13:44] Okay fair enough and I'll also note that while the groundfish item, the funding item may not be considered as part of Magnuson, it was, it was specifically in representative Huffman's discussion draft last session that we were asked to comment on, so that's why it's brought into this Magnuson list.

Marc Gorelnik [00:14:08] Mr. Hanson.

Dave Hanson [00:14:11] Mr. Chairman I think we're overthinking this. We have some specific requests. I think the Legislative Committee did an excellent job. It ought to be put forward as that particular item. And I think that it's also appropriate to notice that individual Council members can say things to the congressman that the coun, as representing the individual and so there's nothing that prohibits that from coming up as an individual item and explain to the congressman that the Council may not have taken a position yet because we didn't have a request. I would suggest a request would then be forthcoming and we can talk about PSC.

Marc Gorelnik [00:14:53] Thank you for that clarity. Often missing this early in the morning. Is there any more discussion on this agenda item? Herb.

Herb Pollard [00:15:02] Thank you Marc. I'm glad that Dr. Hanson brought that topic up because I believed that when Representative Huffman addresses the Council he's likely to ask, for example the California delegation, how, how you feel on something like this, drift gillnets or Central California project and just being prepared. Think about how you might answer that, those questions because any of us may get that, that sort of inquiry on on the floor and, you know you're not necessarily the whole Council when you, when you speak apparently and likewise at our lunch meeting some of us may be faced with a, with an inquiry that hasn't been addressed by the whole Council so I think we, there's....think about how you might answer and how you might stay within the guidelines that Dr. Hanson just mentioned.

Marc Gorelnik [00:16:12] We'll have to be careful. Any other discussion on this agenda item? I'm not seeing any so now we're going to move on.

4. Allocation Review Procedures – Preliminary

Marc Gorelnik [00:00:00] And brings us to our Council discussion.

Chuck Tracy [00:00:04] Public comment.

Marc Gorelnik [00:00:04] Pardon? Oh is there any public comment? Thank you. Thanks for that reminder. No public comment. So now we will come to our Council discussion and action. Can you put just the preliminary identification of criteria for triggering an allocation review and I'll look around the table and see who wants to get our discussion kicked off. Phil.

Phil Anderson [00:00:39] Well first of all I just want to compliment Council staff for, and I suspect National Marine Fisheries Service staff had played a role in this as well for putting the draft Council Operating Procedure together for us and putting together the table and thinking through what types of considerations need to be made by the Council and also giving us an overall perspective of how and when the allocations that we have in place are reviewed by the Council through our regular process and which ones don't have that periodic or annual review component contained in the FMPs. That's probably at least in, as an example of the allocations, the formulas, schedules that we have in the salmon FMP are an example of ones that have been in place for the most part for a long time and haven't, don't, don't have that periodic review component as part of the management plan. I thought that there were, there were some good comments that we got from our advisory panels and management teams and there, I think in particular, well one of them was the listing of the species where we have categories that have multiple species so that there's clarity in terms of what species we're talking about in a particular FMP. There were a couple of recommendations that I didn't totally grasp. The concern that the GAP had about formulaic approaches, I interpreted that on the table and maybe I need to be corrected is, is that the method by which we are currently allocat... making those allocation decisions, that it's formulaic in nature that we have specific quantities or percentages that are being allocated to different sectors. So I hope, I didn't quite understand the concern about the characterization of those current allocation regimes. So those are just some initial thoughts and looking at this. There's probably a couple of the updates that we might make to the table and the COP, draft COP that came out of that, those input that we got, but overall I think we've got a really good start here in terms of getting something out there for review leading to a final decision. Thanks.

Marc Gorelnik [00:03:56] Thanks for those comments Phil. Further discussion around the table? Still early in the morning I guess. Rachel.

Rachel Baker [00:04:09] Thank you Mr. Chair. I surprised everyone. Mr. Vice Chair I'm sorry. I just wanted to offer some comments, perhaps observations if this would be helpful to the Council. As a participant in the North Pacific Fishery Management Council process, I think all of the Councils are working to make their way through this new policy from the National Marine Fisheries Service in determining what's appropriate for their fisheries and I just wanted to point out I appreciated the conversation today when the North Pacific Council went through this discussion, they essentially decided on time based triggers for pretty much all of the allocation reviews and they, I wanted to really follow up on the GAP report you heard earlier, we had the same conversations about the challenges with an indicator based trigger, really finding a single indicator that captured all of the many factors that could be appropriate to trigger an allocation review and, and so that was, I appreciated that discussion and also we had a similar conversation to the one you had earlier in terms of the public interest trigger and the way the North Pacific Council ended up there was pretty much considering the public interest trigger is a fundamental part of the Council process and so that is always available to the Council and, and so I feel like the, the discussion you had today around that issue was very

consistent with what we had at the North Pacific as well so I agree you're, you're proposal for allocation reviews here is, is very thorough and, and consistent with the approach that we took at the North Pacific so thank you.

Marc Gorelnik [00:05:46] Thank you Rachel. Actually getting comments from your perspective and of a different Council's perspective is very helpful especially when it indicates that perhaps we're even on the right path. Further comments? Questions? Discussion around the table? There have been some comments from the advisory bodies that seeking specific changes to the, to the table. What's the Council's pleasure with regard to, on a preliminary basis anyway, making those changes? Phil.

Phil Anderson [00:06:26] Actually I had a question for Kelly. The, the GMT and I think the GAP as well were concerned about having the salmon thresholds associated with the biological opinions be included as a, as an allocation and I would appreciate any perspective you might have about that as to whether or not that it falls under the category of allocation review as, as was thought about when this initiative kind of grew out of the Managing Our Nation's Fisheries that was in 2014 I think it was.

Marc Gorelnik [00:07:16] Kelly.

Kelly Ames [00:07:17] Great. Thank you Mr. Vice Chair, Chair Anderson. Yes I do agree with the GMT report and I think it's consistent with the NMFS directive. The directives really are focused around the Magnuson allocation criteria and those salmon limits are defined by the ESA.

Phil Anderson [00:07:37] So given that, that would be one change that I would support making in terms of updating that table is, is the elimination of that as being a part of our allocation of Council Operating Procedure.

Marc Gorelnik [00:07:59] Thanks Phil. Maggie.

Maggie Sommer [00:08:02] Thanks Vice Chair Gorelnik. A follow up question on that to Miss Ames if I may. Same question but for the line item above that in the table this was a GAP recommendation to consider removing the set asides from directed fisheries for incidental open access at sea whiting research and EFPs which they did not consider to be allocations.

Kelly Ames [00:08:27] Thank you Mr. Vice Chair, Miss Sommer. While I didn't, well I am not an expert in the CPS fishery management, I do believe this kind of echoes the comment that you heard from the CPSAS where there are other regulatory changes that have downstream effects on allocations and to me that is analogous to the set aside row in the table and so you almost have two conflicting recommendations, you have the CPSAS whose rec.... who would like the recognition that there are other regulatory changes that have downstream allocative impacts, but then you have the GAP coming in and saying that they think this should be removed because those set asides are not true allocations. So I think it's the pleasure of the Council how you would like to characterize those types of regulations and their allocative impacts.

Maggie Sommer [00:09:21] Thanks.

Marc Gorelnik [00:09:28] Phil.

Phil Anderson [00:09:29] And my thinking about that when I, I'm more inclined to keep it, keep those in our table. I think there are allocation implications that are accompanied with those when we have those set asides and I think that it's appropriate that they're included in the table.

Marc Gorelnik [00:09:53] Michele.

Michele Culver [00:09:55] Thanks. So would it help for clarity to have them be in a, remain in the table but in a different category or footnoted or something that these are not necessarily fixed allocations but may have allocative implications, sort of describing the set aside purposes. My understanding is for CPS is they're referring to things such as the set asides we have for incidental take in other fisheries very similar to groundfish but something that indicates these are not fixed allocations but set asides which have allocative implications.

Marc Gorelnik [00:10:45] What do folks around the table think about that suggestion? I'm seeing nodding, positive nodding so that sounds good. Further discussion? There was a comment from the CPSAS that in the table we should indicate that there is now actually a possibility for inseason monitoring of the live bait fishery. Is, should that be changed in the table? Do people care? Phil.

Phil Anderson [00:11:24] I think that's a good suggestion. I would support that.

Marc Gorelnik [00:11:28] All right. Thanks. Anyone object to that suggestion? What have we missed? Phil.

Phil Anderson [00:11:40] Well I was just, I was going to ask Jim if he could at least remind me if not all of us kind of okay, where do we go from here with this? What's our next steps? I think you already told us but.....

Jim Seger [00:11:54] Thank you Mr. Vice Chair, Mr. Chairman. Right so we'll adopt this, you'll adopt this as draft. It'll go out for public review and then we'll come back in June and you'll have an opportunity then to make further modifications before you finalize it.

Marc Gorelnik [00:12:10] Great. Joe.

Joe Oatman [00:12:14] Thank you Mr. Vice Chair. Wanted to discuss under the procedure on the second page of the COP where it has in brackets the amounts of fish per tribes are not included in this draft of the COP. Possible inclusion will be subject to consultation with affected tribes. I would like to address that as we move forward with a motion?

Marc Gorelnik [00:12:43] Absolutely. Please go ahead.

Joe Oatman [00:12:48] Thank Mr. Vice Chair. And as I go through this they'll be a correction I'd like to make. Thank you.

Marc Gorelnik [00:13:02] Okay.

Joe Oatman [00:13:03] So I move the Council to amend the language under the procedure section of the draft Council Operating Procedure 27 to include shares of harvest involving treaty reserved or federally reserved Indian fishing rights are not subject to Council determined criteria or procedures under NOAAs directives to reassess equitable allocations under the Magnuson-Stevens Act, rather tribal shares are subject to treaties as clarified by case law or are handled in government to government agreements outside the Council process.

Marc Gorelnik [00:13:48] Joe does is that language on the screen actually cap, accurately capture your motion?

Joe Oatman [00:13:54] Yes it does Mr. Vice Chairman.

Marc Gorelnik [00:13:55] Is there a second? Seconded by Phil Anderson. Please speak to your motion.

Joe Oatman [00:14:02] Thank you Mr. Vice Chair and Council. So under this COP you know NMFS has been trying to consider how to address the tribal allocations. I understand that there wasn't sufficient time by the time the COP was published to have those discussions directly with the tribes and so the language that was in the current COP was provided so the tribes have had some time to review that and think about what language that they thought might be appropriate for inclusion in this and so we think it is beneficial to include the language as reflected there in the motion.

Marc Gorelnik [00:14:56] Thank you Joe. Are there questions for maker of the motion? Phil or rather Herb.

Herb Pollard [00:15:02] Thank you Marc. So this paragraph or clause would replace that line that's in the brackets on the second page that addresses tribal, what do I want to say? Fishing rights and so that would, this, this would be specific language to, to replace that, that kind of the non-specific phrase in brackets.

Marc Gorelnik [00:15:35] Joe.

Joe Oatman [00:15:37] Yes thank you Mr. Vice Chair. In response to Council member Pollard. Yes so the intent of the motion is to replace the existing language in the brackets in the COP with the language here identified in the motion.

Herb Pollard [00:15:56] Thank you.

Marc Gorelnik [00:15:57] Any further questions of the maker of the motion before we move into discussion? I'm not seeing any so I'll open the floor for discussion on the motion? I'm not seeing any discussion so I'm going to call the question. All those in favor say 'Aye'.

Council [00:16:18] Aye.

Marc Gorelnik [00:16:18] Opposed no? Abstentions? Motion passes unanimously. Thanks Joe. Further discussion on this agenda item? Jim would you let us know how we're doing here.

Jim Seger [00:16:42] Thank you Mr. Vice Chairman. I think you're pretty well ready to go. What I have for modifications on the draft is to include a listing of the species where there are categories of multiple species. Correct the sablefish allocation line to indicate that it's periodic. Remove the salmon ITS related allocations. Clarify the nature of set asides and their inclusion in the table. Modify, based on the CPSAS comment about the in-season monitoring and then including the language that you just passed on tribal allocations.

Marc Gorelnik [00:17:18] Thanks for that Jim. Does anyone think, further clarification on those instructions are needed or something was missed? I'm not seeing any hands. Any further discussion on this agenda item? All right I think we are....what?

Phil Anderson [00:17:38] Kelly.

Marc Gorelnik [00:17:39] Go ahead Kelly.

Kelly Ames [00:17:40] Thank you Mr. Vice Chair. I just also wanted to echo the comments from Chair Anderson that I think Dr. Seger did a great job on this draft COP and I do believe it addresses the NMFS policy directive. Thank you.

Marc Gorelnik [00:17:50] Okay thanks for that Kelly. Anything further? Phil.

Phil Anderson [00:17:55] Just, I mean do we need a motion to approve this for public review?

Marc Gorelnik [00:18:04] Chuck.

Chuck Tracy [00:18:05] Thank you. I don't think it's probably strictly necessary but um....

Marc Gorelnik [00:18:13]but to make the record clear perhaps we should do that so I'll entertain a motion. Herb.

Herb Pollard [00:18:23] Thank you Marc. Nothing in writing but I think I may have seen a draft flash up there, but I move that we adopt the allocation review procedures preliminary draft for public review with the modifications that we've discussed and that Dr. Seger just enumerated. I think that's adequate, we don't.....

Marc Gorelnik [00:19:09] All right. Does the language on the screen accurately reflect your motion?

Herb Pollard [00:19:18] That's yes.

Marc Gorelnik [00:19:19] Okay. Is there a second? Seconded by Pete Hassemer. Please speak your motion if necessary?

Herb Pollard [00:19:27] I would just say the, the way that this was presented by Dr. Seger and the listing of the allocation decisions that are made in various operations by the Council is, should be easy to understand and certainly brought me into understanding of, of what we're dealing with here a lot better and I think it's responsive to the, the requirements to re, review the criteria and identify criteria for allocation reviews and I think it's, I think it's ready to put out for public review and it's a step to adopting an effective document so that's....

Marc Gorelnik [00:20:27] Great. Thanks Herb. Questions for maker the motion or discussion? Phil.

Phil Anderson [00:20:33] Thanks I just want to make sure we're clear that the, where it talks about modifications discussed, those are the ones that were specifically identified by Dr. Seger a few moments ago. Is that correct?

Herb Pollard [00:20:47] Yes. Yeah initially I said the modifications discussed and enumerated by Dr. Seger in his summary. We could add but that's very just I think that's on the record and understood.

Phil Anderson [00:20:57] Thank you.

Marc Gorelnik [00:21:00] Any further discussion on the motion? Seeing none I'll call the question. All those in favor say 'Aye'.

Council [00:21:06] Aye.

Marc Gorelnik [00:21:07] Opposed no? Abstentions? Motion passes unanimously. Is there further discussion or action on this agenda item? Jim.

Jim Seger [00:21:19] Thank you Mr. Vice Chair. I just wanted to express my thanks to the support from all, all the staff officers. This was, this production of this COP 27 was a full staff effort including the leadership by Mr. Tracy and Mr. Burner as well as every staff officer that's involved.

Marc Gorelnik [00:21:36] Great thank you. Anything further? That concludes our business on the agenda item D 4.

5. Fiscal Matters

Phil Anderson [00:00:00] Okay then that takes us to our action to consider the report, recommendations to the Budget Committee. Herb Pollard.

Herb Pollard [00:00:13] If, if there is no further discussion or input I am ready to make motion?

Phil Anderson [00:00:18] Please.

Herb Pollard [00:00:20] Sandra. I move the Council adopt the recommendations on pages 2 and 3 of the Budget Committee Report, Agenda item D 5 a Supplemental Budget Committee Report 1, April 2019. There's two enumerated recommendations which are included here so and that's, the screen reads as I intend it to.

Phil Anderson [00:00:52] All right thank you Herb. Is there a second? Seconded by Pete Hassemer. Any discus....or would you like to speak your motion?

Herb Pollard [00:01:02] I think the report's pretty straightforward. Again we, the staff and the Executive Director put together good materials for the Budget Committee and I think this is the appropriate move forward.

Phil Anderson [00:01:19] Thanks Herb. Discussion on the motion? All those in favor say 'Aye'.

Council [00:01:26] Aye.

Phil Anderson [00:01:26] Opposed no? Abstentions? Motion carries unanimously. Thank you very much. Patricia do we have any other business to conduct under this agenda item?

Patricia Crouse [00:01:37] That's it for this month, or this meeting and then we'll be back in June with more information.

Phil Anderson [00:01:42] Thank you very much. Thanks to the Budget Committee for your work.

6. Membership Appointments and Council Operating Procedures

Phil Anderson [00:00:02] That concludes public comment on this agenda item takes us to our Council action. I'm going to suggest that we reverse our order and take up the appointment and membership issues first and we have, we have to consider the nominees to our, at our open positions on the SSC that could include the need to change the number of members of at large positions on our SSC and then we also need to consider the change of positions on the Groundfish Endangered Species Workgroup in the U.S. Fish and Wildlife position. So let's go ahead and deal with the SSC first and I'll turn to Herb Pollard.

Herb Pollard [00:01:06] Thank you Chair Anderson. As Phil mentioned we, we have to change the Council operating procedure. You know there's been some turnover on the SSC and we solicited new members. We've got a wealth of new members as enumerated in the new nominees. The SSC Chair requested that we consider adding an at large seat to accommodate some particular areas of expertise, so in order to do that I will move to modify COP 4 to add an at large seat to the SSC so Sandra I think we probably have that motion. I move the Council modify the Council Operating Procedure 4 to add one at large position to the Scientific and Statistical Committee thereby increasing the number of at large positions on the SSC from 8 to 9 and that.....

Phil Anderson [00:02:17] Thanks Herb. We have a motion is there second? Seconded by Bob Dooley. Speak to your motion as you wish?

Herb Pollard [00:02:29] I think, I think I've already explained it but it's, it's a chance to strengthen the SSC with the some particular expertise after and a pretty extensive discussion in closed session we believe this is the way to go.

Phil Anderson [00:02:50] And my understanding is that when we come around to our usual appointments process the Council would have an opportunity to look at the number of at large positions for the SSC for future cycles. All right. Discussion on this motion? All those in favor say 'Aye'.

Council [00:03:14] Aye.

Phil Anderson [00:03:14] Opposed no? Abstentions? Motion carries. All right now we have the matter of filling our vacant, now three vacant at large positions on our SSC and I'll turn back to Mr. Pollard.

Herb Pollard [00:03:31] Thank you Chair Anderson. I move the Council appoint Dr. Marisol Garcia-Reyes, Dr. Kristen Marshall, and Dr. Jason Schaffler to the three vacant at large positions on the Scientific and Statistical Committee.

Phil Anderson [00:03:46] And do we have a second? We have a second, Pete Hassemer. Back to you Herb.

Herb Pollard [00:03:54] Again some particular expertise in oceanography and climate change complementary to the other expertise on the SSC. A chance to strengthen the SSC and add to the abilities of a committee that always gives us good and thorough advice and a chance to improve our process and a necessary thing.

Phil Anderson [00:04:24] Thank you. I would just add that we, we had seven really strong candidates apply for the SSC for our open at large positions and it, it was not easy to, to narrow that down and pick the three. I'm hopeful that the four that didn't get selected will continue having an interest to serve

and potentially put their names in next time we have positions open. Discussion on the motion? All those in favor say 'Aye'.

Council [00:05:05] Aye.

Phil Anderson [00:05:05] Opposed no? Abstentions? Motion carries unanimously. So let's now go to the matter of the vacant seat on the Groundfish Endangered Species Workgroup in the U.S. Fish and Wildlife Service position and I'll turn to Dr. Hanson.

Kyle Hanson [00:05:25] Thank you very much Mr. Chair. I move the Council appoint Miss Robin Bown to the U.S. Fish and Wildlife Service position on the Groundfish Endangered Species Workgroup formerly held by Miss Laura Todd.

Phil Anderson [00:05:38] Thanks Kyle. Is there a second? Seconded by Brad Pettinger. Speak to your motion as you wish.

Kyle Hanson [00:05:46] Thank you very much Mr. Chair. Miss Bown has extensive experience with the Endangered Species Act implementation in particular with seabirds as she is the lead for short tailed albatross and groundfish issues for the service. I believe that Miss Bown will be a great addition to the Groundfish Endangered Species Workgroup and that she will provide valuable contributions to management measures designed to mitigate impacts to ESA listed species affected by Council actions. She's excited to be part of the Council process. She came down for the first part of this meeting so she could meet the people on the working groups and advisory panels and she looks forward to being involved going forward from here.

Phil Anderson [00:06:24] Thank you very much. Is there any discussion on this motion? All those in favor say 'Aye'.

Council [00:06:29] Aye.

Phil Anderson [00:06:30] Opposed no? Abstentions? Motion carries unanimously. Thank you very much. Kelly.

Kelly Ames [00:06:37] Chair Anderson I just wanted to acknowledge that there is also a second open seat on the ESA Workgroup that is a vacant NMFS seat and we will be submitting a nomination for Mr. Brian Hooper to fill that seat which you'll have in your June briefing book materials.

Phil Anderson [00:06:53] Thanks very much Kelly. Anything else on the appointments? Mike did we complete our work on the appointments part of this agenda?

Mike Burner [00:07:06] Thank you Mr. Chair. Yes I just would note that regarding the Killer Whale Workgroup will take those names that under advisement and we'll work next week with you to fill those vacancies but yes there's no further action on that so we've completed appointments. Thank you very much.

Phil Anderson [00:07:19] And I would urge those, those seats where we have yet to identify an individual if you could do that relatively quickly we're trying to arrange our meeting and so it will be important to know who's on the committee in order to do that. Thank you. All right so that, let's, let's go back to the Council operating procedures. We have, staff has worked hard to put together a proposal for our consideration and we have had comments both at this meeting as well as at the March meeting

from our advisory panels and members of the public to consider so that takes us to a decision point here. Christa Svensson.

Christa Svensson [00:08:07] Thank you Mr. Chairman. I do have a motion for consideration and I think Sandra you have it.

Phil Anderson [00:08:17] I'll note while we're waiting that Dr. Hastie has brought donuts.

Christa Svensson [00:08:46] Okay.

Phil Anderson [00:08:46] Okay Christa.

Christa Svensson [00:08:47] Are we ready? I move we adopt the amended COPs from agenda item D 6, Attachment 1 with the following amendments. That when the word 'Chairman' or 'Chair' is used it should be clear whether the reference is to the Council Chair or the advisory body Chair, example point seven of the terms of membership section. Insert the word 'investigated' in front of 'reports' in point seven of the termination of membership section. The revised sentence would read 'The Chairman in consultation with the Executive Director determines that a member should be removed for just cause, example felony, violation of marine resources regulation or statute, felony conviction, investigated reports of sexual harassment et cetera'. These examples are not all inclusive and direct Council staff to post to the Council website and share with subpanels, teams and committees to ensure that members are fully aware of the expectations of them. The rules of conduct for employees and advisors and contractors of Regional Fisheries Management Councils and the U.S. Department of Commerce.

Phil Anderson [00:10:04] Thank you Christa. The language on the screen accurately reflects your motion?

Christa Svensson [00:10:08] Yes it does.

Phil Anderson [00:10:09] And is there a second? Seconded by Louis Zimm. Go ahead and speak your motion please.

Christa Svensson [00:10:16] Yes thank you Mr. Chair. So in reflection on this COP process I'd really like to express my gratitude. Thank you all of you for taking the time to think about, evaluate and update how our framework for participation in the Council family can maintain the work environment that's created so many unique and successful decisions here in our West Coast fisheries. Now I do have a few comments on specifics. Most of the changes within the COP are really directed at modernizing what we have going on and I'm going to highlight a couple in particular. Public participation through the E portal and I will admit I'm a bit of a luddite, I still get paper copies and I was a bit concerned both in terms of how people submitted and how that would operate and I was pleased to see that we had over 150 comments on one and that when I need to I can print them out and that we have the ability to have large enough files in there as well to accommodate folks that have thousands of comments collected and combined together, so I, I'm really impressed and I'm thankful that we have taken a step in that direction and are codifying that, and then in two with regard to the termination of members, you know perhaps it's because I'm younger and female but I have fielded quite a few questions on this topic. I've been asked whether it's a response to a harassment or in some cases the me too movement issue and really my response is no, this discussion should be about inclusiveness and I've really got no desire to see movement towards public judgment on anyone's particular behavior but rather to provide clear ground rules for participation to facilitate cohesive teamwork. You know we live in polarizing times and with identity politics increasingly dividing us in the nature of our process, I mean we've got

commercial, environmental, recreational, state agencies, federal agencies, and those are just a few of us and it's a short, short hop from me versus you or we versus them and that's really divisive in nature and so what I am asking for or thinking about is how do we get to us, because all of us are passionate or passionate about U.S. fisheries, we're passionate about our national standards but we might have slightly different priorities even though I think we all value all of them based upon our traditions, our histories and our values. So I think having this discussion and the framework for acceptable conduct gives all of us the space to have the hard and vital conversations that will define the future of our shared fisheries.

Phil Anderson [00:13:33] Thank you Christa. Is there discussion on the motion? Marc Gorelnik.

Marc Gorelnik [00:13:41] Thank you very much Chairman Anderson and thanks Christa for the motion. I'm looking through the COPs, we have this, this termination of membership section appears in a number of different COPs that I see in the attachment to this agenda item. The first point I looked at was COP 2, it didn't have a point number seven. Now looking at COP 3 it does have a point number seven and so I haven't looked in detail to see why that is but I think there's an ambiguity here that I need to have explained.

Christa Svensson [00:14:23] Certainly. So, so I made the point seven recommendation with regard to, and I believe it was the SSC that made the recommendation, so that was COP 4 and that did have point seven. I will admit I didn't go through and review that each and every one of them had the same points but I do think having the language clarified so that they all read the same, meaning they all either had the seven points or they all adhered whenever practicable, to clarify that and make sure that we're all on the same page there.

Marc Gorelnik [00:14:57] Okay. So I guess will you.....

Phil Anderson [00:15:02] Go ahead Marc.

Marc Gorelnik [00:15:02] Thank you. So I, I guess the amendment relates to this language I guess regardless of what point number it may be in whichever COP is that right?

Christa Svensson [00:15:16] Correct. Which is why I included the sentence structure.

Marc Gorelnik [00:15:20] Thank you.

Phil Anderson [00:15:21] Thanks. Further discussion on the motion? Corey.

Corey Niles [00:15:26] Thanks Mr. Chair. I have a couple but first well, well-spoken Christa. Thanks for the motion. I wish I could be so eloquent this early in the morning, but yeah the civil discourse here is a very important part of the process. I just wanted to, there's some questions I'll leave for now but I....there's a diversity of people involved in this process. A lot of us work for a public agency. Some of us are lucky to work for ourselves and so I know I trust this Council when we'll look at the circumstances and that's really kind of... look at the circumstances and work with the agency's employees if I doubt some we're gonna have any of these issues. I think as public comment last time we've already seen, seeing improvements in how, in how people are conducting themselves so yeah I just I trust this Council. One, other point I wanna make I'm a little worried that our process on public comment and when that can be submitted and deadlines are getting a little too restrictive and I can support this for now but and requirement that was long standing about needing to be here in order to submit written comment based on new information that comes after the deadline has always seemed a

little too restrictive to me so I just want to put that thought out here and hope and will be paying attention to it until the next time this comes around but again thanks to staff and everyone who contributed to the thoughts here.

Phil Anderson [00:16:51] Thank you Corey. Other comments? I have just two. First of all I'm glad we're having this conversation and that we've done this work and put this out for thought. Civility in our society is becoming unfortunately more rare and I think the hallmark, and one of the reasons I'm so proud of being a part of this Council is that we treat each other with respect and we that's, what we demand of each other and so I think this strength, strengthens that foundational piece of our Council. My second comment and I apologize I don't, well I don't know a way to get at this other than I don't know if it takes an amendment to the motion but and I haven't done a word search through all the COPs for the word 'Chairman'. Council Chair is used in a number of places but the word 'Chairman' does show up at least I've found a couple of, at least one if not more places where it shows up and I, I don't think we should be using the word 'Chairman', Chairperson, Council Chair but I don't I, I don't think we should be using the word 'Chairman' and so whether it's now or future time I think we should update our COPs so that we're ensuring that when we're referring to the Chair of a panel, a committee or the Council that we we're, we're recognizing that the gender of that person may be a man or a woman. Chuck.

Chuck Tracy [00:18:51] Thank you Mr. Chair. I don't think that, that change would require an amendment to the motion. I think that level of change to the COPs we can take that as direction to staff and do the word search and make the, make the change and that is something that you know is, that I think we work for and the reason you see 'Chair' in there instead of 'Chairman' is because as opportunity presented itself we've made that change but we haven't made it obviously a concerted effort to do it. If we thought about it a little harder we probably would have done that for this exercise but I think we can accommodate that without further action.

Phil Anderson [00:19:43] Is there any objection to that, to giving the Council the latitude...the Council staff the latitude to do that? Okay is there further discussion on this motion? Okay seeing none all those in favor say 'Aye'.

Council [00:20:01] Aye.

Phil Anderson [00:20:01] Opposed no? Abstentions? Motion carries unanimously. Back to you Mike. How are we doing on this agenda item?

Mike Burner [00:20:13] Thank you Mr. Chairman. I believe you've completed everything you need to. I will work with staff to update the membership of the SSC and the Groundfish Endangered Species Workgroup. Work with you on the establishment of the ad hoc committee focused on killer whales and we will update our COPs per your motion and comments here. I did want to just take a brief moment to thank Executive Director Tracy for his leadership on the COP changes and Miss Svensson for her well-crafted motion and rationale. I think this is a great step forward and it's important matter but I also want to give a shout out to Kris Kleinschmidt on our staff. He did a lot of work on the portal, e portal and we've got a lot of positive comments here and also just for the Council's information, Kris and I made a point of going around to all of the Council's advisory bodies over the course of the March and April meeting and going over these COP changes, going over some of the expectations of what it means to be in an advisory body and going over some of the pitfalls if you will that are common mistakes that people can make on advisory bodies just so everybody is on the same page of what the expectations and are and so it was pretty well received and I think it was a good stroke of business. I think we'll try to make that a regular occurrence as we start new three year terms for our advisory groups. So thanks

to Kris on that one.

Phil Anderson [00:21:28] Thanks Mike. Okay that will conclude agenda item D 6.

7. Future Council Meeting Agenda and Workload Planning

Phil Anderson [00:00:00] Okay we're, we're back. We're under our future Council meeting agenda and workload planning topic and we've got our reports from our advisory panels and committees as well as members of the public. So we're ready for our Council discussion and any appropriate action and I'll turn to Chuck Tracy, matter of fact I'll hand it over to him to walk us through the documents.

Chuck Tracy [00:00:27] Thank you Mr. Chair. All right well let's take a look at the year to glance. This is Supplemental Attachment 3. It reflects some changes that have occurred over the course of the week that I'll go over and again attachment, Supplemental Attachment 5 is sort of a list of some of those items as new items, the second portion of the table there, but looking... I'm going to kind of go by FMP here. So looking across the CPS table you'll see that we've added in November and a Nearshore Assessment Methodology and Frequency of Harvest Specification Reviews item for that as was directed by the Council this week. That's the only addition so far depending on the outcome of what happens in June and in November. With the management category review there's a good chance we might be adding other things but that's what we've got for now. For groundfish we have as mentioned by the chair the Gear Switching Sablefish Area Management update, we've taken that, at least tentatively struck that from the June agenda and we'll replace that with an informational report on the May meeting, but don't expect a lot of you know in-depth discussion or Council direction on that item at that time. Moving out we've added some electronic monitoring items in September and November, so these are EM program guidelines, preliminary and final review, and I believe that's all we've added so far on groundfish. For HMS we haven't done anything yet. There's been quite a bit of discussion and NMFS has some suggestions there so we will take that up, pending Council discussion here. For salmon we added the southern resident killer whale ESA Consultation business here, so we've got a progress report in June. Risk analysis preliminary action in September and final recommendations for November. Nothing new for ecosystem added at this time. For Pacific halibut it's now got its own line so you can tell that it's really moving up in priority so, we've added some items to deal with the commercial directed fishery business here so we added in June just sort of a transition logistics and workshop planning agenda item. In September we added a report on the workshop and in November some additional planning so that the Council representatives and area 2 A managers and participants can be prepared to discuss the item at the IPHC meeting over the course of the winter, and then under other items we've added the Electronic Monitoring Procedural Directive in June. We expect to get an update at the CCC meeting in May on that and, and Brett Algers is prepared to come and brief the Council on that as well, and then we also added an update on the implementation of the Modern Fish Act, so this is some legislation that, that passed this last session on it. We had a call, a CCC call at the end of March and this was the topic, just a kind of a quick informational item but also an offer for somebody from headquarters to come and brief each of the councils on that so, so we put that on the June agenda. Again, we can make sure we've got time, time for that, but if we wanted....need to that probably could be, could be pushed off but, but that's where it rests now and so those are the, those are the additions to the year to glance at this point, so maybe I'll just pause there and see if there's any questions about those items or we move on to looking a little in-depth at June. Maggie.

Maggie Sommer [00:05:17] Thanks Mr. Chair and thanks Chuck. Looking at the new Pacific halibut line, thinking about our discussion about perhaps wanting to provide some Council recommendations to IPHC for a 2020 fishery structure. Is is that something you would see as captured perhaps in the November meeting item if we determine we do indeed want to go ahead with making recommendations?

Chuck Tracy [00:05:48] Yes.

Maggie Sommer [00:05:48] Okay thanks.

Chuck Tracy [00:05:52] Marci.

Marci Yaremko [00:05:53] Just to follow up on that as I understood the plan we would be taking that up probably in a two meeting process, so it might be worthwhile to schedule it an item for both September and November and have it specifically listed.

Chuck Tracy [00:06:15] Thank you. Well that is....so there is a September item which is the results of the workshop report which includes dealing with that issue and so that would be an opportunity for the Council to you know take some preliminary look at those issues and then come back in November and come up with final recommendations so I think that all, all of the issues associated with management of the directed fishery, whether it be 2020 or into the future, are intended to sort of be incorporated in those three agenda items.

Marci Yaremko [00:06:53] Okay just as long as it's clear that that's the opportunity for folks to comment to us on recommendations for 2020 specifically. Thanks.

Chuck Tracy [00:07:01] Other questions? Okay well I'm going to talk a little bit about June and maybe we can see what we can do with June specifically and then I'd like to come back to the Year At a Glance after, after we've dealt with that and we've got some, some other things to consider, the reports we've heard and maybe an idea or two of my of my own. So for June let's look at a Supplemental Attachment 4. You can see we've added the NMFS Recreational Fishing Roundtable on Tuesday, June 18th. We've added the Southern Resident Killer Whale Consultation Progress Report on Friday as well as the Halibut Transition Logistics and Workshop planning item. So those have made it onto the, onto the schedule based on Council action here this week. The candidate item box we've added, added a couple of things there and struck one. So we've added under administrative matters the Implementation of the Modern Fish Act and the Electronic Monitoring Procedural Directive, and then we have struck the Gear Switching and Sablefish Area Management Report. So let's, so as it currently stands, based on what we've got here, we've got eight hours of available floor time and about 15 hours of estimated time for candidate agenda items, so I guess I would suggest, you know, a couple of big ticket items here are the HMS items for deep set buoy gear and shallow set long line. I think if we can deal with that, that will set the stage to deal with the other items that have, are less needy in terms of time, so I guess maybe I'll just pause right there, see if there's any questions? If there's not then we can move into maybe some Council discussion about how to approach what's in the box and maybe start with the HMS items. Seeing no questions. What's the Council's pleasure? Marci.

Marci Yaremko [00:09:46] Thank you Chuck. I just want to express support for the NMFS report recommendations and I think they've given this a lot, a thoughtful look and considering their capacity, seems like a reasonable approach.

Chuck Tracy [00:10:08] Do we have consensus on that? Rich.

Rich Lincoln [00:10:14] Thanks Chuck. Chair. Yes I think so. I mean there was some discussion I think in the NMFS report about if there was an opportunity for some Council initial....or Council discussion on what analysis had been done to date on deep set buoy gear that we might need some time there. Also heard in public comment just now that there might be a lot of public comment, open public comment on short set long line at that meeting so may be that we either have to explain that we are going to have an opportunity for that discussion in November and make people aware of it or plan for some extended time on that first day.

Chuck Tracy [00:11:01] Christa.

Christa Svensson [00:11:03] Thank you very much. So I'm, I'm in concurrence with everybody around the table at this point and I, I do, I share Rich's concerns in terms of open comment and the involvement and engagement of folks because I do think that long line scoping is something that there is a lot of interest in, and I just, I'd like to put a few thoughts out there on the topic in general because I do think that they are somewhat germane. One of which is you know why is an Oregon seafood processor concerned about this when she's normally worked with albacore? Although I do have some experience in terms of swordfish and other HMS, and part of that is you know we're looking at changing environmental conditions and I think it's increasingly likely that we're going to see swordfish up in our territorial areas. I know we have fishermen that are reporting that they're seeing them out there already. And then furthermore swordfish and other HMS species are already being targeted by foreign fleets using long line gear outside of our EEZ, some as close as about 205 miles. So to kind of put this in perspective, in 2007 we had about 220,000 pounds of swordfish landed in San Francisco and I picked this data point, one because the company that I work for is based in San Francisco so again I hear about it, but two this is, this is swordfish that was landed not in California waters, not in waters north of California meaning Oregon or Washington, and not in waters south of California meaning Mexico. This is, this is from outside our area, and by comparison we landed about a third of that within our own waters, so I think there is opportunity that we do need to talk about in terms of achieving OY. So this does have an impact both on swordfish fishermen and albacore fishermen that are expressing concern about what's going on out there that maybe we should take a look at it. I'd also like to state for the record that I'm, I'm not advocating for or against the pelagic long line fishery or any other gear type for that matter. I ask really is that through the Council process we have a discussion about what the future of our swordfish fisheries look like and I think that the scoping item is a step in that direction, and I know that it's a big ask. I mean looking at this, this is five hours so it's a big ask. If we move it to November and I just I want people to recognize that, so with the following in mind I do think it's timely, you know the last time we really talked about long lines was in 2009. We've seen a lot of changes in gear types, streamer lines for example were not looked at for pelagic fisheries until 2010. We've had advances in the Australian long line fishery for shielded hooks as a mechanism. We, you know, we we even with.....hang on I have to look at my notes here because I would like to not read forever for you guys, with regard to Piro? You know we we do have some general long line rules and regulations, such as restricting the use of squid as bait which reduces turtle and and bird impacts. And another area that I think is really important is providing West Coast fishermen the opportunity to harvest underutilized stocks and this, this points to Mr. Gonzalez's testimony this morning, that's why I asked about hey how many fishermen are we talking about. This has come up periodically throughout the week in sections E3 and E4 specifically in the agenda. I know Diane Pleschner-Steele spoke about hey we've got 15 vessels out there with five to six guys, which is you know if you do the math 75 to 90 fishermen. That creates about 300 jobs shoreside, so that's kind of the first, the first link in the chain and then taking an informal look at it, meaning at the plants I've worked at and in talking with some of my colleagues that's, that's a pretty comparable number, so when we're looking at swordfish and other HMS fisheries and talking about our future, being thoughtful in terms of either maintaining those jobs or creating new jobs I think is important, particularly again in a fishery where I see that through the use of sound environmental measures to make sure that we're not harming what we don't want to catch, we have the opportunity to capitalize on that, so I guess I would just say lastly you know we've, we've heard from a number of fishermen, we've heard from the subpanel, we've heard from public comment today that there is a lot of interest in this topic and I really would like to see that talked about sounding like in November which is what I would be recommending as well. Thank you.

Chuck Tracy [00:16:43] Okay. Did you have something on this Brad?

Brad Pettinger [00:16:44] Well I would like to echo what Christa said there. I think that I'm not sort of supporting or promoting that method of capture but I think we need to have a discussion about what if we have a swordfish fishery or not in this country on the West Coast. I was a little surprised, somewhat surprised by Mr. Gonzalez testimony that the United States eats more swordfish than any other country. It's pretty apparent that the public wants to eat swordfish and I think that it's probably going to be harvested in a far better way in this country than anyplace else in the world. And so I think we need to have that discussion at the very least to be fair to everybody and not, and I'm, so with that I'm, I'm I'm okay with the November meeting but I think we need to, we need to do it in November, not next, the November after that. We need to commit to that and have that discussion. I think to be fair to everybody. Thank you.

Chuck Tracy [00:17:46] Okay. Marci.

Marci Yaremko [00:17:50] Yeah thanks. Before we leave DG....or the topic of HMS, I just want to flag the hard caps revisitation item that right now is shown as shaded for November. Mr. Ugoretz has previously discussed that in California, the implementation of AB 10 17 is likely to change the composition of the DGN fleet and recommends that before we start our discussion on what hard caps might look like that it would be useful to allow that state process to commence and scheduling this item for after January 1, 2020 would be helpful.

Chuck Tracy [00:18:42] Okay thanks. Well we haven't quite got to the Year At a Glance in the out, out meetings but we will take that comment under advisement and at this point so I'm not seeing anything else. I guess if, if we take the National Marine Fishery Service recommendations and move Shallow Set Long Line to November and Deep Set Buoy Gear FPA to September and replace Deep Set Buoy Gear with an Analysis Update for maybe two hours. Doing a quick little bit of math you can update that box down there to say we have 10 hours of available floor time and 10 hours of estimated time for the candidate agenda items so that, so if it can.....there's the Council's all right with it we could commit to having those candidate items, I'll move on to the June agenda unless there's something else the Council wants to see on there that we need to consider in terms of competition for time so I'll pause right there. Marc.

Marc Gorelnik [00:20:11] I think that's a sensible approach Chuck. I would suggest when placing these items on the June agenda since NMFS has scheduled a recreational fishing roundtable for June 18th, the related issue of the Modern Fish Act perhaps should be placed earlier rather than later in the meeting because that topic will probably be of interest and relevant to folks attending that roundtable.

Chuck Tracy [00:20:42] So noted. That generally fits in well with our usual strategy to have such items early in the week and gives people a chance to develop comments on more substantive items. Okay Maggie.

Maggie Sommer [00:20:59] Thanks Chuck. I'd like to call our attention to the GMT's recommendation to add a P Star ABC item to June which is not in the candidate box.

Chuck Tracy [00:21:14] Yeah so that would be one of those items that might need to compete for time if we wanted to add that into the mix so open to suggestions on that. Maggie.

Maggie Sommer [00:21:28] Thanks along with that I'd also like to note the GAP's recommendation to not take up a PPA for ESA salmon mitigation measures in groundfish until September in order to give the analysts more time to develop the alternatives that we selected in a range. I'm just noting that many of those same analysts are also working on things with perhaps more immediate deadlines like the catch

only projections that we heard about earlier this week. The Star Panel for at least one stock assessment between now and June, the SaMTAAC meeting and many other things so might see if there's any potential to move that ESA salmon PPA to September.

Chuck Tracy [00:22:23] Other thoughts on that? Anybody disagree with that? Okay, so we move salmon PPA to September. We have a three hours available and so the suggestion to put a P Star phased in ABC item in June. Is their desire to to do that? Kelly.

Kelly Ames [00:22:58] Yes thank you. I'm in support of it. Could I just have you run down for me the items, the candidate items that got moved on to June? I thought I heard you say one thing but then another so I just want to make sure I've got my list.

Chuck Tracy [00:23:13] Yeah so what would be moved on there at this point would be the Coast Guard Annual Report, finalizing the allocation review procedures update on the Modern Fish Act, the Electronic Monitoring Procedural Directive, the CPS NMFS Report and the ESA Seabird Mitigation Measures. So all of those would move up and now ESA salmon would move out to September and the other thing that would appear on the June agenda that's not on the attachment is the P Star and phased in ABC consideration.

Kelly Ames [00:23:57] Great. Thank you.

Chuck Tracy [00:24:01] Anything else that the Council wants to discuss about June? I guess I will note that the GAP requested that they meet starting on Thursday rather than Friday, so I think we can probably accommodate that. I'll have to check and be sure with that we have this meeting space but I think we do. Herb.

Herb Pollard [00:24:27] Thank you Chuck. I was just wondering about the Recreational Fishing Roundtable and it appears to be potentially part of the meeting and what expectation there might be for Council members to attend or participate.

Chuck Tracy [00:24:43] Well it's not part of the Council meeting but it's just one of those things that we facilitate when we have an opportunity. In terms of your participation, I think it's up to you as individuals to participate in that. Kelly might have some other.....

Kelly Ames [00:25:04] Yes thank you, thank you Chuck, Mr. Pollard. That is correct, it's not an official part of the Council meeting agenda. We didn't want to compete with any of the Council items which is why we have it one day earlier but would welcome any participation.

Chuck Tracy [00:25:21] Phil.

Phil Anderson [00:25:21] Well I would....I'm not trying to discourage anyone from going to that roundtable, so don't misunderstand me but it's at 10:00 a.m. two days in advance of when the Council floor session starts, so I am worried about....or if, if people are going to come a day early, that will cause additional expense to the Council for those of us who get compensated for being here. I just, I'm, I think if people want to go to that, that's fine but they need to go to it on their own dime.

Chuck Tracy [00:26:08] Yeah that's what I meant by on an individual basis. Louis.

Louis Zimm [00:26:18] Thank you Mr. Tracy. I intend to attend that. I've been to those roundtable discussions before that we we held many years ago in San Diego. So if perhaps if we could take a look

at their planned agenda and if any of you have any input please pass it on to me and I'd be happy to take your viewpoints to that meeting.

Chuck Tracy [00:26:50] Okay Kelly.

Kelly Ames [00:26:51] Yes just to reiterate again we'll have a total of two roundtables in California, one in Oregon and one in Washington, so this is not the only opportunity for folks to participate and we will get those schedules solidified and posted on our website as well so that might be easier options.

Chuck Tracy [00:27:12] Okay. Any other business for June? Mike am I overlooking anything?

Mike Burner [00:27:22] Not for June thanks.

Chuck Tracy [00:27:24] Okay.

Chuck Tracy [00:00:00] Well then let's take a look at the Year At a Glance. So we just...let me try to get the right version here. Well it....we did have a comment about the HMS business that Marci brought up in terms of the potential to move the DGN hard caps to March is that, did I read that correctly? Rich.

Rich Lincoln [00:00:36] Thanks Chuck. I mean just on that topic I think one of the reasons it shows as a shaded box wasn't to discount John's advice on that but there were I think a number of Council members at the last meeting in the....in the long discussion we had about, about this whole topic, that a number of us were uncomfortable making a decision to, to delay reconsideration of the hard caps somewhat indefinitely, and some uncertainty really about what the kind of internal California process whether there was some finite resolution of things that would actually clear the decks that, that clearly, so I think my recollection of this discussion we had at the last meeting that having it in that black box was just giving us the opportunity to have some additional discussion about a decision about when to do it recognizing that there was still a fair amount of maybe diversity of opinion about what, what really made sense. So I guess I would maybe suggest that we just leave it there for now and maybe take it up at a time when John has a chance to have that discussion and we can think about the California process a little bit more clearly, but.....

Chuck Tracy [00:01:56] I'm seeing a lot of head nods. Not seeing any head shakes. Marc.

Marc Gorelnik [00:02:00] Yeah I don't have an issue with leaving it in a box there but I also just remind the Council that in addition to the California legislation that is now law, there's also federal legislation pending so that may also impact our Council's discussion of that item.

Chuck Tracy [00:02:23] Good point. Okay any other items that are....the Council wants to particularly address before we....but go ahead Kelly.

Kelly Ames [00:02:35] Thanks Chuck. Just to, just a reminder that for, it was in the groundfish NMFS report, but in September and November we do need the trawl logbook item. It shouldn't be a big agenda item but to wrap up the California logbook issue we do need to have that agendaized. I have a couple unrelated things, do you want me to do them all now or wait?

Chuck Tracy [00:03:04] You have the floor go ahead.

Kelly Ames [00:03:05] Okay thanks.

Chuck Tracy [00:03:07] Well let me just pause and make sure there's, see if there's any more discussion on the trawl logbook issue. Go ahead then.

Kelly Ames [00:03:14] Great thank you. The other one I had question on was the COP 22 Final Action. It's my understanding this is the EFH criteria for reviews that would apply to all FMPs and so by September all the management entities and advisory bodies would have had the opportunity to review that and be prepared for final action. Is that the game plan?

Chuck Tracy [00:03:37] That's correct.

Kelly Ames [00:03:38] Okay. The next one I wanted to address, you know as raised under the salmon agenda items NMFS has an increasingly difficult....is having increasing difficulties in getting the ocean salmon regulations in place by May 1 given the timing of the April Council meetings. We are requesting that at the September meeting we schedule an agenda item to have that discussion about what the possible solutions are so that we can address this issue. I understand there have been some explorations in the past but the issue remains and we would like to get it addressed.

Chuck Tracy [00:04:19] Phil.

Phil Anderson [00:04:22] Yeah we did have a fair amount of discussion about that and recognize in particular in this year when the April meeting is as late as it is it poses a problem. I would like to get a clear indication from National Marine Fisheries Service given that next year's April meeting is about five or six days or well six days earlier than this year, whether you have a concern about 2020 or whether the primary concern is when the meeting is as late as it is this year.

Kelly Ames [00:04:58] Thank you Chair Anderson, Mr. Tracy. I think we'd like to have that discussion in September and talk about not just the 2020 salmon season but the future Council meeting schedules as they have been adopted into the future and have that detailed discussion and evaluation. I do believe we have some concerns for I guess it would be 2020 regulations. They may not be as as great as what we experienced this year but I think the timing challenges still remain.

Phil Anderson [00:05:32] Well again I will request from National Marine Fisheries to have a clear indication as possible as to whether the schedule for 2020 is represents a problem because if it does that makes the problem associated with addressing it from a longer term perspective even bigger if the first, if a meeting starting on April 3rd and ending on the 10th with a final determination on April 9th is not doable for NMFS then we are in a world of hurt in terms of trying to find a solution for you that matches up when the data and information is available that informs our decision, so we need to know that, an answer to that.

Kelly Ames [00:06:22] Thank you Chair Anderson, Mr. Tracy. Perhaps I might then recommend not seeing it quickly but you know potentially there is an opportunity in June under like a NMFS report even though you don't have one explicitly, explicitly scheduled but maybe we could start that dialogue earlier than September. Would that be appropriate?

Chuck Tracy [00:06:46] Well that we could consider that we might have to do a little math on the timing to see if that would fit in, but Phil do you have a....

Phil Anderson [00:07:00] Well what I would suggest for June is if we could have a, have a lunch, some sidebar conversation with the management entities to talk about that issue. I don't think we need to schedule floor time in June to do it but I'm totally with you on having the preliminary discussion

about it but I think we can do it outside. I don't think we need to do it on the Council floor.

Kelly Ames [00:07:25] Thank you Mr. Chair, Mr. Tracy agreed for June. We would still like to have the discussion for September is that....

Phil Anderson [00:07:32] I'm just talking about June.

Kelly Ames [00:07:33] Okay. Great.

Chuck Tracy [00:07:36] Okay Pete you have a comment on this?

Pete Hassemer [00:07:40] Sure unless there was more?

Kelly Ames [00:07:42] No thank you.

Pete Hassemer [00:07:44] All right. I'm not suggesting changes for this year at, at a glance but as staff looks forward preparing one for the June meeting, I'm just recalling in March there the groundfish items and some of the prioritization we did take action. There were four things we had as pretty high priority, the non-trawl RCA, amendment 21 non trawl, trawl allocations, we might have delved into that one a little bit at this meeting, the mothership sector utilization and then moving the Emily-Platt EFP into regulation, and a couple of those are motion included getting them on the Year At a Glance so as I looked through all these documents I don't see them showing up yet so I'm just ask as you prepare the next one that think about those things we identified as pretty high priority in the past and see if there's room to fit them in there.

Chuck Tracy [00:08:44] We'll take a look at that and of course we will have the groundfish prioritization process agenda item in June I believe and essentially every other meeting except for the March meetings. Phil.

Phil Anderson [00:09:05] I have one other issue and I don't really know what, what or when to talk about it except now. I and at least some of my colleagues around the table were left pretty flatfooted, I don't if that's the right term or not, with the process that led to the decision to change the sigma values. We, we were informed in November that the SSC was going to have a workshop that included that topic. In March we were provided with a final. Here it is. It's the best available science and I felt like we didn't really get much of a chance to totally understand the basis for the change, and I was, I left the March meeting going, thinking to myself what just happened here, and at the very least I would like to have at some point and when we can fit it in, a more in-depth description and understanding from the SSC on the change in the sigma values and the rationale and data that went into the recommendation that they brought forward to us because I again I, I didn't feel like we were, or at least I didn't feel like I was adequately informed with the basis for the decision but felt like I was left in the position where I had no choice but to support it.

Chuck Tracy [00:10:53] Any other thoughts about that? You know I think the P Star and phased ABC approach was sort of a outcome of that, that issue so is that, would that be an appropriate spot for that?

Phil Anderson [00:11:10] Could be.

Chuck Tracy [00:11:11] Marci.

Marci Yaremko [00:11:13] Thank you. If it is appropriate I'd like to see it be an administrative agenda

item since the sigma values apply to CPS as well and we had no discussion or input from CPS in the decision that we made in March.

Chuck Tracy [00:11:41] Maggie.

Maggie Sommer [00:11:42] Thanks Chuck. I just wanted to appreciate and echo Phil's concerns and I share the desire to understand both for myself and all the participants in this process a little more about what went into the new sigma process and just would encourage Council staff to look for an opportunity to work with the SSC to facilitate that.

Chuck Tracy [00:12:12] Okay. Other topics? Rich.

Rich Lincoln [00:12:23] Thanks Chuck. I mean just to, just I guess just to follow up on that, and I know that most people are adverse to scheduling out a Council time but it just strikes me that some of the best discussions we've had with the SSC about some of these complicated topics and I'm thinking recently about some of the, an evening session we had on some of the stock assessment reviews where they've gone over some of that stuff and we actually had a good discussion I thought about some back and forth on rationale about steepness and how they discussed and triangulated things, it strikes me that having that kind of form is much more amenable to the kind of discussion I think that people around the table have talked about so I'd at least like to perhaps see the staff consider that as an option.

Chuck Tracy [00:13:19] Okay. Corey.

Corey Niles [00:13:24] Thanks Chuck I was going to move to a separate topic but on that I think some of us yesterday talked about we could think, we could maybe move our thinking forward on how we think about risk with this and I do believe that P Star ABC issue will be one to do it, but moving to the separate topic just a question of, of how our new groundfish workload planning process is working? Suppose to be working? Looking back to the Budget Committee's report, recommendation, which my agency reports about revisiting the groundfish strategic planning plan, so just to understand is that, that will, that recommendation from the Budget Committee will, we endorse and that will go into the June groundfish workload planning, is, am I following the new process correctly?

Chuck Tracy [00:14:17] So well that was actually something I did want to bring up, so the budget committee did recommend that the strategic, groundfish strategic planning be added to the Year At a Glance. The Council accepted that recommendation so I was, I did want to see where the Council wanted to fit that in, now whether it's this year or next year, but I think this is an appropriate time to have that discussion. Any thoughts on when that, when that should appear on the Council's Year At a Glance? Kelly.

Kelly Ames [00:15:01] Thank you Mr. Tracy. To me it almost seems like you need to get through the biennial process to then be able to sit back and reflect a little bit more clearly. I think it would be difficult to do it parallel with the biennial process, so I'd recommend something after June 2020.

Chuck Tracy [00:15:22] Is that all right with the Council? Any objections to that? If not we will include that on the next version of the Year At a Glance.

Phil Anderson [00:15:38] That works. I just want to make sure we don't lose it, so maybe we can do a little bit more thinking about the timing, but I appreciate the perspective Kelly brings forward.

Chuck Tracy [00:15:58] Okay Kelly.

Kelly Ames [00:16:00] Thanks. Just just one other note. I understood the new, I don't know if I want to say omnibus process, but for groundfish where you're doing this checking in on your priorities, I understood that, that we would skip the April meeting that we would have that workload discussion in the March, again April was a big groundfish spex action meeting and so I think we're supposed to talk about it in March but skip April so the Year At a Glance would have to be updated.

Chuck Tracy [00:16:32] Thank you. I guess I, well we can go back and check but I thought the discussion was that because our, our workload planning is usually more abbreviated in March because we're basically just focusing on getting April done and then this April meeting is when we kind of have a time to take a look further out and spend some time on the Year At a Glance that, that was, was what we were going to.... that we were going to, that March would be the meeting we took off so that we could spend some more time integrating it, the groundfish business with the rest of the Council priorities like we're doing here in April, so that was my thoughts on that approach. That's the way I recall the discussion but I may be wrong about that. Willing to hear what the Council wants to have some additional discussion about that? Not seeing any anymore thoughts about that so what, I guess as we go through the year maybe we can keep that in mind. There's time to change that as we go down the road but I think that was at least my initial thinking that we'd have it in April. Corey.

Corey Niles [00:18:05] Yeah thanks not to.....Thanks Chuck, not to belabor the point but I think maybe even you know Mr. Anderson had the same, a similar idea about not losing sight of this strategic planning, but I think maybe you were so good a meeting or two ago about disciplining us to talk about the new work...groundfish workload, in the groundfish workload and so on that strategic planning and maybe in the June if it's still on there if I'm reading this correctly then it could also be discussed there. I would just make that suggestion about when the right timing to do that would be.

Chuck Tracy [00:18:35] Okay. Anything else? I've got a couple of ideas that I'm sure both are not going to fly but you know as we look out, excuse me, as we look out into March and April of next year, you know on the Year At a Glance if you look down you see six point two days in March and four point four days in April and so my first idea is, it's an old one and I'm pretty sure this isn't going to go, but you know we could have a groundfish free March meeting. You know we could just about fit everything into, into April that's in March with possible exception of the fisheries check in which anyway I guess I would just like to think about. I know April's a heavy lift. I know there's a lot going on with groundfish but it is getting a little bit more difficult to, to have everybody everywhere all the time so I just, I'll throw that one out and then the other one, I'm just going to move on so you can take these in concert, they are somewhat related, is our ecosystem business. Right now we, March has been our meeting to have all that come forward. There are a couple issues associated with that. Now we also have HMS then and Kit Dahls's our staff officer for both of those. He gets stretched pretty thin, and then we've, we've also had some comments from the Ecosystem Work Group about their ability to get the information out to all the advisory bodies since it's, they are basically cross FMP issues and so I'm thinking that by moving ecosystem business to April it would give us an opportunity to get that information in front of the HMS in March and in front of the CPS in April so that everybody would have a chance to do that. The Ecosystem Work Group wouldn't feel so pressured to have all the pre-council briefings with all the advisory bodies by webinar which you know isn't nearly as effective usually as some of the in-person stuff. I don't know that it's, I haven't talked to the science centers about it. They're the ones that are responsible for putting together the, particularly the IEA report and those sorts of things, but I just wanted to put that out there as a possibility to address some Council staffing and some logistics for the ecosystem business. If we if we could move that to April from March so I'll stop there and see if there's any reaction to either those brilliant ideas.

Phil Anderson [00:22:08] Well on the groundfish piece I guess there may....maybe there's an

opportunity to do that in our off years but I am less convinced that we could actually do that in the years where we're leading up to the setting of our spex in June, so I think that March meetings a pretty important one for the check in on the development of the spex process, but I'm Mm hmm, I have, I really don't have any concerns with moving the ecosystem pieces to April if that helps with the Council staff and staff capacity as well as the work group itself and, and everything that feeds in that if that works better. Bob.

Bob Dooley [00:23:14] Thank you Mr. Chair. I would, I'd be concerned about, and I don't know if that applies to the whiting treaty implementation and how that pushes us up to the publication in the Federal Register if that would have an effect, and then also I see the gear switching has been moved up and so how that plays out for maybe possible implementation at the end of, the end of the following year, I guess the end of 2020. That's the only two things that stuck out to me.

Phil Anderson [00:23:55] I mean I think the, the whiting treaty implementation goes forward with or without Council action. You could do an informational report if needed you know but I understand your other concern.

Bob Dooley [00:24:12] Thank you.

Chuck Tracy [00:24:13] Corey.

Corey Niles [00:24:16] Yeah thanks Chuck, Mr. Chair. I appreciate the creative thinking and your challenges. I mean I'm hesitant to say, I can imagine what the Groundfish Management Team is gonna say, it may be even stronger what Mr. Anderson, more afraid, more strongly than what he thought, but on ecosystem I would, I'm hesitant to say too much now but I think putting those ideas to the groups you know as soon as possible for reaction, I don't, I don't it would be a good thing. I don't know. I think the questions come up in the past and I don't remember why but March was you know still preferred, but I'd like, I like the creative thinking and just saying I would, let's get some input on that and I can't, I don't have, I can't speak for the group or even think through it at this point but it could be, it sounds like it has some merit to it.

Chuck Tracy [00:25:06] Louis.

Louis Zimm [00:25:08] Thank you Mr. Tracy and I hate to join in and beating you up on the GAP march pause, but I was, I was on the GAP when that was proposed before and I, I'm not sure if you could hear the howl in here but it was, it definitely came up, and the reason is at that time we're negotiating with the GMT and we are also negotiating with the various state agencies, so it's a, it's a tense time. It's a very important time for the GAP. Thank you.

Chuck Tracy [00:25:55] Well I would just say that's why I had two options out there to provide some relief to March but I did, I did want to just bring the Council's awareness and everybody's awareness to, you know the challenges we have and how everybody's contributing to that.

Marci Yaremko [00:26:11] I don't know that I have anything unique to add but yeah I definitely don't want to see groundfish go away in March. Agenda items move, I mean they slip, they speed up and the last time we tried this it really was ineffective and frankly you know it put us in a big bind, so on the ecosystem item I agree with Corey entirely. If maybe the council staff can solicit input from the EW and the EAS and get their feedback. I know folks, you know have made plans in advance expecting it to be in March but may not be much of a problem for the groups so thanks.

Chuck Tracy [00:27:03] Phil.

Phil Anderson [00:27:04] One out of two is not bad.

Chuck Tracy [00:27:04] That's that was my plan. Corey.

Corey Niles [00:27:14] So are we moving, moving on I'm almost sensing the end here, but the one topic where I didn't, I haven't heard discussed. Maybe people have a path forward in their mind already but I just wanted to get out there so it's clear to me and to the public, but on the concerns we heard from the salmon trollers on the VMS. Yeah I'm feeling like my agency should have alerted them more to the fact that you know I guess I was under the impression that the question of what, what the ping rate should be and whether it was needed in that fishery was done in 2015 and the run up to that and we were just dealing with that quirk about a bigger snafu really about about the type approved things, so we should have brought it to their attention and asked for comments based on that, that development, and so I do want to, interested in taking a close look on, on that question of the ping rate and cost in the salmon troll fishery and so are we, is the thought that we could do that as part of this, the type approval discussion that got, got removed from the main action is that a possibility of where we can have, and Mr. Anderson asked for the EC to bring a report back in June, beyond that I was looking to see what, where that discussion would fit in.

Chuck Tracy [00:00:00] Phil.

Phil Anderson [00:00:01] So my thought was that we would ask for that report so we could understand what the implications were from an enforcement perspective, get that report and then decide whether we needed to put it on a, under a future agenda item, but I'd like to get that information before putting something on the agenda.

Chuck Tracy [00:00:22] So then you're expecting that to be perhaps an informational report and then we could take up advancing it. We're not under workload planning?

Phil Anderson [00:00:32] That was my thought.

Chuck Tracy [00:00:33] All right. Other things? Maggie.

Maggie Sommer [00:00:39] Thanks Chuck. Just following up on that. I would support that and just point out that it in my mind certainly also just underscores the importance of some of the explorations of getting more alternative units type approved to help reduce costs.

Chuck Tracy [00:00:56] Thank you and I, just to that point we do have the CCC meeting coming up in May. I think we've heard some suggestion that, that might be an appropriate topic for that. Council's wishes that we bring that up, whether it's not going to be a full blown agenda item, that agenda is set, but if we can at least put it on the radar screen for the other councils and maybe pick it up in the fall meeting. Marci.

Marci Yaremko [00:01:24] Thank you. I guess I'm a little confused about the plan with regard to the EC Report. I understand the action that we took on the ping rate was to direct NMFS to proceed with the rulemaking immediately and that we weren't considering any additional exceptions to that rule. Then I thought I understood that NMFS was going to get going on it promptly, so if the idea with an EC Report is potentially to create a new exception to a rule that they are actively pursuing implementation of then I guess I just question NMFS's response. I can't imagine they're gonna want to

proceed with a rule if we're going to come back recommending an exception to the rule in short order.

Chuck Tracy [00:02:26] Kelly.

Kelly Ames [00:02:27] Thank you Mr. Chair. With your permission....or Mr. Chair, Mr. Tracy with your permission I would like to call up Brett Wiedoff and ask him the history of this issue. Did the Council consider this during the deliberations?

Chuck Tracy [00:02:43] Brett you're on the spot.

Brett Wiedoff [00:02:53] Thank you Chair. We did scope this out with the SAS and company and they had opportunity to comment. My understanding is the Council did not exempt them from the increase in the ping rate, so as we took action here we're moving forward with the package minus the alternative units as Marci said and I clarified on the floor as well. So if we want to entertain the idea of exempting the salmon troller from this regulatory package it could provide public comment during the proposed rule, but if, if they'd like to move forward with that I think would be a separate agenda item and new action, a new regulatory amendment or action item. So I expect that the EC would bring back a report in June, an informational report on what their findings are regarding alternative units and possibly bundling and making things cheaper for transmission rates and the Council could comment on that. I wasn't expecting an agenda item for it. Just an update and a report from the EC.

Chuck Tracy [00:04:10] So when you said you did consult with the SAS or brief them on it. When did that occur?

Brett Wiedoff [00:04:16] Thank you for clarifying question. Unfortunately we did not come to them at this meeting with the changes that were in the briefing book and brief the SAS though. NMFS Enforcement Consultants and Aja and company did not brief the SAS, that's my understanding at this meeting. Since they are affected they should have been.

Chuck Tracy [00:04:43] Though I guess I'm still not clear. Has the SAS ever been briefed on this topic? Sometime in the past?

Brett Wiedoff [00:04:55] Yes they have.

Chuck Tracy [00:04:55] And if so when?

Brett Wiedoff [00:04:55] In 15 and 16 when we were scoping this action out.

Chuck Tracy [00:05:03] Phil.

Phil Anderson [00:05:03] So I think Brett is exactly right. At least for me I'm not proposing holding the rule up, anything like that. We had a concern brought forward to us. I'd like to understand it better through the generation of an informational report from the Enforcement Consultants. If that leads us in some direction into the future then that's yet to be decided or determined but the just as a threshold response to the concern that was brought forward I would, I was just requesting the Enforcement Consultants provide us an informational report that walks through their, their logic and the need for having it. I'm not in any way suggesting that we hold up anything in terms of our action.

Chuck Tracy [00:05:54] Any more questions of Brett? Maybe the question then to Kelly maybe more to Marci's point. You know how's NMFS going to react to the possibility of initiating another process

associated with you know potentially amending the rule that's gonna go forward.

Kelly Ames [00:06:21] Thank you Mr. Tracy and Miss Yaremko. Presumably after this meeting you would transmit to us the Council recommendations and we would move forward with rulemaking. If the Council were to then in a separate process consider revisions to the regulations we would take that up at that time, but we would not seek to change the action that you took yesterday or modify a proposed rule.

Chuck Tracy [00:06:52] Okay. Thank you. Corey.

Corey Niles [00:06:58] Yeah just quickly and to echo what.....I think that a new action would be the way to go, but I just want to capture what I think happened, and the discussions happened a few years ago and it was part of the decision was based on the idea that cost and the type approval issue was getting lower cost so there was a change in that, those units and potentially lower costs, you know it was a change in what the cost of the ping rate which should be, but again I do, I do think that circumstances were changed and it might.....but yes I think that the path Mr. Anderson articulated is the right way to think about this.

Chuck Tracy [00:07:39] Any anything else on this topic? Marci.

Marci Yaremko [00:07:43] Thank you. Yeah I, I can support this pathway forward. Since Corey brought up cost I think if we might also ask the EC to update us on, what was the term they use, the store four pings but transmit an hour. There was uncertainty surrounding the cost with that. It sounds like there aren't answers that are readily available but could be by June. So if it's appropriate to include that in this analysis or in EC's report back to us I, I'd like knowing the latest information. Thanks.

Phil Anderson [00:08:21] Greg did you have something for us?

Greg Busch [00:08:30] Yes thank you Mr. Chair. Greg Busch with NOAA Fisheries Office of Law Enforcement. We'll do our best to provide any updates on costs that may be associated with the bundling. I know Mr. Corrigan mentioned briefly during his presentation that one of the challenges is that often times, the, it's individual contracts between the companies and the vessel owners so it's, it's person specific or contract specific, so we'll do our best to provide some information on what anticipated costs may be but that's going to be highly variable and would likely be aggregated and just estimates but we'll do our best to do that.

Phil Anderson [00:09:12] Thanks Greg. Bob.

Bob Dooley [00:09:15] Thank you Mr. Chairman. Just a question for Greg. Greg it came to my attention yesterday that there's different regulations in Alaska and I know we have many vessels in different fisheries on the coast that participate in both, and I'm not.... in different fisheries as well. I'm aware if you're fishing the Aleutian Islands it's a 10 ping per hour requirement, and if you fish the Gulf of Alaska it's a 2 ping requirement. Rachel from Alaska, I forgot her last name.

Phil Anderson [00:09:43] Baker.

Bob Dooley [00:09:44] Baker informed me of that yesterday. So when you're doing this cost analysis or what it's going to really cost the fleet are you thinking of taking that into consideration if there's existing vessels that are pinging at much higher rates already in the fleets?

Greg Busch [00:10:04] Through the chair, Mr. Dooley we were not looking at comparing costs with other regions. We were looking just for our own region. I do know that Alaska regulations are different. They also take advantage of geo-fencing to where based on your location relative to say a sea lion protection area, your ping rate will increase, so you, if you're 200 miles off of a sea lion protection area your ping rate may be twice per hour but if you're operating closer into one of the sea lion rookeries, your ping rate will automatically increase based on your location. We don't use geo-fencing in our area because of the number and shape and size of EFHs, RCAs, so it would be a apples oranges comparison.

Bob Dooley [00:10:52] That's how what I'm referring to. I'm referring to the fact that when those vessels transit down here and fish off our coast that they don't change their machines. I know I had that experience and I have quite a bit evidence that people are doing that, so I think there's people that are transmitting more than the one ping per hour on the coast and so that cost will not be as large overall to anybody because they're doing way more of that already and I'm not trying to compare regions I'm comparing what you're actually receiving. Thank you.

Chuck Tracy [00:11:29] Okay any more questions for Greg or any other discussion on this topic? Any other topics that folks want to bring up in particular? Corey.

Corey Niles [00:11:46] Sorry too, too slow but I think just as a place for this to come into, would, would not the, would the groundfish workload planning item not be the right place to get the informational report? It is about retaining groundfish and enforcing closed areas.

Chuck Tracy [00:12:03] Phil.

Phil Anderson [00:12:06] Well I was think about, thinking about agendizing it. Include it in our informational reports that we receive, gather that information and if that leads to somewhere under workload planning so be it.

Chuck Tracy [00:12:21] Corey, Corey is suggesting that instead of an informational report that it be part of the NMFS report, Groundfish Report is that?

Corey Niles [00:12:30] No sorry, but we have that....don't we, do we not have an agenda item for groundfish workload planning?

Chuck Tracy [00:12:37] Oh yes we do.

Corey Niles [00:12:40] So I thought maybe that, putting a report under that agenda item would be the place to put it, but just a thought.

Chuck Tracy [00:12:52] Okay any other thoughts about that? Doing it that way or just plan A?

Phil Anderson [00:13:01] My preference is to have it as an informational report and let us review that information and if that takes us somewhere. I, I'm not in favor of having it as part of a report or agendized where it engenders you know conversation. I think once we look at what information they provide us under workload planning if there's someplace in particular that a Council member wants to go with it we would make the decision at that point or if not we've got the information we requested and we're standing down.

Chuck Tracy [00:13:45] Okay.

Phil Anderson [00:13:45] Marci.

Marci Yaremko [00:13:47] Sorry I don't mean to prolong this. I don't have a concern with the approach other than to note that if we had any questions of the EC would we be able to ask them to respond on an informational report item?

Phil Anderson [00:14:07] I think that's always open to us or you, we can if we have individual, something generates a question we can go ask them. I'm just trying to keep from putting this thing and eating up floor time with this when all we're trying to do is before we decide we're going anywhere with it because we may get the information and say this was the right decision, there's no reason to consider anything else or, or maybe we want to focus on cheaper units coming on or whatever. I'm just trying to put up a roadblock to putting it, making it an agenda item. Let us get the information and decide if there's anything to do with it.

Chuck Tracy [00:14:59] Fair enough. Any other topics? I, if not I would just want to.....well a couple of things. One just in sort of in general looking at the Year At a Glance. When you look at September, November and March and you look down at the bottom with six point seven, six point five and six point two days that's, we're not going to get all that in and I think we've added some things to the agenda as well that will further increase that like the trawl logbook issue and the salmon management schedule, so I don't know if there's any, if anybody has any suggestions for some solutions to those issues but, but we are going to be dealing with them going forward, so to the extent that if anybody has any thoughts on how we might solve some of those problems. Maybe we've solved March a little bit if, if we get lucky and the ecosystem business moves, but, but September and November are.....we're not going to have seven day meetings I hope.

Phil Anderson [00:16:23] Duly noted.

Chuck Tracy [00:16:26] And no, no appetite for dealing with that right here it doesn't seem like, or is there? If not maybe I'll bring up one other workload item. I think there was some discussion at some point this week about the trawl survey business and there being some thoughts about some support for that. Was that, do I have that right?

Kelly Ames [00:17:06] Yes thank you Mr. Chair. I believe it was a discussion of the NMFS Report, the Groundfish NMFS Report where Dr. Hastie was explaining some of the challenges they're having securing survey time.

Chuck Tracy [00:17:21] But I think there was some discussion about maybe direction to staff to write a letter or something along those lines. I'm just kind of doing this by memory without looking back at my notes. I'm not sure if anybody else has a recollection of that or any thoughts about that? Phil.

Phil Anderson [00:17:44] I mean my, I know, I think there's universal concern around the table about the reduction of vessels from four to two and and that maybe you get away with that one year, but I don't think it's any, any place we want to be in long term basis. I think my intent was on a sidebar conversations with Chris Oliver at the CCC meeting to bring that to his attention and see if we can talk about potential solutions, and I, I think having some conversations with, with Barry would also be in order to see if there's anything at a regional level that can be done. But I don't know that, I'm not, I mean we could write a letter, I'm not sure who to unless it was, and we could write it to Chris and Chris will call Barry and Barry will....you know, so I'd rather have some of those one on one conversations and see if we've got some, if there's a place we can go here to get, get ourselves back to the right place in terms of having a strong groundfish survey to inform our management decisions.

Chuck Tracy [00:19:08] Okay. Well I think that's about all I've got. Has anybody got anything else we need to address here today? I think we've done a good job getting June laid out. Scheduled a few thi....few out, out meeting items and....

Phil Anderson [00:19:35] The only other comment.... I mean we were looking at, you know we're all obviously recognize that the number of days at the bottom of those tables doesn't....we can't do that. I think our, our schedule is dynamic enough and our issues are dynamic enough as they evolve that it's hard to look out two or three meetings and say well we're a day over here what are we going to do to fix that now, because whatever we do now may not when we get to the next meeting, and after we deal with some of the issues that are in play may lead us to a different place, so I'm just, I'm not sure how, if we were at 10 days or eight days or something way over then I would, you know that might be different but I think there's enough changes in our system as we go along and dynamics and what we need to put on these agendas that it's hard to, it's hard to look out and say well if we were going to take eight hours off the, what shows up on the March agenda here's what we do, but....

Chuck Tracy [00:20:44] Yeah and I'm not necessarily looking for you know solutions, eight hour solutions across the board but I'm just looking for ideas if they're, you know if anybody has had any thoughts about this just maybe making some incremental progress. And you know of course it's, you know I guess it's more concerning when you see three meetings in a row like that. You know it used to be, you could always push stuff out because there was always room and now there's not, so just, just encouraging people to, you know to think about that and if you've got any ideas. I might have one, Research and Data Needs Process Review in September, might be able to push that out for example, but anyway just encouraging you to think about it. Louis.

Louis Zimm [00:21:37] Thank you Mr. Tracy. I think the key is continue communication amongst us all to think about these, these things in advance and maybe come up with a small universe of prospective solutions instead of working right here on the Council floor on this, and I'm just learning how to do exactly that, so that's my intent is to understand these things and to discuss it with other Council members and people of the advisory bodies so we don't get quote unquote 'wrapped around the axle'. Thank you.

Phil Anderson [00:22:19] Okay do we have anything else to come before us? Corey.

Corey Niles [00:22:22] Just, just thanks to the chair. Quick thought on the research and data needs triggered it and, and Mr. Anderson said one of the challenges of the Year At a Glance is looking so far that's it tough and it's not because I'm brain dead, but it's just tough, but the, we put that on there just, we have this let's not lose sight of it. So maybe we need a lose, a not lose sight of it sheet instead of just putting it in the last meeting on the Year At a Glance but a small observation. I think that's why that one was there was so we wouldn't forget about it and get that situation where we didn't have enough time to improve it when it comes around five years from now.

Chuck Tracy [00:22:58] That's, that's I think a reasonable suggestion we might take that into consideration as I'd kind of look out here. You know I look in November and we have this Standardized Bycatch Reporting Methods Review and that's another one of those items that was just put on there as a let's not forget about it, so maybe we can take that approach and see if we can make things look a little better. Okay. Anything else? Mr. Chairman.

Phil Anderson [00:23:26] All right. Well again thanks everyone for the great work. We've had a successful meeting and we stayed on schedule for the most part throughout it. Made a lot of tough decisions and set some courses on some others yet to come and I wish everybody a safe trip home.

Meeting is adjourned.

E. Coastal Pelagic Species Management

1. National Marine Fisheries Report

Marc Gorelnik [00:00:00] That concludes public comment on this agenda item and takes us to Council discussion so I shall be looking for raised hands. It was a great presentation there must be some discussion here. Bob Dooley.

Bob Dooley [00:00:19] Thank you Mr. Vice Chair. I just, I really enjoyed the presentation. I thought it was great and I'm really excited to see that they're looking to industry to help augment these surveys to see what's going on, you know simultaneously with what they're seeing. My experience in fisheries you know has been that when fishing turns off, it turns off coastwide pretty much and it will turn back on just as quick and you can interpret that as no fish or you could interpret that as just a, a condition and that helps verify that by seeing in different locations simultaneously, so I think the use of vessels of opportunity with similar sounding devices could really augment these surveys because the time of day, the weather conditions, all of these things really play a factor in whether you see the fish and that has no correlation to whether the fish are there. Thank you.

Marc Gorelnik [00:01:16] Briana.

Briana Brady [00:01:19] Thank you Mr. Vice Chair. I just wanted to recognize Dr. DiNardo for coming up to give the presentation and going into the details about what needed to be corrected and why. I also wanted to comment and recognize the aerial survey comments that he made at the end and I do look forward to working with the center and the State of California and CWPA this coming year to work toward including the aerial survey in the upcoming benchmark assessment as much as possible.

Marc Gorelnik [00:01:53] Any other discussion on this agenda item? I'd simply like to say I sympathize with the Science Center at the difficulty and expense of, of increasing the survey to catch the inshore areas, however I'll also say that we know that the coastal pelagic species, sardines in particular are very important for the recreational fisheries in Southern California and the recreational fisheries in Southern California, while they don't exclusively rely on live bait, largely rely on live bait and the value of that fishery is nearly as much as the entire Washington commercial fishery, so it's expensive but it's supporting one of the largest pieces of economic activity that we manage, so I just want to make that point. And if there's no other discussion I'll turn to Kerry and see how we're doing?

Kerry Griffin [00:03:00] Thank you Mr. Vice Chair. There's no action under this agenda item, so if there's no more discussion then you have concluded your business.

2. 2019 Exempted Fishing Permits (EFPs) –Final Approval

Marc Gorelnik [00:00:00] Well that concludes public comment and brings us to Council action which is to approve or not these two EFP proposals and keeping in mind that we're not sure how many fish we're going to have to deal with, so let's start with any Council discussion. Briana.

Briana Brady [00:00:21] Thank you Mr. Vice Chair. On your last comment about whether or not we'd have any fish under the next agenda item for tomorrow for CPS, last year when we were in the same situation I believe that the Council just approved the EFP proposals and then the actual approval of the tonnage came under that agenda item for sardine.

Marc Gorelnik [00:00:44] I think that's an excellent way to go this year as well. So discussion? Motions? Miss Brady.

Briana Brady [00:00:56] Thank you Mr. Vice Chair I have a motion if you need one at this time?

Marc Gorelnik [00:00:59] I would love one.

Briana Brady [00:01:02] I move the Council approve the two exempted fishing permits from agenda item E 2 attachments one and two.

Marc Gorelnik [00:01:11] Is there a second? Seconded by Michele.

Briana Brady [00:01:16] Thank you.

Marc Gorelnik [00:01:16] Please speak to your motion.

Briana Brady [00:01:18] Both EFP's will help to provide information for biomass to fill data gaps that exist in the nearshore area for CPS. This is research that will help improve data sources for assessing CPS stocks and as I stated before we would actually approve the tonnage tomorrow under sardine.

Marc Gorelnik [00:01:37] Okay great. Thanks very much. Are there questions for the maker of the motion? Bob Dooley.

Bob Dooley [00:01:43] I would second it.

Marc Gorelnik [00:01:45] Oh it was seconded by Michele.

Bob Dooley [00:01:46] Oh it was I didn't see that. Okay.

Marc Gorelnik [00:01:49] So now are there any questions before we move on to discussion? I don't see any questions? Is there any discussion on this motion? Michele.

Michele Culver [00:01:58] Thanks. I just want to echo my support for these EFP's and commend both Mike Okoniewski and Diane Pleschner-Steele and members of the industry as well as the Southwest Fisheries Science Center for these collaborative efforts. I think the Council, the advisory subpanel and the management team as well as the center, we've all kind of struggled with what's the best available science and are we getting it through our survey efforts which are limited in scope and so I, I commend them for working together and trying to help us have an improved idea of the biomass that's out there.

Marc Gorelnik [00:02:51] Thank you Michele. Is there further discussion on the motion? Louis Zimm.

Louis Zimm [00:02:56] I would like to... Thank you Mr. Vice Chair. I would like to echo Ms. Culver's comments and especially compliment the people involved on their innovative and cooperative approach to different situations and conditions in the various fishery areas. I think this is, fits right in with our hopes and plans to do adaptive research and to mold your research to, to what conditions there are on the ground, and I also especially appreciate bringing in the captains. They are the people that have that longtime experience. I know when I was a research vessel captain I was always trying to reach out to the, to the people that are out in the field all the time doing that Pacific work. When you do research work you often have to be a jack of all trades and a master of none and so thank you very much.

Marc Gorelnik [00:04:06] All right. Any further discussion on the motion? Seeing none I'll call the question. All those in favor say 'Aye'.

Council [00:04:13] Aye.

Marc Gorelnik [00:04:14] Opposed No? Abstentions? The motion passes unanimously. Is there any further discussion from the Council on this agenda item? I'll turn to Kerry and see how we're doing?

Kerry Griffin [00:04:30] Yes thank you Mr. Vice Chair. That concludes your action on this agenda item. Pending tomorrow's outcome of E 3 we'll draft up a transmittal letter to send to NMFS with the recommended approval from the Council.

Marc Gorelnik [00:04:45] All right thanks very much.

3. Pacific Sardine Assessment, Harvest Specifications, and Management Measures – Final Action

Marc Gorelnik [00:00:00] We've got a lot of thoughts there to discuss. So this is our action before us you want to run run us through that Kerry.

Kerry Griffin [00:00:08] Sure. Thank you Mr. Vice Chair. I'd be happy to do that. Your action broken down is up on the screen. Your task is to adopt the Pacific sardine assessment and the overfishing limit. Number two is to select a P star and corresponding ABC value and an annual catch limit. The Council if so chooses could also adopt an annual catch target or ACT specifications and management measures, and then number three is to adopt incidental catch allowances for CPS and non CPS fisheries and just as a reminder this is for the fishery that starts July 1st of this year and there there, there are a couple of things that are pending, one would be the overfished declaration from the National Marine Fisheries Service once the assessment is finalized and you heard some information about that in the NMFS report, and then also amendment 17 which is the CPS FMP amendment that removes the pre-determined 15 percent incidental landing limit in live bait fisheries is scheduled to be approved by the secretary on June 20th I believe, so if that schedule holds that would be in place at the beginning of the fishing year. So as you craft your thoughts and perhaps a motion, well let me back up, I guess there's the chance that it wouldn't be approved for some reason and so you might want to think about some contingency, you know to operate under the current FMP if, if there's some delay in amendment 17 approval but other than that it's probably safe to bet that both that and the overfishing declaration would occur sometime before July 1st. Yeah so that's my guidance.

Marc Gorelnik [00:02:09] All right thank you very much for that Kerry. So now I'll look around the table for discussion and, and or a motion. Whatever your pleasure is. Briana.

Briana Brady [00:02:24] Thank you Mr. Vice Chair. If you need a motion at this time I can offer one.

Marc Gorelnik [00:02:30] Well I didn't see the hands for discussion so let's go forward with the motion and we can discuss that.

Briana Brady [00:02:36] Sandra if you have what I sent you, please display it. Thank you Sandra. I move the Council adopt the Pacific sardine assessment and overfishing limit of 5,816 metric tons for the 2019 2020 season as listed in agenda item E 3 Supplemental CPSMT Report 1, table 2, a P star of point four, an ABC of 4,514 metric tons, an ACL equal to ABC and an ACT of 4,000 metric tons as listed in Agenda Item E 3 Supplemental CPSMT Report 1, table 2. A 20 percent incidental catch allowance for the primary directed commercial fishery. Directed take for the live bait fishery without incidental limits should Amendment 17 to the CPS FMP not be approved before the July 1, 2019 start date then live bait would be limited to 15 percent incidental take for other CPS offloads until Amendment 17 is approved. An incidental per trip allowance of 2 metric tons of Pacific sardine in non CPS fisheries. A per trip limit of 1 metric ton of Pacific sardine if a live bait fishery attains 2,500 metric tons. If an ACT of 4,000 metric tons is attained, a 1 metric ton per trip limit of Pacific sardine would apply to live bait, and then 1 metric ton per trip limit of incidentally caught Pacific sardine would apply to the primary directed fishery. And I believe that there was a correction. In number 2 you need, please specify metric tons. Thank you.

Marc Gorelnik [00:04:37] Thanks for that Briana. Does the motion appearing on the screen accurately reflect your motion?

Briana Brady [00:04:43] Yes. Thank you.

Marc Gorelnik [00:04:44] All right. I'll look for a second? Seconded by Louis Zimm. Please speak to your motion?

Briana Brady [00:04:54] Thank you Mr. Vice Chair. I wanted to say thank you to the Southwest Fisheries Science Center and to the stock assessment team for completing the sardine stock assessment under a very limited time frame. The SSC subcommittee held a review of the updated stock assessment and the full SSC reviewed the updated stock assessment and the update was found to be within the terms of reference and was accepted for management by the SSC. The SSC discussed the various forms of uncertainty as associated with sigma and provided us with a range of P star and ABC values under the Tier 2 category and as the Council has used a P star of point four previously, I see no need to change it at this time. With the enforcement of live bait now recording take by etix in California and with the relatively slow rate at which catch will be landed, management uncertainty is greatly minimized, therefore proposing a 500 ton reduction from the ACL will allow for a sufficient catch target should it be needed for directed take a live bait or incidental take in other fisheries to minimize disruption to various economically important fisheries while avoiding overfishing. With sardine likely being declared overfished, the CPS FMP allows for a 20 percent by weight of incidental catch in the large scale 3. Additionally the MT and AS statements outline accountability measures to account for management uncertainty as catch reaches certain limits which are included in the motion. And as far as the stock potentially being declared overfished, I believe a discussion under future agenda planning would be needed to start the process for rebuilding plan.

Marc Gorelnik [00:06:46] Thank you Briana are there questions for the maker of the motion? Michele.

Michele Culver [00:06:50] Thanks. Actually could you scroll so we could see the end of the motion. Thanks.

Marc Gorelnik [00:06:57] Discussion on the motion?

Chuck Tracy [00:06:58] Kerry.

Marc Gorelnik [00:06:58] Kerry.

Kerry Griffin [00:07:04] Thank you Mr. Vice Chair. Just a question to clarify. Under number 3 where it reads a 20 percent incidental catch allowance for the primary directed commercial fishery. That's referencing an FMP requirement, I get that so I just want to confirm that when it says primary directed commercial fishery you're talking about CPS, other CPS fisheries, so if you're fishing for anchovy you're limited to a 20 percent sardine incidental landing. You're not referring to the sardine directed fishery?

Marc Gorelnik [00:07:36] Briana.

Briana Brady [00:07:36] Thank you for the question. Correct.

Kerry Griffin [00:07:40] Thank you. And then just for my own edification regarding the various management measures. Those are all consistent with the, or are they all consistent with what is in the CPS Management Teams Report?

Marc Gorelnik [00:07:55] Briana.

Briana Brady [00:07:56] Thank you for the question. The CPS Management Team Report and AS

Reports were slightly different and so I focused from the management team report.

Marc Gorelnik [00:08:04] Any other questions for the maker of the motion? See some NMFS discussion going on. Maggie.

Maggie Sommer [00:08:15] Thanks Mr. Vice Chair. Just following up to make sure I'm clear on the question Kerry asked. This would not affect the minor directed sardine fishery that was allowed under amendment 16 for small scale fisheries. Is that correct?

Briana Brady [00:08:35] Thank you for the question. Correct.

Marc Gorelnik [00:08:40] Any other questions for the maker of the motion or discussion on the motion? Louis Zimm.

Louis Zimm [00:08:54] Thank you Mr. Vice Chair and thank you very much for the motion Briana. I believe that this reflects our need to have a reasonable and prudent measures to respond to the situation in the sardine fishery. I understand that the management plan requires the number three, the 20 percent incidental catch allowance for primary directed commercial fishery to be enacted and this is a very hard pill for me to swallow. I really appreciate all the National Standards. National Standard 8 as we all know but should always keep in mind and perhaps review. Take into account the importance of fishery resources to fishing communities by utilizing economic and social data, data that meet the requirements of paragraph 2 et cetera, so it is with a heavy heart that I feel that we're not taking to account enough Number 8 but I see that we're restricted to, to do this, this matter of number three and I will be supporting the motion.

Marc Gorelnik [00:10:23] Thank you Louis. Are there any further discussion around the table? Maggie.

Maggie Sommer [00:10:30] Thanks Mr. Vice Chair. Thank you Briana for the motion. I also would like to speak in support of it and make a few comments about my rationale for why I'm supporting it. I also want to recognize the pretty intense work that's gone into all the information we received today from the Southwest Science Center and our advisory bodies and everyone who came to provide really valuable information in public testimony. I appreciate the efforts there. I also wanted to recognize and note that I share the view of the importance of the ecosystem role of sardines as well as other coastal pelagic species and also that the sardine stock is certainly driven by ecosystem and environmental factors. We know that recruitment is variable and total mortality is high and fishing mortalities a very small component of the total noting that recent U.S. landings have been in the range of twenty one hundred to twenty four hundred metric tons compared to the estimated age 1 biomass of the Northern subpopulation of 27,547. Thinking about those numbers I'm keeping in mind the very long term historic perspective on the stock and the range through which its abundance can swing even in the absence of fishing. Based on what I've seen I don't believe that fishing caused the current low stock size or productivity and fishing at the rate we have seen in the past few years is not hindering the stocks ability to rebound. I think the harvest specifications and management measures as proposed already contain a high level of precaution and just wanted to note that I believe setting the ACL equal to the ABC under the current circumstances is sufficient to prevent overfishing. I do note that concerns that were raised about the relatively high exploitation rate in Mexico in the past few years but also that we want to remind us that the U.S. exploitation rate for the Northern subpopulation is calculated and the assessment has averaged 11 percent since 2005 had been very low since 2015. Also relating to a lot of discussion we've had and public comment we've heard and gone over at length the reasons we might be underestimating biomass particularly the inshore component and in particular in my mind the California aerial survey provides, I would say at this point supporting information that leads me to agree with a view that the

acoustic transect survey is certainly a relative index only and what we are looking at probably a very minimum biomass estimate. So given all this I think while further curtailing fishing mortality doesn't seem likely to help the stock, it does seem likely to hurt the fishing communities as we've heard today in public testimony. So again I, I think that where we have landed and what's proposed in this motion is the, the best approach at this point. And finally I do you want to just come back around again to the environmental conditions. We know that during the long view of history the sardine stock has existed within a very wide range of environmental conditions and we also know that we're seeing changes that are unusual in our own human scale timeframe of reference now and that there's good reason to expect continuing changes in conditions and perhaps increasing rates of change. As was noted during public comment there's probably complexity to the stock dynamics that we don't fully understand now and our ability to predict its response in future conditions is limited. So given the importance of environmental factors and the low sardine productivity we've seen in recent years I do concur with a recommendation to moving forward, re-evaluate the CalCOFI based temperature index as just one element of improving the information we have in our understanding of the stock of the species and improving our confidence that we aren't using assumptions that don't match reality. So thanks again for the motion and thank you to everyone for public comment. I guess I would reiterate a very good comment I heard in our delegation this morning that we all want to get to a better place. We all want to see the sardine stock rebound to levels that meet fishery needs and ecosystem needs and I think this, this supports us at this time in doing so. Thanks.

Marc Gorelnik [00:15:20] Thank you very much for that Maggie. Pete.

Pete Hassemer [00:15:26] Thank you Mr. Vice Chair. First I do agree with the statements by Ms. Sommer on this I also want to speak in support of this. It's a very serious issue consideration when we look at the status of the stock, the trajectory it's been on and supporting it, I go through a lot of careful deliberation on why we get to that point or why I get to that point of supporting it. As we went through this maybe I'd just express one of my frustrations or criticisms as I look at what happened in the past at the landings between, there's a California Report 2, the management team report and then in the assessment there's four different tables and I get four different values for U.S. landings across the past four or five years and trying to sort out what's happening, but an important thing is they are consistent. Now in one of those the California Report is only California landings, but the California landings are for those years are greater than the total U.S. and British Columbia landings in the same year, so I'm not sure what's what's happening there. Maybe a constructive piece of it is next year there will be a full assessment and we might get one table that documents what the landings are. The important point from that is regardless of which values I pick across the past four years, the catches have been very constant and that was stated in the California Report 2, so as we look at what's being proposed in the recommendation here and with, excuse me an ACT of 4,000 metric tons, what the catches have been over the past four years and by my calculations it's in the two thousand to twenty five hundred metric ton range that this is, the catches are likely to be substantially below that and the bottom line is I don't see how this recommendation would create a condition of overfishing or lead to overfishing. Overfishing is different than overfished and I understand the process and that definition but this is a very safe and a very conservative step to go through that allows those fisheries to continue. I agree with the third one, the 20 percent incidental catch limit is very restrictive, but that might be what we're bound to. But in supporting it, it's because this does not in my mind lead to overfishing of the stock and even if I take a more global view and include what goes on in Mexico and British Columbia's a very small component, but catches are highly variable I think in the Mexican waters based on what I've seen in the report. We don't know what's happening there but these catches again are so small under the current situation that I don't see this, this management regime as leading to overfishing so I'll support that. Thank you.

Marc Gorelnik [00:19:14] Thank you Pete. Michele.

Michele Culver [00:19:18] Yes thank you. Agree with the comments that have been expressed by the other Council members and I am supporting the motion as well. Just wanted to add a couple of other thoughts. I do also believe that the scientific uncertainty is captured with the Tier 2 aspect of the stock assessment and the assignment of the new sigma value based on the Council's decision at the March meeting. In addition to having the average landings for recent years being considerably lower than what we have set for the ACT giving me some comfort that the risk of overfishing is, is extremely low. I also want to commend CDF and W for the work that they have done and in requiring fish tickets for their live bait fishery and moving to electronic fish tickets in July of this year. I think that will provide us with a much improved catch accounting mechanism and we'll be able to track the catches in that fishery much faster than we are now. In addition to that I also agree with the public comments that we received relative to the need to develop some survey methodology for the inshore area. I agree there's, there's a lot of fish out there that are not being captured in our current survey and hopefully the collaborative efforts through the EFPs that we approved yesterday will help us get closer to a better estimate of abundance. And then finally I want to acknowledge the Quinault Indian Nation for not requesting a tribal set aside at this time. I understand it is your treaty right to have a directed fishery for sardine but I sincerely appreciate the, the decision, your decision to not have a tribal set aside at this time. Thank you.

Marc Gorelnik [00:21:48] Thank you Michele. Kerry.

Kerry Griffin [00:21:52] Yes. Thank you Mr. Vice Chair. One more point of clarification. I don't know if this would require an amendment or not but under number 6 it reads a per trip limit of 1 metric tons of Pacific sardine if the live bait fishery attains twenty five hundred metric tons. Assuming that the intent is for that 1 metric ton limit to apply only to the live bait fishery, I think it might be helpful to clarify that, that if the live bait fishery attains twenty five hundred or insert or somehow put on the record that, that would apply only to the live bait fishery.

Marc Gorelnik [00:22:29] Briana.

Briana Brady [00:22:33] Thank you Mr. Vice Chair. Thank you Kerry for pointing out that clarification. That's the intent.

Marc Gorelnik [00:22:40] So just to clarify for the record, under number 6, that 1 metric ton trip limit would apply once the live bait fishery, would apply to the live bait fishery once it attains twenty five hundred metric tons. Just to clarify the record. Bob.

Bob Dooley [00:22:59] Thank you Mr. Vice Chair. I just wanted to echo the comments of fellow Council members there that I agree with all of them and I appreciate the work that the advisory panels and the industry and agency has done to get us here. I'm a little disheartened as many have said that we're getting to this point particularly with all the evidence we've been presented with that there's a lot of fish in the inshore waters. I heard yesterday from Dr. DiNardo about the expense and it's going to cost a lot to survey these inshore waters and I would submit from what we've heard in the testimony it's going to cost a lot not to do it. There's a lot of value there and there's a lot of communities and fishermen at stake in industry and I think it needs to be done, but I've, I've also seen a path forward. Industry's shown up big time. There's been a lot of data presented in the last month or two demonstrating how much fish is out there. Those are vessels of opportunity. They don't cost much. I know there's ways to get to this and we should explore them. We should include industry in this stock survey the best we can to get where we need to go to show the fish that are out there and I don't think, I'm not hearing fishermen

in general saying they just want more fish. I think what they want is accuracy and I think where we get to ultimately if we incorporate some collaborative process we get the trust and trust is huge, so thank you.

Marc Gorelnik [00:24:41] Thanks Bob. Any further discussion on the motion or any clarifi...further clarification? Brad.

Brad Pettinger [00:24:47] Yeah thank you Mr. Vice Chair. I'll just follow with what Bob had to say. It's really great to see the work that Cal Fish and Game is working with the fleet. I think I look at this fishery and after hearing the testimony today and what I've heard earlier than that at previous Council meetings it seems like this fishery is kind of where the groundfish fishery was maybe 30 years ago and I think that we're better off with the groundfish fishery because of the work that the industry did over the science, with the Northwest Science Center getting things up to, up to where they should be and I think that you won't get out of this overnight, but I would encourage you to continue and I would hope the, I would hope that the, the agency now would embrace the fleet and we think that the very best information you can get from the fisheries is when you have the fishermen included in that. I would just hope that would, that you guys move forward and I hope you continue on and make this fishery better in the future. Thank you.

Marc Gorelnik [00:25:47] Thank you Brad. Any further discussion? I'm not seeing any so I think I'll call the question. All those in favor say 'Aye'.

Council [00:25:58] Aye.

Marc Gorelnik [00:25:59] Opposed no? Abstentions? The motion passes unanimously. Council wish to address anything else on this agenda item? Michele.

Michele Culver [00:26:17] Thank you. Just briefly we had some public comment and a bit of Council discussion here but I did want to express some thoughts relative to the use of the term 'overfished', and appreciate that that is the language that is in the Magnuson Act. This Council has sent letters through Magnuson Act proposed reauthorization to propose revise, revising the term 'overfished' to, to 'depleted'. That has not yet occurred but I think it is worth noting that the sardine stock assessment and the status of the stock was reached after four years of, of no directed fishing. So as we anticipate receiving a letter from National Marine Fisheries Service declaring the stock to be overfished I guess I would encourage some flexibility in how that is, is described acknowledging that there has not been a commercial directed fishery for sardine for several years now and while the level of harvest that has occurred during that time period along with several other environmental factors that we perhaps do not fully understand all contributed to removals of sardine that we are in a depleted state.

Marc Gorelnik [00:28:16] Frank.

Frank Lockhart [00:28:19] Perfect segue. Thank you for what I was going to say. Eliminates a lot of what I have to say so yes, the agency in the letter would of course take the testimony received here today and the scientific information we received and in our response would likely make similar points that was just, just made and I would go on to say that when the count, maybe I'll, let me backtrack a little bit, yes that the response to this as stated in the NMFS report, the Council does have to set up a plan to begin exploring the overfished designation and develop a rebuilding plan and Briana was correct the first place that they can do that is looking at future agenda items and scheduling that. It doesn't necessarily have to happen at this meeting because the letter will be upcoming later but it probably wouldn't be inappropriate for the Council to begin thinking about a schedule for developing a rebuilding

plan. So I think I'll stop there. Thank you.

Marc Gorelnik [00:29:40] Thank you Frank. Any further business from around the table on this agenda item? If not I'll turn to Kerry and let us, and let us know how we're doing on this agenda item.

Kerry Griffin [00:29:54] Thank you again Mr. Vice Chair. You have checked all the boxes on this agenda item and I think you've provided some guidance for moving forward once we get the overfished declaration and so that completes your business if there's no other discussion then that completes your business on this agenda item.

Marc Gorelnik [00:30:19] All right. Thank you very much Kerry for your help on this.

4. Central Subpopulation of Northern Anchovy Management Update

Phil Anderson [00:00:01] Okay that concludes public comment on this agenda item. Takes us to our Council task that's displayed up on the screen so we had those three, we had three components that were assigned back in, I think April of 2018, to the Science Center and the SSC. They've provided us some feedback on those. So it's time to provide any additional guidance or responses to the information that they've provided us, response to that request, and if you'd all like to raise your hands at the same time I'll figure out which one to call on....(laughter)...Michele.

Michele Culver [00:01:14] Thank you. I appreciate the discussion and the reports that we've received from the SSC and the Southwest Science Center as well as the team and advisory subpanel on this item and the work that Dr. Punt prepared. In response to the Council's previous discussion and action on CSNA and I just wanted to, to offer a couple of thoughts on the management strategy evaluation proposal. So the halibut MSE started in, in 2014 and it's still ongoing so we're in our fifth year. We have a report that is due in 2021 to the Halibut Commission with some recommendations. We were able to also learn about the sablefish MSE that Canada DFO underwent a couple of years ago and that process took about nine years to complete and there's a considerable value in doing an MSE process. You get the opportunity for stakeholder input and to have some policy discussion and guidance relative to risk and comfort, different comfort levels associated with risk for overfishing, sustaining the stock for the long term, so there's certainly benefit to having the, the policy discussions, the stakeholder engagement. It, it does take a considerable amount of time and dedicated resources to keep the effort going. I'll say in addition to those two MSEs, I understand that the, the JMC is also engaged in an MSE process for whiting that's been going on for a couple of years. The one thing that struck me for all three of those stocks is just how data rich those stocks are comparatively speaking, and so I'll just say for the halibut MSE for example we have an annual survey, an annual stock assessment. The survey has over 12 hundred standard survey stations in it and it has been ongoing since 1965. The Halibut Commission has also been tagging halibut since about 1935. So we have quite a bit of data to work with in the halibut MSE process and yet we still find ourselves with more questions than answers. There's still a lot more that we don't know about the halibut stock that we wish we did in order to improve our management of halibut. So having said that I guess my, in my opinion we're not ready to do that kind of an intensive look on management strategies for CSNA. As we've discussed previously and as was noted here, we're going to be discussing and deciding in June what category to place the stock in and so we're currently even monitoring the stock and so it's, it's hard to see how we could launch upon an evaluation process of our management strategies when we haven't yet even defined our management strategies. So that being said I guess I, I do appreciate the, the work that's been done and I especially appreciate the comments that are in the CPSMT Report about where we are and some proposed next steps.

Phil Anderson [00:06:44] Thanks Michele. Briana.

Briana Brady [00:06:49] Thank you Mr. Chair. I wanted to offer my thoughts in relation to the motion that was put out last year, and this motion was based on the SSC statement from April 2018 in which they had recommended these steps that we take a look at them and so I would really like to express my appreciation that they then came back and provided some of the products that were related to the motion and I'd also like to say that during that timeframe as we were trying to gather additional information on how to move forward with anchovy management that NMFS has put forth a revised OFL that we will see in the next agenda item, so I think that, that too has bearing on this discussion.

Phil Anderson [00:07:55] Frank Lockhart.

Frank Lockhart [00:07:56] A couple of things. I'll just follow up a little bit on what Michele said about the whiting MSE process and a couple of different aspects of it I think are pertinent. One is we actually sort of had two MSE processes that we had, one we did early on and I think that we did not put sufficient thought up front into it and we put the scientific staff I think in a difficult situation on what they were going to provide to us, so they provided a whole bunch of things to us and I learned that we have to be very specific on what we want out of the MSE, and I think we did that in the second round. Secondly, the second round has been pretty valuable to me at least, and I think the reason why it has worked better is not only that we've provided them better guidance as managers but that we have essentially two full time people that have worked on it for almost a year now and we have not yet gotten complete results. We've had some very preliminary results that are interesting, but we're not, I think at the earliest we're thinking that next year we might be able to use some of that information as managers but more likely the following year, so that is with two full time people with a lot of data looking at it. So if we're going to go down that road I think we need to have further discussions, first to address the first part which is what do we want out of it, and then second we need to identify the resources before we commit to that otherwise we are going to flail around for nine years on this and I don't think that would be a useful exercise. Thank you.

Phil Anderson [00:10:02] Thanks Frank. Chuck Tracy.

Chuck Tracy [00:10:09] Thank you Mr. Chair. I guess that keeping with the MSE theme. I guess I would like to point out that the Southwest Science Center is engaged in an MSE of some sort that involves sardine, albacore and swordfish from the California Current ecosystem. I'm not sure exactly what the scope of that process is but it might be helpful to get an update at some point on that and I can't imagine that it would be, the data sources in the, in the industry involvement is probably not a whole lot different between sardines and anchovies on the West Coast so I don't, you know again I really don't know what the scope of that, or the status of that MSE is, but there is, appears to be at least some effort being put towards something along those lines already, so....

Phil Anderson [00:11:18] Briana.

Briana Brady [00:11:20] Thank you Mr. Chair. I have a motion put forward if you would like one at this time?

Phil Anderson [00:11:26] I would. Thank you.

Briana Brady [00:11:31] Sandra thank you. I move that the Council schedule a meeting including the CPSMT, CPSAS, SSC, CPS Subcommittee and Southwest Fisheries Science Center to determine the nearshore estimation methodologies necessary to complement the ATM survey. Review Dr. Punt's analysis of frequency to revisit OFLs and recommend appropriate frequency for CSNA. Develop alternatives for accountability measures that would be triggered at specific stock levels and determine which data to use to analyze whether a trigger has been reached and then report to the Council in November 2019.

Phil Anderson [00:12:12] Okay thank you and the language on the screen accurately reflects your motion?

Briana Brady [00:12:20] Yes it does. Thank you.

Phil Anderson [00:12:22] And is there a second? Seconded by Marc Gorelnik. Go ahead and speak to your motion please.

Briana Brady [00:12:30] Thank you Mr. Chair. The management team and the advisory subpanel and the SSC have reviewed the materials under the E 4 agenda item and the review by the SSC of the nearshore extrapolation tells us that they would prefer a sampling approach to address the nearshore issue and that they would also need to further evaluate if just an extrapolation could work. As the SSC states in their report, the analyses give an example of the tradeoffs involved and different frequencies of updating OFL specifications, and in relation to that I think we may want to consider if accountability measures would be needed to, in relation to how long an OFL might be in place and if we would need to implement additional measures. Both the MT and SSC statements indicate that with additional discussions we could extend the work presented underneath this agenda item in a way that could help determine appropriate science and management. The white paper also described potential next steps including a full MSE and an MSE light. I think that this approach that I'm presenting leans towards a somewhat faster process while addressing many of the shared issues that would be considered in a more comprehensive MSE.

Phil Anderson [00:14:00] Thank you. Discussion of the motion? Rich Lincoln.

Rich Lincoln [00:14:06] Thank you Chair. Maybe not a discussion at this point but Briana you could probably help me understand a little bit the last couple of phrases in the motion with respect to maybe some examples of what you're thinking about in the context of developing alternatives for accountability measures and that would be triggered and what those triggers might be? I'm not sure I have a clear picture of what you mean there probably just because my mind's not working clearly but...

Briana Brady [00:14:38] Thank you Mr. Chair and Mr. Lincoln. Well if, if we were to set an OFL that would be revised annually then I think that at that point you wouldn't need a potential check in. The issue that's been described with monitored is that we put an OFL into place and then we don't check in on the stock, even though the management team is monitoring data and deciding whether or not something additional is needed, there has been concern expressed around that. So what I'm looking for is if they come back from this process and say that OFLs can be set at a three year level or a five year level or ten year, would we then want additional check ins and if so what would they be? It might be determined that we don't need additional check ins, so to look into what may be needed depending on how long it would be to revise an OFL.

Phil Anderson [00:15:44] Michele.

Michele Culver [00:15:47] Thanks. I was going to speak in support of the motion. I think it, it does follow the recommendations that we heard in particular from the CPS Management Team and response to the information that the SSC provided and in their report. I will say that there were a couple of slides in particular relative to this agenda item that stood out to me in Dr. DiNardo's presentation yesterday on the Southwest Fisheries Science Center Report. One was the slide that showed you know the peaks and valleys and, and how it really matters when and where you are doing your survey relative to the amount of fish that you see and it could be a boom or bust situation. The other thing that I noted in his presentation was that it sounded like they, the Southwest Center was also doing a review of saildrone and that we were going to get a report on the utility of saildrone, and I, I didn't make note of the date but I thought it was sometime later this year, so that information I think would be useful for us relative to further discussing

and consideration, considering the nearshore estimation methodologies. The other thing that I noted in his presentation was that, that the, the survey, in looking at the 2017, well 2016, 2017 and 2018 surveys and use of saildrone versus not having saildrone and there were still some area that a saildrone was not able to cover in the inshore. So the Lasker was able to come closer to shore and so the area surveyed by saildrone was much shorter but still there was still some area that saildrone was not able to access, so I appreciate that one of the outstanding questions is the the nearshore estimation methodologies and what do we do to account for the, the unsurveyed area and also in the presentation we received today, is there anything that we can do, perhaps even partnering with industry on some collaborative research projects to reduce the, the CV associated with saildrone, I think that would be a helpful exercise. In reviewing Dr. Punt's analysis of the frequency, the SSC had some specific guidance in, in their report as feedback to Dr. Punt to further refine that, so I think it would be good to, to do that review. And as was noted in the SSC report, the frequency for revisiting OFLs for CSNA are directly tied to, to risk and so the, the longer you go the higher the risk. I think it would be helpful to have that discussion. I, I think in general the, the Council, the fishery has been comfortable with how we're managing anchovy, are monitoring anchovy, whatever phrase you want to use, I think we're managing anchovy. Because we have our catch limit set at a level that accommodates the level of harvest that has been occurring, and we set our catch level significantly lower than, than the OFL, so even though there's a, a 75 percent buffer between the OFL and our catch level and that catch level is set relatively low, all of our collective harvest has been below that catch limit which I think has given us some degree of comfort and I think the questions that have been raised here is that if we're, if we're monitoring catches and we're doing our best to monitor the, the biomass, at, at what point would there be a signal that, that something's wrong and that some more hands-on management needs to occur, and, and so it's, it's monitoring but it's monitoring to, to what end? What are you going to do with that data that you're collecting through your monitoring? And so I really appreciate this, this last part of the motion which is what I think is exploring what's the appropriate specific stock level that you may want to have a trigger in place, and what are some alternatives for some accountability measures that would need to kick in at that point. I think it's very similar to the discussion we just had on, on sardine and the sardine assessment.

Phil Anderson [00:22:11] Thanks Michele. Louis Zimm.

Louis Zimm [00:22:16] Thank you Mr. Chair and thank you Michele for your comments. That cleared up a lot of my questions, having seen this for the first time I wasn't, I was very unsure and you gave the background for that I really appreciate it, but the one thing I see missing here is a discussion or mention of the MSEs. I'm going to ask the maker of the motion to clarify why MSE is not mentioned?

Phil Anderson [00:22:46] Briana.

Briana Brady [00:22:46] Thank you Mr. Chair. Thank you Mr. Zimm for the question. In developing this motion we had quite a bit of discussion with stakeholders about what an MSE actually is and what that means to folks and I believe that the result of that discussion played out here on the Council floor somewhat in that we can have an MSE as short as six months and then we can have a very long MSE, so I'm just trying to look at what's needed right now to move us forward and to find a more succinct way to do so and part of this motion was recommended in the SSC statement, it's the second to last sentence, and getting these groups together to talk about how to further develop the materials they provided.

Phil Anderson [00:23:48] Maggie Sommer.

Maggie Sommer [00:23:49] Thanks Mr. Chair and Briana thank you for the motion. Maybe following up on the question Mr. Zimm just asked and your response to it. I appreciate the specificity there. I, I am certainly agree that an MSE would be a great way to address some of the questions about what's the most appropriate management of the stock and I also share the hesitation about getting us into a very intensive multi-year process for it, and so I was viewing this as focusing on some of the most important issues at least first as a start. You know I think some of the key questions about this are, or key questions we would have are, are at, at what point, at what stock level or at what point would we have a concern? Would we want to trigger different or put into place harvest control rules or trigger different management responses and so I think I see this as trying to really focus in and maybe an MSE light of a sort I think different than was described in Dr. Punt's paper but to get us some actionable results a little bit sooner than jumping into a more full MSE would do.

Phil Anderson [00:25:19] Other discussion on the motion? I would just offer that I really appreciate the motion. How it's constructed. I think it gets at the three points of furthering exploration of how to estimate the proportion of the resource that's in the nearshore area. I think the analysis of frequency to revisit OFL and recommend the appropriate frequency back to us will be very useful. The accountability measures that are specified in the motion I think get at some of the issues that are associated with the monitored statu... or the concerns about it being in the monitored status, and I for one am happy that I don't see MSE in the motion because I don't think we're ready to go down that road from several different perspectives and if someone has, knows of a six month MSE I've yet to hear about it but maybe it's happened. So I think this really gets at the central points and concerns and outstanding questions and is a good next step for us to take. Any further discussion? I'll go ahead and call for the question. All those in favor say 'Aye'.

Council [00:26:56] Aye.

Phil Anderson [00:26:56] Opposed no? Abstentions? Motion carries unanimously. Kerry let me turn back to you we, among the tasks that we had was to consider the materials that were provided back to us on those three tasks that we assigned back in April of 2018 as well as considering the advice from our team and our advisory panel and members of the public. We have taken this action. What additional actions do we need to consider if any?

Kerry Griffin [00:27:45] Thank you Mr. Chair. Yeah I appreciate it as well. I think the motion and the discussion provides good guidance to staff and the advisory bodies and the Southwest Center, so I think that concludes your business here. We will get together with the team, not the management team, the bigger team and, and start thinking about, you know when, where, who, how, those sorts of things you know with an eye towards November of this year. So I feel like we have good guidance and I appreciate that.

Phil Anderson [00:28:21] Thank you. Anything else from my colleagues on this agenda item before we close it out? Okay.

5. Central Subpopulation of Northern Anchovy Litigation Response

Phil Anderson [00:00:00] That concludes public comment on E 5. Takes us to our Council action which is to consider the proposed rule. Provide comments as necessary. Michele.

Michele Culver [00:00:21] Thanks. I just wanted to offer some some thoughts on the proposed rule and the advisory body reports and the public comment. I don't disagree with the utility of the Council considering a plan amendment to address the active and monitored stock categories and I believe that is an agenda item we have scheduled for our June meeting and not an action in front of us today, so I appreciate the comments. I think the Council has had some discussion about that in the past and we have scheduled a dedicated agenda item for that consideration in June. Similarly under the last agenda item, I think, certainly from from my perspective that the Council was looking at what would be appropriate for long term management for anchovy and there was some additional information that we wanted to get some advice on and we recommended that there be a meeting of our advisory bodies to address those specific questions that would help inform our decision on an appropriate long term management, so to the extent that the Council is considering providing comments to NMFS on the rule, I think it's important to capture those two points in the comments. Specific to the proposed levels that are noted in the proposed rule, I, I was surprised that using their method, I mean they came very close to the other method that we examined and discussed that was developed by Dr. Punt. The numbers were not that far off in the, and the results of what we had looked at, had been using in the past and the three year average that's in the, in the proposed rule. I am interested in, in, certainly in using the the best available science and as recent information as possible, I also to, to inform our decision making moving forward on anchovy, but I also think that there's some important feedback that we're hoping to get through the meeting that we proposed under the last agenda item that would help us decide what exactly is the best available science and the best approach to take especially for the nearshore area that is currently not being covered by the survey. So I'm not looking to have the values in the proposed rule set in stone and never look at anchovy again. I am hoping that we do get the meeting scheduled and organized with that we proposed and get a report back from those groups in November and that, that will help inform what our next steps are relative to the status determination criteria in the proposed rule.

Phil Anderson [00:04:28] Other comments? Rich Lincoln.

Rich Lincoln [00:04:34] Thanks Chair. I think I certainly think Michele's covered some of those ideas fairly well, I just, maybe just more specifically I think the characterization from which just reinforces some of the things that Michele just said that the characterization from NOAA that this would be an adequate long term OFL, I don't think there's any evidence that that's, that we've had in our discussions that, that probably having a long term OFL that isn't somewhat responsive to changes in resource status or abundance probably doesn't make a lot of sense in the context of the discussions that we've had or the advice that we've had both from advisory committees and some of the public testimonies so I think it's, you know for the rule to feel like it is sitting on some concrete foundation it seems like it almost would need to assume that there's, you know some follow up process that addresses some of those issues.

Phil Anderson [00:05:49] Other comments? Louis Zimm

Louis Zimm [00:05:53] I think I may have mentioned this earlier in the week. I really do appreciate....thank you Mr. Chairman, Rich's restating that we are not looking at this rule as a long term and we're going to do our our best to, to further a better solution. I think it's quite clear that, that NMFS was under a very short timeline and had to come up with a reasonable alternative. It may not be the best alternative and that's what we're going to try to do is to come up with a better alternative that we can

use as a long term, so Rich I really appreciate your comment and I hope that nobody thinks that this is going to go on for a decade or something. Keep it keep it, short term. Thank you.

Phil Anderson [00:06:52] I have a few thoughts. My first one is I, it's very unfortunate that we find ourselves in this situation of having to comment on a rule with such short notice. I understand that, that is not of our making and that the court has ruled and final rule needs to be in place in a relatively, not relatively, it's just a very short timeframe and so our opportunity to fully consider what's in the proposed rule is abbreviated in a great way and limits I think our ability to, to fully consider what's in that proposed rule and the type of comments or changes we might want to recommend. This is a extremely important resource, among the most important to the ecosystem and we need to make every effort to ensure that we're caring for it to the best of our ability. I think the conversations and deliberations that we've had including going back to the April 2018 assignment that we asked of the science center and the SSC, the extensive discussion that we had under agenda item E 4, just the previous agenda item, demonstrates the Council's commitment to making every effort to manage this resource effectively and in recognition of its important to the ecosystem as well as a number of fishing operations that depend on it. I think the, I do not agree that this is a adequate long term solution to this problem and I think the Council is, through its actions today and previously and, and what we have agendized in future meetings, the June meeting for example on dealing with the question of active versus monitored, it's a demonstration that we intend to move forward using the best information that we have and making modifications in our harvest policies as appropriate and as the information and dictates as we move down the road over the next year or so, but despite our best intentions the fact of the matter is that in the absence of taking some alternative action this rule would stay in place and I think that is a concern for me and if there is putting some sort of a timeframe on which this would be in place that then ensures that the Council deals with this and, and either reaffirms that this is the correct rule in terms of OFL or modifies it based on the information we get in a subsequent deliberation I think is important and I think it makes this rule very vulnerable to have it structured in the way it is and leave it out there with the potential of it being there for a long period of time. I am struggling with what as a Council we should do under this agenda item. I mean we can, several of us have expressed our, our maybe some concerns that we have with the proposed rule and NMFS can take that into consideration as they move forward prior to finalizing the rule. Whether or not we want to make, provide comment to them in an, in an official way from the Council as a whole I think is a question I have in my mind and I'm not sure what other, what my colleagues around the table are thinking in that regard. Frank.

Frank Lockhart [00:11:50] Just a couple of comments. I didn't really go over in detail the rule but maybe I'll bring up a couple things that are in the rule. So the rule itself actually says we propose to implement the new OFL, ABC and ACL and these would be in effect beginning in the 2019 fishing year and that would remain in place until new scientific information becomes available to warrant changes. So, so I agreed with what Michele was saying, so under the previous agenda item we approved a process where a lot of these questions are going to be explored and further scientific information will be presented to the Council and I think it would be perfectly appropriate if that information reveals an issue with the rule that will be, well it differs with what comes out in the final rule, that it would be perfectly appropriate for the Council to recommend changes, so what I was saying, I, I get the sense that my response to Rich cued some of these comments and so what I was saying I think we, I was just agreeing or recognizing that this will be in place until changed and so we, we think that what we have done here is conservation minded and will prevent overfishing but we were not in any sense saying ignores new science and leave it in place indefinitely, so I think the Council could, well the process that we set up under the prior agenda item I think is perfectly appropriate and we'll give the Council new information to consider whether or not to recommend changes to the current, well to the OFL, ABC and ACL that will be created by this rule.

Phil Anderson [00:13:55] Well at least relative to my comments I wasn't suggesting that NMFS was going to ignore new or better science and leave this rule in place regardless. I mean I'm not at all suggesting that but the fact of the matter is, is it is in place until changed and I think that's one of the concerns that you're hearing from at least a couple of us and frankly I don't want to be expending a whole bunch of energy or having NMFS expend the whole bunch of energy defending and going back to court again having this rule challenged again and, and burning all our time up doing that rather than the real work that we need to do which is to move forward on some of the initiatives that, that we just got through talking about and I'm concerned frankly that, that is exactly what's going to happen if it's left as is. It's just my opinion. So Michele.

Michele Culver [00:15:14] Thanks. So I guess I would propose that the Council provide a comment letter that does provide some more detail about what our proposed process is. To clarify that we have items scheduled on our agenda and planned work that will be done that will help us inform or help inform us what an improved status determination criteria may be for CSNA and that we will be addressing the monitored versus active stock management categories in June and that we have requested that the advisory bodies and the SSC and the Southwest Fisheries Science Center meet and provide us some recommendations at the November 2019 meeting to help address the long term question. I think at a minimum that should be provided in our comments. I think it's also fair to reference some of the comments that we've expressed here relative to the up, updated information I guess that's used to inform our status of CSNA and the appropriate OFL, ABC and ACL and tend, I, I would draw upon the SSCs discussion and the comments that are in their report and the back and forth that I had with Dr. Field just relative to the length of time that what's in the proposed rule remains in place, so he had indicated that through the SSC discussion, essentially the longer timeframe that the values in the proposed rule remain in place. That there should be a recalculation done of a longer time series that informs those values, because your, you want to have as much information as possible given the, the dynamics of the stock and so if you are only using the most recent three years and those have a relatively low degree of variability with those particular years, you're going to want to capture a greater time series, so I do think that some comments along those lines are also fair to consider that are presented in the SSC Report. They did not have anything specific to offer in terms of how long, what's in the proposed rule remains in place, so I guess I would, I would pose perhaps a question to Mr. Tracy as to what is our, in addition to the June and September or June and November expectations that we've got on our agenda, what would be the next opportunity after that for the Council to review CSNA?

Phil Anderson [00:19:35] Chuck.

Chuck Tracy [00:19:42] Thank Mr. Chair, Miss Culver. Well after November it would be the following April is our typical schedule for our next CPS agenda items. We typically don't have CPS in March so I would, that would be my default answer. I am not sure what might be contemplated in terms of a schedule for completing the process that we're going to embark on presumably in, in June and follow up on in November, but it would seem like that would be an important consideration in determining what the potential life of the proposed rule or when it's finalized might be and what the Council might think about in terms of its comments to National Marine Fisheries Service.

Phil Anderson [00:20:45] Go ahead Michele.

Michele Culver [00:20:46] Thanks. So as a follow up to that question then for Mr. Lockhart on what would be the process and the amount of time that it would take if the Council wanted to revise what's in the proposed rule at a subsequent Council meeting perhaps a year from now?

Phil Anderson [00:00:00] Frank.

Frank Lockhart [00:00:00] Think it would be kind of a normal Council process where there is a proposal to change the reference points for anchovy. There would be a, I would imagine a two meeting process. Council would make a final recommendation and NMFS would then act on that recommendation and if we agreed it met all the requirements of the MSA it would be put in to place.

Phil Anderson [00:00:29] Michele.

Michele Culver [00:00:29] Thanks and so with the fishing year starting July 1, 2020, that decision would be, need to be made in April? Is it January?

Phil Anderson [00:00:48] Just..they're going to answer your question I think. Frank.

Frank Lockhart [00:01:10] We think June, if the final decision was made in June then that, we could get it in place in time for January 1.

Michele Culver [00:01:23] So June of 2020 would have it in place for January 1 of 2021.

Frank Lockhart [00:01:28] Correct.

Michele Culver [00:01:29] Thanks.

Phil Anderson [00:01:35] Maggie.

Maggie Sommer [00:01:36] Thanks Mr. Chair. As others have expressed I don't think this is, I don't think they're proposed OFL is appropriate for long term use if it's not based on a long term biomass series. I agree with Michele's recommendation to, to write a letter that captures some of the actions we have taken and, and have scheduled to be taken to move us closer, you know move us toward being able to make a more holistic decision on what we want our anchovy management to look like and I'll note that this falls right into the, one of the items that the, the meeting we proposed under E 4 is taking up which is the frequency of updates to the OFL, and so I, you know I think we certainly want to have that to inform ourselves and I guess having said that if there is Council interest in recommending a specific expiration date to the National Marine Fisheries Service I wouldn't object to that but I, I am not sure, and this is following up on the last discussion, not sure when to recommend that, probably a three year period would be enough but if....thanks.

Phil Anderson [00:03:18] What I'm struggling with is we have the, we have the proposed rule, our, our comments about what we have in the, in the queue in terms of our process to further examine our harvest policies for anchovies is, is fine, I mean they already know what we're talking about, right? We're not going to be telling them anything new and by telling them that it's good except that it doesn't, it's not going to suggest any change in their rule. It's just going to be informative that while we understand the rule is in place until changed and while we, you know and we may want to express some concern about the length, their time that the rule is in place and to bring to NMFS attention that we're going down a path that could lead to a point where we would be recommending changes to, to our approach and to this and as a result to this rule at some future date yet to be of which we don't know, I'm not sure that, that is, I mean if we're trying to pers, persuade them to change what's in the rule, that doesn't do that in my view, it reinforces that actually it reinforces that, that the rule, while it can, it will be in place until changed we're, we're working through a process that may result in that but it's if, if it isn't changed then we still have the situation out there where we've got a relatively short time series that the OFL and ABCs are based on and, and that seems to me to be pretty low hanging fruit for challenge and that's what I'm concerned about. Michele.

Michele Culver [00:06:08] Thanks for your comments on the utility of, of my comments in a, in a letter to, to NMFS and I, I agree with, with what you stated in that those comments would be conveying to NMFS what, what they already know but not necessarily affect what's in their proposed rule and so, and I guess I, I have to say that I am struggling a bit with, with what the Council would recommend actually go into their rule versus what would be part of the Council's process or what the Council's intention would be. That may not necessarily need to be captured in a regulation and so that's, that's what I'm struggling with, given that these are comments on, on the rule. I, I did also note your previous comments and that are in line with the SSC report as well about the process that we find ourselves in and the SSC not having adequate time to, to do a thorough review of what's in the proposed rule and was wondering about potentially not necessarily having a hard expiration date but prescribing a review of what's in the proposed rule by the SSC in June of next year to see whether that would give them more time than what they've had here too have the information that we will get in November coming out of this meeting. We would have another year's worth of survey data. We would have the review report that's being done by the Southwest Center on the utility of saildrone and we could ask the SSC, direct the SSC to do a review of whether or not what's in the proposed rule should remain for the 2021 fishing year or if they would recommend that it be updated with new information.

Phil Anderson [00:08:54] Herb.

Herb Pollard [00:08:54] Briana had her hand up first.

Phil Anderson [00:09:00] Okay Briana.

Briana Brady [00:09:03] Thank you Mr. Chair and thank you everyone for the discussion around the table. In considering the information that was presented in the previous item by the Farallon Institute you can open that presentation and on Slide 3 CSNA spawning biomass time series that ranges back from 1951 to 2017, there's a median SSB of 380,000 metric tons so quite a long time series and I would need correction but I believe that the most recent average that is being used in the rule is very similar to that, very long term average. Just wanted to point that out for consideration in this discussion as to what makes the most sense for OFLs and frequency and when we need to review something. I, I think that what we just did in the previous agenda item should be considered reasonable and adequate for moving forward with anchovy management and we should just allow this rule to give us that time to do it and move forward with what we proposed to do previously and not get so bogged down in what to do with this rule right now and if we feel like we need an immediate change after these coming meetings that we have planned then, then do so then.

Phil Anderson [00:10:48] Herb.

Herb Pollard [00:10:49] Thank you Chair Anderson. Yeah I think one of Michele's earlier comments was, is very much what I feel is that you know we can accept the rule recognizing that it's a short term interim rule, I mean we can say we know that this is, this was done in a hurry and that gives us the time as Briana just said to carry out this, this process to improve our information and improve our approach to the management of anchovy in some foreseeable time, but I don't think we could put a three year deadline or a two year deadline on it, I think that might back us into a corner but that we expect to proceed with a process to improve our management of anchovy and update the information and improve the gathering of information and all the things we've discussed all afternoon. You know I don't think we've got the ability to comment on changes to this rule. I don't think we have the information right now nor would it be timely. I think that NMFS has done a good job of something that we can accept on an interim basis while we work through these other issues and I'd support a letter to, to that effect, I think Michelle said it a little more eloquently than I did but that, that's the way I think we could go and that

doesn't express a tremendous amount of comfort with where we are at this moment or with the rule that just says this is, this is where we are and where we need to go with it.

Phil Anderson [00:12:44] So...Thanks Herb. I had a question for Briana? Would you object to crafting a letter that was along the lines that Michele was suggesting or were you suggesting that we not offer any written comments back to NMFS?

Briana Brady [00:13:08] Thank you Mr. Chair. My first preference would be to not offer comments back to NMFS, however after listening to the discussion here I'm okay to put comments into a letter and to provide that. I, I really agree with what Michele first characterized in that we provide the outline for what our plan was under the previous agenda item and not go into things like the SSC and information that hasn't fully been considered similar to what Herb was just saying. So find him a balance there.

Phil Anderson [00:13:49] So I'm going to just suggest given the discussion around the table that we ask Chuck to work with Kerry and Michele if she wants to volunteer to help craft a letter consistent with the description that Michele provided with the sideboards that Briana just articulated and that we bring that letter back in front of us on Tuesday before we break or, or adjourn our meeting, some, sometime between now and then but probably toward the end of our meeting timeframe to ensure that it is written in a manner that everyone is comfortable with and that it, that I mean that one.... among the purposes of the letter is to put out on the record that we are going through this process to take a careful and make a careful evaluation and make the changes as appropriate to the management policies that we have for this population. Does that meet with people's approval to move in that direction? Yeah?

Frank Lockhart [00:15:32] I'm abstaining.

Phil Anderson [00:15:34] Frank is abstaining. Okay. All right. Any further discussion on this one? Okay? All right so Kerry do you have what you need on E 5?

Kerry Griffin [00:15:59] Yes sir. That was your task to provide guidance and so I will work with Mr. Tracy and Miss Culver and whoever else may be able to help us draft a letter and bring it back for your consideration later at this meeting.

Phil Anderson [00:16:15] Okay so we'll, I don't know if the word is suspend or continue but we will...

Chuck Tracy [00:16:23] Recess.

Phil Anderson [00:16:23] No we're not recessing. You might want to recess but, so we're gonna table this agenda item for now. We'll take it up again and finish it before our meeting concludes on Tuesday. How about that? Does that work? All right.

REVISIT

Marc Gorelnik [00:00:00] We had a leftover item from agenda item E 5 so we're gonna go back to the world of coastal pelagic species and the agenda item for E 5 was the Central Subpopulation of Northern Anchovy Litigation Response and is, do we have a staff officer? I don't want to put Jim in a awkward position there. So Mike yeah you've given your title, you're entitled to be put in an awkward position and I think one of the loose ends we had was to provide comments on the proposed rule as necessary. Under agenda item E5 Supplemental Attachment 4, the Council has drafted comments on the proposed rule and that's been distributed to the Council members after some editing from several Council

members and I guess at this point we'd like to get input from the Council and approval on these comments as drafted if any. Does anyone feel they haven't had enough time to review the comments? Anyone want to provide a comment? Phil.

Phil Anderson [00:01:26] I, I know a number of people weighed in and provided some edits. I thought the Council staff did a great job putting that draft forward and I think it's, I'm supportive of sending the comment letter with the edits that have been provided.

Marc Gorelnik [00:01:46] Marci.

Marci Yaremko [00:01:50] Yeah thank you Mr. Vice Chair. Just also want to send a shout-out to NMFS that we appreciate them getting the rule out as quickly as they did, an opportunity for us to comment. Thanks.

Marc Gorelnik [00:01:59] All right. Is, is everyone around the table comfortable with the supplemental attachment 4 being the Council's response on the proposed rule? I'm seeing nodding of heads. Mike does that conclude our action on this agenda item?

Mike Burner [00:02:20] Thank you Mr. Vice Chair. Just the normal, I hope the Council would have a little bit of editorial flexibility as we turn this into a letter perhaps put a closer on it along the lines of what Miss Yaremko said but yeah I think this will do the job. Thanks very much.

Marc Gorelnik [00:02:33] Yeah I think we're fine with that.

F. Salmon Management

1. Tentative Adoption of 2019 Management Measures for Analysis

Phil Anderson [00:00:01] That concludes public comment. This agenda item F 1 takes us to our action which is to adopt tentative treaty Indian ocean and non-Indian commercial and recreational management measures for STT collation and analysis. We're going to do this the same way we did it in March and that is that we'll start the ball rolling here with motions so we get to get that out, and then as we go through the process if there's guidance to be had as, as we move through the time period between now and our final action on Monday we'll, we'll just do that with guidance without the need of motions, however I would if everybody was really good about if he had changes to make as we went through that you had it in writing and that's, that would be appreciated again, and we also talked about using our SAS Report as our, as the document we'd work from in terms of making motions, so I think last time I started in the South so this time I'm going to start in the North and call on Kyle Adicks.

Kyle Adicks [00:01:25] So I didn't realize we were doing this as motions but Sandra has a document that can be modified pretty easily and I'll talk slowly and hopefully she can make those changes.

Phil Anderson [00:01:40] Sorry it was, I, I didn't get that word to you.

Kyle Adicks [00:01:46] I move to adopt the ocean management measures for non-Indian fisheries North of Cape Falcon. For non-Indian fisheries North of Cape Falcon as presented in agenda item F 1 e Supplemental SAS Report 1 with the following modifications. And we should probably erase that and just put 'tentatively' before 'adopt' at the beginning of that sentence. So I move to tentatively adopt the management measures for non, non-Indian fisheries North of Falcon as presented in agenda item F 1 e Supplemental SAS Report 1 with the following modifications. For the commercial troll fishery in the U.S. Canada border to Cape Falcon in the May 6 to June 8, 28th time period, add language that's highlighted in red here so it will read in the area between the U.S. Canada border and the Queets River, May 6th through May 15th the landing and possession limit is 100 chinook per vessel for the open period, then May 16th through June 28, the landing and possession limit is 50 chinook per vessel, per landing week Thursday through Wednesday. In the area between Leadbetter Point and Cape Falcon May 6 through May 15th landing and possession limit of 100 chinook per vessel for the open period, then May 16th through June 28th landing and possession limit of 50 chinook per vessel per landing week Thursday through Wednesday. And for the commercial troll fishery between the U.S. Canada border and Cape Falcon July 1 through September 30th, delete the line reference referencing chinook landing and possession limit in the area between the U.S. Canada border and Queets River. There will be no chinook landing possession limits to start the summer season in any area. The coho landing and possession limit of 150 for the entire area remains unchanged.

Phil Anderson [00:04:12] Okay your motion is reflected on the screen. Does it accurately reflect your motion?

Kyle Adicks [00:04:19] Yes.

Phil Anderson [00:04:21] Seconded by Rich Lincoln. Go ahead and speak to your motion.

Kyle Adicks [00:04:26] So to put the package before us at a little context the quota levels for non-tribal fisheries North of Cape Falcon are the quota levels that were in alternative 2 from the March package. In that package we put management tools that were targeted at reducing impacts on some stocks of

concern, primarily for some Puget Sound stocks. As the SAS referenced in their presentation, one of those tools was a cap on the spring troll catch in the Columbia River area, so that's the eighteen hundred number that was referenced there. That's a more restrictive cap than has been used in the past and we think that'll provide reduction to impacts on some Puget Sound stocks as well as upper Columbia summer chinook. We also did adjust the, the SAS adjusted the start dates to May 6 based on our earlier discussion. As a result of that there was a need to adjust the landing and possession limits for the first open period. The fishery will now open on a Monday, so we didn't want to have a Monday through Wednesday open period so we just extended that for the first week and a half and increased the landing and possession limit for that time period. Throughout the rest of the week we'll continue looking at some of the other management tools that were in the alternatives that might not be in this package. Things like sub area caps and guidelines for the troll and rec fisheries that we might need to implement to target some reductions on, on particular stocks. This package as it stands now for the first time in several years does not deviate from the Fishery Management Plan so if this moves forward we would not need to implement North of Falcon fisheries by emergency, emergency regulation which would be a welcome change from the recent past. I think that's....the last piece was deleting the landing and possession limit in the summer fishery for the area between the U.S. Canada border and Cape Falcon, particularly U.S. Canada border and Queets River. We had a range of options there for landing and possession limits in different sub areas in the spring and summer. We're removing that limit for the summer fishery from the Queets River North. I think that's all they wanted to say.

Phil Anderson [00:06:53] Discussion on the motion? Seeing none we'll go ahead and call for the question. All those in favor say 'Aye'.

Council [00:07:02] Aye.

Phil Anderson [00:07:03] Opposed no? Abstention? Motion carries. Joe can I go to you next? Okay Joe Oatman for treaty troll.

Joe Oatman [00:07:16] Thank you Mr. Chairman. I move the Council to tentatively adopt for STT analysis alternative 1 for the 2019 north of Falcon tribal ocean fisheries as described in Agenda Item F 1 e Supplemental Tribal Report 1, April 11th, 2019 with the following modification. Coho quota from July 1st to September 15th should be 55,000 coho.

Phil Anderson [00:07:56] Okay. Motion on the screen accurat...the language on the screen accurately reflects your motion?

Joe Oatman [00:08:04] Yes it does Mr. Chairman.

Phil Anderson [00:08:05] Is there a second? Seconded by Herb Pollard. Any....want to speak to your motion?

Joe Oatman [00:08:13] Just really briefly. So the tribes worked to narrow this down to one alternative so that the STT can run this for the model for this evening. For those who may be wondering, this alternate relative to the three that were set upon at March, this would be alternative 2, or the middle option.

Phil Anderson [00:08:52] Just a question. Does, on this chinook, so I'm looking at agenda item F 1 e Supplemental Tribal Report 1, and the alternative 1 has a 35,000 chinook quota. Is that correct? Is that what would be part of this motion is that in.....

Joe Oatman [00:09:14] Yes it is Mr. Chairman.

Phil Anderson [00:09:15] Okay thank you. Discussion on the motion? All those in favor say 'Aye'.

Council [00:09:24] Aye.

Phil Anderson [00:09:24] Opposed no? Abstentions? Motion carries unanimously. Chris Kern.

Chris Kern [00:09:31] Thanks. I move that the Council tentatively adopt for STT collation and analysis the salmon management measures for 2019 commercial and recreational ocean fisheries in the area from Cape Falcon South to the Oregon California border as presented in Agenda Item F 1 e Supplemental SAS Report number 1 dated April 11th, 2019.

Phil Anderson [00:09:55] Language accurately reflects your motion?

Chris Kern [00:09:58] Yes.

Phil Anderson [00:09:58] Seconded by Christa Svensson. Speak to your motion as needed.

Chris Kern [00:10:03] Thanks. I'll be brief. We've got some work to do still through the rest of the week. This will be a start. I'll note that it does contain an adjustment to one of the start dates that had been proposed to address part of the issue with timing that we talked about earlier. I won't go into too much of that but there probably be some more work to do, but it's a start.

Phil Anderson [00:10:22] Okay discussion? All those in favor say 'Aye'.

Council [00:10:27] Aye.

Phil Anderson [00:10:28] Opposed no? Abstentions? Motion carries unanimously. Mr. Kormos.

Brett Kormos [00:10:33] Thank you Mr. Chairman. I move the Council tentatively adopt for STT collation and analysis the proposed Initial salmon management measures for the 2019 commercial and recreational ocean fisheries in the area from the Oregon California border to the U.S. Mexico border as presented an agenda item F 1 e Supplemental SAS Report, dated April 11th, 2019 including the commercial and recreational requirements, definitions, restrictions or exceptions.

Phil Anderson [00:11:06] Language on the screen accurately reflects your motion?

Brett Kormos [00:11:09] Yes it does.

Phil Anderson [00:11:11] Seconded by Bob Dooley. Speak to your motion.

Brett Kormos [00:11:15] Thank you Mr. Chairman. As stated in my motion these are initial salmon and management measures I see, I think they're a fine start for the week recognizing there'll be plenty of shaping to do as we proceed to final adoption.

Phil Anderson [00:11:29] Thank you. Further discussion? All those in favor say 'Aye'.

Council [00:11:35] Aye.

Phil Anderson [00:11:35] Opposed no? Abstentions? Motion carries unanimously. Robin how are we doing?

Robin Ehlke [00:11:41] I think we've covered everything on the agenda Mr. Chairman. We have the STT that will take those instructions for the changes that only included the Washington State and the tribal troll were the only changes we notice so STT will take those and work on those and get a report back to you in a day I think.

Phil Anderson [00:12:01] All right. Good job everybody. Thank you very much.

2. Clarify Council Direction on 2019 Management Measures

Phil Anderson [00:00:00] That completes our public comment on F 2 and consideration of what we've heard from members of the public, the SAS and our Salmon Technical Team. Is there further guidance the Council wishes to provide to the STT? Brett Kormos.

Brett Kormos [00:00:22] Thank you Mr. Chairman. I won't presume to offer further guidance at this point in time given that the existing guidance is that of the National Marine Fisheries Service, however I will make a comment and then ask a question. First the comment, first the comment. When we last discussed the, the guidance, the new guidance letter if you will and I asked National Marine Fisheries Service about what kinds of new information might be taken into consideration to adjust that number. The answer that I received seems pretty consistent with what we just were presented with and so I would ask now Susan and the National Marine Fisheries Service if 160,000 spawner, spawners for the Sacramento River Fall chinook provides the kind of balance between the socioeconomic needs of the fleet, infrastructure needs of the fleet, but also still provides adequate protection to the stock given the status that we find that stock in now and the rebuilding process that we're, we're under you know at this time.

Phil Anderson [00:01:52] Susan.

Susan Bishop [00:01:53] Thank you Mr. Chair. Thank you Mr. Kormos. As you know on Thursday when I provided the 164,000 guidance it was based on significant concerns that I had about what was perceived biases in management error, an assessment error in achieving the escapement in past years. We had taken steps in recent years to buff, further buffer that escapement and I have fallen short at that time. I considered the information in pre 2 and it looked like the outcome of alternative 2 at that time provided a good balance between the additional opportunity recommend, or represented in, in that alternative to the commercial and recreational fleets against some additional buffer, buffering and some additional assurance that we would get increased escapement into the system and perhaps achieve that 122,000 floor. That Mr. Kormos is correct on Thursday I indicated that, that was the information I based my decision on but if there was additional information that was worthwhile for me to consider I would consider that. I would also just reflect back on the testimony I gave at the time that the FMP, in the absence of a rebuilding plan that addresses some of those issues, requires the Council to structure Council area fisheries to reduce the likelihood of the stock remaining overfished and mitigate the effects on the stock status. I would note that while the proposal does not meet the 164,000 guidance, it provides a significant step, additional step 9,000 fish, in addition, in addition to what we had been contemplating, so I see that as, as, as meeting the definition of reducing the likelihood of the stock remaining overfished and attempt to step towards mitigation of, of the effects on that stock status and therefore I'm willing to, NMFS would like to amend its previous guidance of 164,000 to 160,000 given that additional information considerations.

Phil Anderson [00:04:09] Susan my understanding of your response is that NMFS is revising its guidance to 160,000. Is that correct?

Susan Bishop [00:04:17] Correct.

Phil Anderson [00:04:20] Okay any further guidance? Brett.

Brett Kormos [00:04:32] Thank you Mr. Chairman. I do have some additional guidance to offer the STT.

Phil Anderson [00:04:43] Okay.

Brett Kormos [00:04:43] I do have this written down.

Phil Anderson [00:04:45] All right. Dr. O'Farrell if you want to come up and join us that's great.

Brett Kormos [00:04:57] I will be speaking to agenda item F 2 a Supplemental STT report 1 dated April 12th, 2019, not 18. Like the STT to implement the following changes. For the commercial troll management measures beginning on page three. In the Fort Bragg management zone remove the language pertaining to the Point Arena landing restriction. Moving to the South in the San Francisco and Monterey management zones, so from Point Arena all the way down to the U.S. Mexico border, adjust the minimum size limit from 26 inches to 27 inches. Remove the language pertaining to the Point Arena landing restriction and include the language 'All salmon must be landed in California when the California KMZ fishery is open all fish caught in the area must be landed South of Horse Mountain until the California KMZ fishery has been closed for at least 24 hours', and that concludes my guidance.

Phil Anderson [00:06:19] Thank you very much. Is that clear Michael?

Mike O'Farrell [00:06:26] Thank you Mr. Chairman. Guidance is clear and I'll get the specific language.

Phil Anderson [00:06:33] Okay. Good. Thanks. Thanks Brett. Chris.

Chris Kern [00:06:38] Thanks Mr. Chair. One small one for today, on page eight under recreational measures for the Cape Falcon to Oregon California border mark selective coho fishery, strike the 95,000 quota and replace with 90,000, and in the non-selective coho fishery strike the 10,000 and replace with 9,000.

Phil Anderson [00:07:04] Did you get that?

Mike O'Farrell [00:07:05] Yes.

Phil Anderson [00:07:06] Okay thank you Chris. Kyle do you have anything?

Kyle Adicks [00:07:10] Thank you Mr. Chair I do have one small change referencing agenda item F 2 a supplemental STT report 1, on page one in the section labeled 'For all commercial troll fisheries north of Cape Falcon', for both paragraphs beginning 'Vessels fishing or in possession of salmon while fishing', strike 'while fishing'. This is just a clarification of the intent for those paragraphs there and meant to apply to vessels in possession of salmon regardless of whether they're actively fishing. Thanks to the Council for their patience as we North of Falcon continue to work through some difficult issues finding our right fisheries package. I do expect to have measures tomorrow that will affect modeling. This will not be a modeling change but we'll have more changes tomorrow under agenda item F 6.

Phil Anderson [00:08:02] Thanks Kyle. Any further guidance? Okay that completes this agenda item.

3. Southern Resident Killer Whale Endangered Species Act Consultation Reinitiation Update

Phil Anderson [00:00:00] That concludes public comment. Takes us to our Council task which is to consider the process and schedule for collaboration with National Marine Fisheries Service on free consultation efforts relative to southern resident killer whales in Council area fisheries and we have the document that Mr. Jording reviewed. That is the draft Ad Hoc Workgroup Terms of Reference as reference material. Susan.

Susan Bishop [00:00:47] Thank you Mr. Chair. I just wanted to note before we get started into the discussion that we will be also consulting on vessel effects of the salmon fisheries as part of our biological opinion. It's something that we have done consistently. It was part of the 2009 opinion. I just want to put that out before discussion. It's not within the scope of the task here so that the Council members have a chance to, to consider that as they work through their description.

Phil Anderson [00:01:16] Okay. Thank you. Chris.

Chris Kern [00:01:29] Thanks Mr. Chair. Though I guess to kick things off I'd just start with I appreciate the format that's been brought forward. It's pretty detailed and thought out and gives us something to work off of, so thanks to NOAA for putting that and others, I think some Council staff as well, so interested to hear what other people think and comments that may arise but I'm supportive of moving forward with workgroup and working off of that as a starting point at least.

Phil Anderson [00:01:59] Okay thanks Chris. Other comments? Marc Gorelnik.

Marc Gorelnik [00:02:05] Thank you Chair Anderson. I just wanted to echo some of the comments we heard from the tribes as, as well as public comment that the problem we're facing here isn't really a fishery problem although that as, as Brett has said in a past meeting, 'that's the only knob we have to turn'. I looked back in one in our pre-season reports which shows historical abundances of Sacramento Fall chinook, now this fall chinooks not a listed stock so it's not deserving of any ESA protection, but I know it's on the list of one of the various stocks that the southern resident killer whale depend upon, and I'm not sure if what I'm about to say is generally true of other stocks but I suspect it may be, if you look back at a 21 year time period, 2006 and prior, the median abundance of the Sacramento index was close to a million fish, about 955,000 per year. We fell below 400,000 in abundance only once out of 21 years, so that's with the dams in place and that's with the hatcheries doing their thing. Since 2006, the 12 years we have data for, we have never seen an abundance over a million, as we saw of, in those preceding 21 years 10 of the 21 years we saw an abundance of over a million fish. Instead of seeing only one out of twenty one under 400,000, we've seen nine out of 12 years under 400,000 and our median has gone from about 955,000 fish to about 225,000 fish, so we're missing in a sense over 700,000 fish in the Sacramento index. This year if we were to close fisheries in their entirety, we would save only 200,000 fish. So while we have here, we're gonna be talking about impacts on the fishery, we need to remember that the most significant loss of fish to the southern resident killer whales isn't the fishery, it's the fact that we've forgotten how to get our stocks out safely to the ocean and back. We're missing most of our fish and I know in the Sacramento we see the changes in water supply, water temperature is contributing to this collapse in the abundance of the Sacramento Fall. If the fisheries felt it for a number of years and perhaps the whales have felt it. So I don't know, you know we in the Council have written strongly worded letters which is really the limit of our power when it comes to these inland issues, but the National Marine Fisheries Service probably has greater prerogative to influence how water operations occur inland so that we'll have a greater abundance of the Sacramento Fall stock. Obviously that'll inure to the benefit of the fishermen, but it will also inure to the benefit of the southern

resident killer whales, so while we, we will be talking about the impacts of the fishery, I, I don't want NMFS to lose sight that it can get a lot more fish by fixing what's going on inland than it can from taking fish away from the fishermen.

Phil Anderson [00:05:55] Thanks Marc. Kyle.

Kyle Adicks [00:06:02] Thank you Mr. Chair. I also appreciate the effort NMFS and Council staff put into this draft terms of reference. We heard a question during public comment that actually came up in one of our calls to discuss an earlier draft of this on what NMFS staff might be participating and had a little discussion with all of the people on that call who various agencies might be putting on to the workgroup, so I wondered if it might help if NMFS told us what they were thinking and, and everyone else sort of do the same?

Phil Anderson [00:06:37] Susan.

Susan Bishop [00:06:37] Sure I would be happy to put forward the names we have in front of us so far. So Jeremy Jording, Teresa Mongillo and myself will be definitely on the workgroup. We have reached out to our both our Southwest and Northwest Science Centers to request their help in, in a choosing scientists that have the time and expertise both on the killer whale and the salmon side as well as some of the unique statistical and modeling skills that might be needed and we anticipate we should have those additional names by the end of this week or, or early next week.

Phil Anderson [00:07:18] Go ahead Kyle.

Kyle Adicks [00:07:19] Thank you Mr. Chair. I was trying to draw out of NMFS that, that does include some fisheries staff and protected resources division staff on that list for those that aren't familiar with the names. For Washington Fish and Wildlife I'm anticipating that I will participate and likely Dr. Derek Dapp who is one of our chinook modeling experts would be the two leads and we might pull in our STT rep and or some of our wildlife staff as needed moving through the process.

Phil Anderson [00:07:53] Okay. I mean I think the, one of the questions that I had when I looked at the membership list was there are these entities listed here, and for those of you who don't have it in front of you, there's a Council staff, National Marine Fisheries Service, Tribal Membership, a representative from California, Oregon and Washington and Idaho Department of Fish Wildlife Agencies, and I wasn't whether, sure whether to interpret the proposal here in terms of membership as limiting one person from each one of those entities or whether there would be flexibility. I mean I know we could get the group too big fast but I also think there's a variety of expertise that could be brought to the table from the agencies that might result in needing several different people and was that part of the thinking I guess is maybe a question for Susan?

Susan Bishop [00:09:16] Thank you Mr. Chair. The draft was, was basically meant as a starting point for the Council to, to discuss so it's not, you know our intent is not say this is our view of what absolutely has to happen. I think it's more important to build the, the representation into the workgroup that has the required skills to address the task, so it's not meant to limit their participation. On the other hand as you have noticed we have a very expedited timeframe to try to do the work so we try to find the sweet spot between enough people to do the work and make it manageable.

Phil Anderson [00:09:59] But in looking at that and if there were you know somewhere around two to three individuals from each one of the entities that would be within, that would bring the right expertise to the table. I think if we let it go too far we will get an unmanageable group but give some latitude to

the management entities in determining the appropriate expertise to bring to the table. Chris.

Chris Kern [00:10:37] Thanks Mr. Chair. That's sort of along the lines of what it's been in my head on this was somewhere in that two to three per range as a sort of a base condition. I would, I think it would be appropriate for us to reserve some latitude for bringing in people for short times to address certain issues or you know if the scope creeps a little bit to a different area or something that we need to address leave ourselves a room to do that but I, I, very sensitive to the notion of it being a too big a group. It's not very effective but we need to have critical mass within that group to get the work done and that two to three range is what feels about right to me as sort of the base condition.

Phil Anderson [00:11:21] Joe.

Joe Oatman [00:11:24] Thank you Mr. Chair. Phil I think with respect to the tribes, so far the representation that they would expect to have on ad hoc working group, they haven't yet been able to identify what individuals that they would want to submit for this process. They will need some additional discussion amongst themselves to determine the appropriate tribal representation and expertise but I do understand that they will try and get to that as soon as they can and and it'll likely occur after this meeting, and the other points that I've heard from the tribes is I think similar to what's been expressed already and that is having appropriate individuals and experts that will help us through this process and being able to bring forward appropriate level of information for fisheries and, and how those may overlap with prey as well as with the patterns of killer whales themselves and so there's that, that interest too that the tribes have.

Phil Anderson [00:12:50] Thanks Joe. Brett.

Brett Kormos [00:12:55] Thank you Mr. Chairman. First I'll, I'll start by again as others have thanking National Marine Fisheries Service for setting the table so to speak on this particular subject. Second I would like to support the sort of conceptual approach that Mr. Kern has just outlined in that I also agree that two to three members depending is appropriate from, at least from the Department of Fish and Wildlife here in California. I myself will be one of those two to three people, however depending on the direction that this group finds itself going and the, you know the subject matter expertise that we need at various times I would expect an additional one to two members and if forced I could name them now but it might be best to preserve some flexibility.

Phil Anderson [00:13:57] Okay. Pete.

Pete Hassemer [00:13:58] Thank you Mr. Chair. Likewise for Idaho Department of Fish and Game you can expect one to two people to participate. Unknown who they are at this time.

Phil Anderson [00:14:10] Pete would you anticipate being able to provide, I'm not sure who is the keeper of the names but in the next week or so?

Pete Hassemer [00:14:20] Yes.

Phil Anderson [00:14:23] Thanks. On that topic, who is the keeper of the names? Susan.

Susan Bishop [00:14:28] Thank you Mr. Chair. I would be happy to offer up Jeremy Jording to be that keeper of the name unless someone else would like to volunteer another staff.

Phil Anderson [00:14:42] So make sure you get Jeremy's email address and I'd also urge you to make

sure you spell his first name right or he won't get your email. Chris.

Chris Kern [00:14:53] Thanks Mr. Chair. I guess I could have done this earlier. For Oregon I'll put myself and we'll I guess reserve a technical spot. I think I know who I want to be there but it may even take to the first meeting. I should probably also offer that when I was offering the two to three I was thinking about the state and federal positions. I think given the breadth and geography and things of the multiple tribal interest we're talking about. I wasn't talking about those folks so Joe reminded me of that as he was talking about that, wasn't intending that apply to them necessarily so as a collective group.

Phil Anderson [00:15:30] Okay. I, I was advised somewhere along the way this week that we should have a motion to create a Southern Resident Killer Whale Ad Hoc Workgroup. And then it is within the purview of the Chair to make the appointments in terms of individuals to that workgroup, but it would be helpful to have a motion to create the workgroup if someone is so inclined. Chris.

Chris Kern [00:16:23] Thanks Mr. Chair I didn't provide anything in writing but I'll wing it. I would move that the Council create a Southern Resident Killer Whale Ad Hoc Workgroup.

Phil Anderson [00:16:35] Is there a second? Seconded by Brad Pettinger. I'm not going to force you to speak to your motion so.....

Chris Kern [00:16:44] Thank you.

Phil Anderson [00:16:46] Is there any discussion on the motion? All those in favor say 'Aye'.

Council [00:16:50] Aye.

Phil Anderson [00:16:50] Opposed no? Abstentions? Motion carries. Thanks. Let me ask, maybe I, in terms of, in terms of the terms of reference, I don't think we need to take action in terms of a motion to, to adopt those because I think they could be maybe further refined by the workgroup when they meet for the first time as probably one of the first things they'll do is go over the terms of reference and make sure they're, it's tailored in a way that meets the objective so we'll give some latitude to the, to the workgroup to modify those terms of reference as appropriate and would expect those terms of reference as they recommend it and we could have them brought back to the Council just so we have a final terms of reference for the ad hoc group. Is that reasonable? Chuck.

Chuck Tracy [00:18:09] Thank you Mr. Chair. I think that's fine. I just want to make sure that the Council is providing direction to the workgroup to pursue a process that might, might possibly be identified in the terms of reference so that they can get, get going on their work between now and June.

Phil Anderson [00:18:33] I wasn't, yeah I was not suggesting that they should wait to bring those back. I'm just, I just want to make sure we have a record once they're finalized coming back to the Council so we have that, so we're all on the same page of what they're doing, and their schedule and the expectations for the workgroup. Susan.

Susan Bishop [00:00:00] Thank you Mr. Chair. We we had tossed around this a little bit. One suggestion would be we wanted to reserve some time on the June agenda as, for an update for the workgroup so we could provide the, the final terms of reference or at least what the workgroup had decided on at that time as well as an update on the work that had been done.

Phil Anderson [00:00:21] Okay sounds reasonable. Brett.

Brett Kormos [00:00:36] Thank you Mr. Chairman. I have a question. I don't know if it's appropriate now or if it's even answerable but given I think folks have recognized that at least in the State of California we do suffer from a lack of experience relative to this particular issue that perhaps some of the folks in Washington and National Marine Fisheries Service do have and so one of the things I'm wondering about is I see the charge here is specifically to address the effects of Council area fisheries on the southern resident killer whale population, however I am curious to know how in previous workgroups the, the, the subject of increased hatchery production or increased production period has come to light and whether or not anyone here anticipates that being something that enters into the fray so to speak, over the course of the next year? Is that a reasonable concern or is there reasonable potential for that to enter into the conversation?

Phil Anderson [00:02:14] Well I'm not sure I will, can provide a direct answer. I'm on the Governor Inslee's Southern Resident Killer Whale Task Force and the issue of prey base is one of those three key pieces that we have focused on and so there's recommendations coming out of that task force to increase hatchery production for the specific purpose of increasing prey base. I mentioned earlier this morning that as part of the Pacific Salmon Commission and the recently renegotiated treaty, we also have a funding component, I believe five point six million dollars that we're looking for from the federal government for that same purpose of increasing hatchery production for the specific purpose of augmenting the prey base for southern resident killer whales and I am led to believe that at least some, there is an expectation that some portion if not all of that funding will be provided so we can ensure that we don't have negative impacts on southern resident killer whales that are derived from the agreement we've reached with Canada. It's a long what way around of I think of, of getting to that, if there was, I mean obviously hatchery production isn't within the purview and umbrella of the authority of this group, however if there were, it seems to me that if there was a recommendation that would, that came out of this process that, that be one of the strategies used to address increasing prey base for southern resident killer whales, it seems like that would be with, within the, the scope of what a report from this workgroup might include. I may be the only one thinking that but, Brett.

Brett Kormos [00:04:47] Thank you Mr. Chairman. That, that is helpful in contemplating what types of representation the State of California might want to have in this workgroup and again as I indicated earlier I'm thinking along the lines, same lines that Mr. Kern was thinking that at times you may want expertise relative to that subject matter that you may not want at other times but should that be the way the, the workgroup goes, that might be somebody we would want to have participate.

Phil Anderson [00:05:20] I would just I guess caution that if that were part of a recommendation, that the specifics of how and where and all that, not you, not try to do that, it's just that threshold question of whether that is a, a, an action that the, the workgroup might recommend to the management entities but I would not bring hatchery experts into the workgroup for the purpose of trying to design, you know increasing hatchery productions at specific facilities and all. I think that, I would not pose that or think that, that would be within the scope of the terms of reference in the work that we're looking for from the workgroup. Brett.

Brett Kormos [00:06:16] Thank you Mr. Chair. Chairman that's understood.

Phil Anderson [00:06:21] Chris.

Chris Kern [00:06:23] Thanks Mr. Chair. I'll be brief but I've had some comments probably in March and well since then about sort of how we get whoever is going to be involved in this, which is now the Ad Hoc Workgroup, sort of educated on all things killer whale that have already been undertaken such as the task force and the multiple workgroups that have had that so I don't have to do it now but I've

been sitting here percolating on a few thoughts about how we can lay the groundwork pretty quickly on very natural questions such as what about noise? What about traffic? What about production? Those are all questions that are natural and they are going to be asked throughout the workgroup process so we need to anticipate that and address them and get them, you know a common understanding of those relatively early in my opinion and then focus more on what we're tasked to do here and so I may have some conversations with Kyle about you know can we bring in Penny Becker or somebody from the task force workgroups to help us sort of background what's already gone on, that's just one thought. I think we may think about options for doing something like that, that could be something else besides that, that would help us along these lines so that we can get to where we need to get to pretty quickly.

Phil Anderson [00:07:35] My, my advice for what it's worth is we had about 41 people on the task force and when you start broadening the scope, be it noise contaminants, this and we're already on a tight timeline that this, this can get away from you really easy and you'll have a difficult time achieving your primary objective which is the reconsultation on southern resident killer whales relative to Council area fisheries so I would, I'm just my having been part of that and seeing what happens and how it mushrooms is the tighter you can keep this to make sure that you accomplish this objective the better off you're going to be. Susan.

Susan Bishop [00:08:40] Thank you Mr. Chair. I do have a couple of thoughts, it might be off base but one option is I do think, just based on the discussion we've had here, it would be very helpful if the Council could speak today to at least for example endorsing the purpose if you think that what's in the TORs is okay? That will provide I think important guidance to the workgroup as they move forward and in particular define what their scope of discussion is so that it doesn't necessarily veer off and we'll know that we have the backing of the Council to do that. Another thing that might be helpful is at this, you know May meeting as Chris was saying, which is a lot of information gathering, sort of orienting different experts that will be come, coming in. We could give some background as to, since this is focused on informing a consultation, how some of those other effects would be addressed in that consultation, so things like vessel traffic or hatchery baseline or water, those other things that might happen. So it would give folks a sense of context and orientation.

Phil Anderson [00:09:46] Okay. Chris.

Chris Kern [00:09:48] Thanks just again I think my interest in bringing it up was in my view having seen at least a piece of it from the task force perspective and others, a lot of these things are under active discussion, these other issues, and so my, my point was trying to quickly illustrate that they are being at least addressed in a number of areas so that we don't necessarily spend a lot of time talking about additional aspects of them and bringing folks up to that point so...

Phil Anderson [00:10:20] So Susan's asked us to pay particular attention to the purpose. There are three bullets under the purpose. Reassessing effects. Potentially recommending conservation measures or management tools that limit PFMC fishery impacts on chinook prey availability to southern resident killer whales, determining whether and ensure that the Council's salmon harvest management measures do not jeopardize the continued existence of southern resident killer whales in light of the new information since the last consultation in 2009, and then third the workgroup's analysis and the Council's recommendations will provide information necessary for NMFS Endangered Species Act consultation and NEPA analysis. So those are the three primary areas that are addressed in the purpose and I want to ensure and provide certainty to the workgroup that the Council is supportive of that, of those three purpose statements. Is there anyone who has a concern with those? I'm not seeing any so I think you have a head nod from the Council that the purpose statement accurately embodies what we would like to see accomplished by the workgroup. Susan.

Susan Bishop [00:12:11] Thank you Mr. Chair. Thank you very much for that. I just want to make the point that we understand that's also in the context that we will be reporting back to the Council on a periodic basis and there will be opportunity for feedback. These, these meetings are, are also intended to be public so the public will have some feedback in, into them and in that case we would also need some help, request for help from the Council staff.

Chuck Tracy [00:12:36] Understood.

Phil Anderson [00:12:38] It's understood.

Susan Bishop [00:12:38] Thank you.

Phil Anderson [00:12:43] We had 300 people attend one of our task force meetings just so you know. Okay let me maybe ask Robin as well as Susan whether we have had the needed discussion and provided the guidance and made the appropriate, the necessary decisions to move this to the next step.

Robin Ehlke [00:13:20] I'd like to go over the list of what I've heard if that's okay with you.

Phil Anderson [00:13:23] Sure.

Robin Ehlke [00:13:25] So I understand that the Council created an Ad Hoc Workgroup that Jeremy Jording will be in charge of taking names. The Council recognized the terms of reference which is the, under F 3 a, the Supplemental NMFS Report 1 as a guiding document but then took the extra step to recognize the first three bullets as the guiding principles for the workgroup so it would be clear from this point forward at least what the Ad Hoc Workgroup will be focusing on and we would want to report back in June with any work done to date and further refine the terms of reference as needed now aside from those first three bullets in the document. I think the only thing that we really haven't talked about is the schedule for the workgroup and if the timeline in that terms of reference is also something that's going to be further defined or if that's needs any further discussion.

Phil Anderson [00:14:33] I think the Council's had an opportunity to look at the terms of reference. They've reviewed the schedule. If there are comments or concerns with the schedule I would welcome those to be made so they're, and if there are not then I think you have concurrence from us that, that timeline and that schedule looks appropriate.

Robin Ehlke [00:15:00] Thank you Mr. Chairman, with that I think that we've covered the Council task on this agenda item.

Phil Anderson [00:15:08] I just want to say one, one more time. When, for example when you notice if there's going, will these be noticed, these meetings or not?

Robin Ehlke [00:15:22] It is the intent of the Council that we would publicly notice these through the Federal Register.

Phil Anderson [00:15:29] It will be in my opinion very, very important for you to be as specific and concise as you can about the topics that will be discussed and or not discussed because if, I mean we had dam removal issues come before the task force and lots of different ideas and if, if there's a pers, a pers, there's a perception that this workgroup is taking on more than just what we've talked about and what's outlined in the purpose statement you might get more interest in this than anticipated.

Robin Ehlke [00:16:22] Thank you Mr. Chairman.

Phil Anderson [00:16:26] Okay. I think that completes our work under this agenda item.

4. Methodology Review Preliminary Topic Selection

Phil Anderson [00:00:00] Okay that completes public comment on this agenda item takes us to our action which is to provide guidance to the SSC regarding topics, priorities method, for methodology review in this 2019 cycle and then to request agencies develop and provide needed materials to the SSC as appropriate. We have on the SSCs report there were four topics plus there was an additional topic dealing with the Summer Columbia River chinook that they felt needed some to be flushed out as to whether it was in fact a methodology review or not, and then of course we had the input from the STT, the SAS and, and our member the public so that's your cue to craft a motion or provide at least some guidance but probably a motion would be in order to adopt for methodology review the items contained in one of the reports and requesting the relevant agencies to develop and provide needed materials or something like that, tentatively adopt. Thank you. Brett.

Brett Kormos [00:01:31] Thank you Mr. Chairman. As Mr. Kern said earlier I don't have anything written up but I will do the best I can and wing it here. I'm going to refer to agenda item F 4 a Supplemental STT report 1 and tentatively, excuse me, move that we tentatively adopt all of the items 1 through 5 contained in that report for, as potential topics and priorities for review in 2019.

Phil Anderson [00:02:16] Okay we....Sandra has miraculously put your motion on the screen. Does the language accurately reflect your motion?

Brett Kormos [00:02:25] Thank you Mr. Chairman. Yes it does.

Phil Anderson [00:02:28] And is there a second? Seconded by Mark Gorelnik. Would you like to speak to your motion?

Brett Kormos [00:02:36] Why certainly thank you Mr. Chairman. I'll just note that at least the first three items here on this list have reoccurring items and things that I think everybody here is prob, can probably agree are, are things we'd like to see reviewed if the appropriate staff have the time and I also note that the additional items four and five are things that are also important to Council area fishery management if not some inside fisheries as well in the Columbia River.

Phil Anderson [00:03:17] All right. Thank you very much. Is there any further discussion on the motion? Chris Kern.

Chris Kern [00:03:24] Thanks Mr. Chair and thanks Mr. Kormos most for the motion. I agree with the list. I think in particular for me the discussion of getting some understanding of what's going on in the FRAM model on the Summer chinook and potentially other stocks is a critical need going before we get to next year's season and so I understand the processes of now to be really a first an investigation to sort of assess the situation and then determine whether it actually it needs to be a formal methodology review and I understand that we had the chance to if necessary add that as such a methodology review in September and so for that reason I support that as well as the rest. A comment I guess for, potentially for the MEW and others to consider might be as I look at their report the possibility of organizing a FRAM workshop and having just spent a few minutes just now reading that, I wonder if that would be a, this is a comment, a useful thing to do as a piece of their evaluation of postseason metrics discussion. It may help the SSC provide some of that clarity that Angelika mentioned from the MEW's perspective. So just a thought there that I offer for their consideration as, take it for what it's worth. Thank you.

Phil Anderson [00:04:48] Okay thanks Chris. Further discussion on the motion and I'd suggest maybe we go back and pick that topic up after we've taken action on the motion. Joe.

Joe Oatman [00:05:01] Thank you Mr. Chair. So I think with respect to the item number four on the STT list that relates to the Columbia River summer chinook, I understand that while we do have vacancies on the Model Evaluation Workgroup or could pick our Northwest Indian Fish Commission. I do want to acknowledge that CRITFC staff would be able to help in that effort.

Phil Anderson [00:05:37] Good, and if you could provide the appropriate contact person so the Council staff and particularly Robin has that, that would be helpful.

Joe Oatman [00:05:52] Okay thank you Mr. Chair I will follow up with CRITFC and you know provide those names for Robin.

Phil Anderson [00:05:58] Okay is there further discussion on the motion? All those in favor say 'Aye'.

Council [00:06:05] Aye.

Phil Anderson [00:06:05] Opposed no? Abstentions? Motion carries. I wanted to just to go back to Mr. Kerns point on the workshop. Is there anything that we need to do to authorize that workshop? Chuck.

Chuck Tracy [00:06:26] Thank you Mr. Chair. Well it probably would be, it would probably be worth the Council weighing in on that. I mean they're, I'm not, I guess I'm not really sure what exactly the workshop would, would look like. I mean this, it may be something as simple as you know having a session in conjunction with the October review meeting where the STT and SSC Salmon Subcommittee get together and review the, the methodologies and the MEWs usually there to present their methodology, so you know something like that probably pretty straightforward and maybe not in need of Council direction for planning on having a something else where it's a standalone meeting and we're inviting a lot of people then it probably is something that we want to have Council think a little harder about so, so I'll leave it, leave it there.

Phil Anderson [00:07:37] Thanks. Angelika could you come forward for just a moment and you heard Chuck's, at least one description of how that might be accomplished in concert with the October meeting. Is that something that would work?

Angelika Hagen-Breaux [00:07:52] Yes Mr. Chair we were actually thinking that, that would be a perfect time to do it because most likely all three groups will be together already and if we could set aside a few hours one afternoon we could get that done.

Phil Anderson [00:08:09] Perfect. Thank you. And the other question I had was in terms of the requesting the relevant agencies on the materials needed. When do we need to do that? Robin.

Robin Ehlke [00:08:35] I think that this is probably the first you know clue that the agencies will have that we're going to need some kind of information so they probably have a inkling that we'll need that. I think that because we've identified the entities that are you know somewhat responsible for each agenda item, I think we can work from here to get that. I have to admit I don't know if there is a formal process in asking for such material.

Phil Anderson [00:09:03] Okay well I'm going to assume that the relevant agencies are here at the table and listening and understand all that and so we'll leave it there.

Robin Ehlke [00:09:12] Thank you.

Phil Anderson [00:09:13] All right. Any, Robyn anything else we need to do on this agenda item?

Robin Ehlke [00:09:19] Thank you Mr. Chairman. For the record the Council did adopt the list that's found in the STT report, those five audit items. They've talked about having a workshop if you will in conjunction with what is typically an October meeting to talk about the topics so, and they've also identified the agencies that will provide the needed materials that, and that list is in the STT document as well and so I believe that we have completed the work under this agenda item.

Phil Anderson [00:09:58] Great. Thanks very much.

5. Salmon Rebuilding Plans Update

Phil Anderson [00:00:00] Okay takes us to our Council action. We have the five rebuilding plans in front of us. I believe two of them have been recommended for releasing for adopting for public review the two chinook rebuilding plans. The three Coho plans are still being worked on. Brett.

Brett Kormos [00:00:27] Thank you Mr. Chairman. I don't want to jump to a motion if there is discussion that's necessary but I'm prepared to make one relative to the chinook plans.

Phil Anderson [00:00:37] I'm not seeing any obstacles to you making that jump.

Brett Kormos [00:00:41] Okay great. Thank you very much Mr. Chairman. I move that the Council adopt the Sacramento River and Klamath River Fall chinook rebuilding plans as drafts for public review.

Phil Anderson [00:01:01] Thank you and the language on the motion, on the screen accurately reflects your motion?

Brett Kormos [00:01:06] Yes it does.

Phil Anderson [00:01:07] Thank you. Is there a second? Seconded by the Louis Zimm. Go ahead and speak to your motion.

Brett Kormos [00:01:12] Thank you Mr. Chairman. Given the approved Council schedule for completion of these plans given what the SSC Report on this agenda item contains in the way of approval of the additions and or refinements to the plans that we identified as being needed and given the fact that these plans contain all of the necessary components for, according to our fishery management plan and what I believe the Council will need in order to move forward to the adoption stage, I think that they are ripe for public review and so that is why I have made this motion. Thank you.

Phil Anderson [00:01:58] Thank you Brett. Any discussion on the motion? All those in favor say 'Aye'.

Council [00:02:06] Aye.

Phil Anderson [00:02:07] Opposed no? Abstentions? Motion carries. We do have the three Coho rebuilding plans drafts. Are there any concerns or comments anyone wishes to make regarding the content of any of those three plans? Susan.

Susan Bishop [00:02:27] Thank you Mr. Chair. I would just note that for the Queets coho rebuilding plan alternative two, if the Council was to adopt that as a preferred alternative we would be requesting some additional guidance for components of that, of that alternative.

Phil Anderson [00:02:45] And I was looking at it, at that as well and was that a specific reference to some of the inseason action or elements of that alternative? Susan.

Susan Bishop [00:02:59] Thank you Mr. Chair. Yes it is.

Phil Anderson [00:03:01] All right. Are there any other comments regarding the three coho rebuilding plans that anyone has? Kyle.

Kyle Adicks [00:03:12] Thank you Mr. Chair. My understanding is that there's been some follow up on that alternative two in the Queets plan this week that we hope will resolve the issue Miss Bishop raised. Also just wanted to thank Mr. Tracy for his letter to the state and tribal co-managers making sure everybody knows the tight schedule we're on. I think that was a good communication step so we move everything forward.

Phil Anderson [00:03:35] Okay. That's great news. Robin how are we doing?

Robin Ehlke [00:03:45] Well it's four o'clock. I think we're doing pretty good. This sounds like the Council has adopted the two chinook plans to move forward as drafts for public review. I think that given that, that the Council has completed their task for this agenda item. I think the only other thing that I would add for the rebuilding plans for those two chinook rebuilding plans, it's been on the cover page of, of the plans but I just wanted to make sure that the rebuilding plans as a integrated document so they include other sections that will be completed once the plans have been adopted is final and so the review plan itself as far as the Council is concerned if you will is mainly chapters 1 through 5 and that's all spelled out on the front page but there just is some information in there that says data pending and that's because there's other elements of the plan that will be completed once the Council has made their final recommendation to NMFS.

Phil Anderson [00:04:56] Okay.

Robin Ehlke [00:04:57] Thank you Mr. Chairman.

Phil Anderson [00:04:58] Other than that how are we doing on this? We're complete. Okay.

6. Further Direction on 2019 Management Measures

Phil Anderson [00:00:00] Back to where I was a little while ago. We'll be looking for further guidance and I'll start in the north with Mr. Adicks.

Kyle Adicks [00:00:11] Thank you Mr. Chair. I do have some guidance for North of Falcon fisheries and these are relative to Agenda Item F6 a Supplemental, Supplemental STT Report 1 dated April 14th, 2019 for the non-Indian TAC North of Cape Falcon adjust that overall TAC to 52,500 chinook and then adjust all corresponding allocations, guidelines and caps accordingly except for the May 6 through June 30th commercial troll fishery, the gap for the area between Cape Falcon and Leadbetter Point remains 1800 chinook. We'll also have a lot of model changes coming for inside fisheries from the Washington co-managers that I will, believe will resolve most if not all of the bolded issues North of Falcon, bolded numbers in the STT report.

Phil Anderson [00:01:05] Thanks. Any questions for Kyle on that guidance? Okay I'll go to Joe Oatman next. Are there any modifications to the treaty troll management measures?

Joe Oatman [00:01:19] Thank you Mr. Chairman. There are no changes to the treaty troll options.

Phil Anderson [00:01:24] Thank you and on down to Oregon and Chris Kern.

Chris Kern [00:01:29] Thanks Mr. Chair. I have a couple in the troll sections so page two for the Cape Falcon to Humbug Mountain area change the open dates in May from May 4 through 31 to May 6 through 30 and then for commercial troll Humbug to Oregon California border, change the open dates in May from May 4 to 31 to May 6 through 30 and change the June quota from 3500 chinook to 3200 chinook.

Phil Anderson [00:02:01] Questions of Chris on his guidance? Okay thanks Chris, and California. Mr. Kormos.

Brett Kormos [00:02:12] Thank you Mr. Chairman. I have more than a couple. Beginning on page two with commercial troll management measures in the California KMZ. Adjust the June and July quotas to 2500 chinook. Adjust the August quota to 2,000 chinook and change the landing and possession limit to 20 chinook per vessel per day. Moving south to Fort Bragg replace June 1 to 30 with June 4 to 30. Moving south again to San Francisco replace May 17 to 31 with May 16 to 31 and replace one, June 1 to 30 with June 4 to 30. In that same cell but moving to the fall area target zone, adjust the chinook minimum size limit to 27 inches total length. Moving south once again to Monterey replace June 1 to 30 with June 4 to 30. Moving on to recreational management measures beginning on Page 9. Starting in the California KMZ replace May 25 to September 8 with May 25 to September 2nd. Moving south to Fort Bragg replace May 6 to October 31 with May 18 to October 31, and in San Francisco moving south once more, replace May 6 to October 31 with May 18 to October 31 and adjust the chinook minimum size limit to 24 inches through April 30 and 20 inches thereafter, and that concludes the guidance from California.

Phil Anderson [00:04:55] Thank you. Questions of Brett on the guidance for California? Okay Dr. O'Farrell. Any questions for us?

Mike O'Farrell [00:05:11] No Mr. Chairman I think we have it.

Phil Anderson [00:05:13] Is there any further guidance? Okay that completes our work here for F6

and we'll look forward to seeing you tomorrow.

7. Final Action on 2019 Management Measures

Phil Anderson [00:00:00] So that takes us to our Council action and I would just say at the outset I express the Council's appreciation for everyone that's been involved in developing the packages and all the analytical work that's been done. We know we see just a small fraction of the work that goes into bringing these packages forward to us for consideration and I know there's a lot of personal time and commitment and and finances that, that you contribute by being a part of our process and it makes our decision making a much better one because of your participation, so on behalf of the Council we thank everyone that's helped us. So we'll go to our Council action now and I will start in the north with Kyle Adicks.

Kyle Adicks [00:01:06] Thank you Mr. Chair. I do have a motion for the Council. I move that the 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 Agenda Item F7a Supplemental STT Report 1, April 15th, 2019.

Phil Anderson [00:01:31] Thank you we have your motion on the screen and does it accurately reflect your motion?

Kyle Adicks [00:01:37] Yes.

Phil Anderson [00:01:37] Is there a second? Seconded by Rich Lincoln. Speak to your motion please.

Kyle Adicks [00:01:42] I'll echo the Chairs thanks to the many people that got us to this point but particularly the STT and all the state, tribal and federal technical staff that work behind the scenes to get all this done as well as the SAS and all of the other advisors that helped us through this, also to the, our co-managers, it was a tough year of fishery planning particularly inside Puget Sound. The STT report showed that we're meeting our objectives for all of our chinook and coho stocks and that was no small feat for the list of 14 Puget Sound chinook stocks on that list this year, but I think we have a package that inside and out meets our conservation objectives and I'm happy to say for the first time in five years this does not deviate from the FMP so does not need emergency action.

Phil Anderson [00:02:35] Thank you Kyle. Is there discussion on the motion? Okay we'll go ahead and call for the question. All those in favor say 'Aye'.

Council [00:02:44] Aye.

Phil Anderson [00:02:44] Opposed no? Abstentions? Motion carries. We'll stay in the north and I'll turn to Joe Oatman for the treaty troll.

Joe Oatman [00:02:57] Thank you Mr. Chairman. I move to 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 3 on Agenda Item F7a, Supplemental STT Report 1, April 15, 2019.

Phil Anderson [00:03:22] Thank you Joe and does the verbiage on the screen accurately capture your motion?

Joe Oatman [00:03:28] Yes it does Mr. Chairman.

Phil Anderson [00:03:29] Yes and there is, is there a second? Seconded by Kyle Adicks. Go ahead and

Speak to your motion.

Joe Oatman [00:03:36] Thank you Mr. Chairman. So the tribes have been engaged in the north of Falcon process to work out the management measures that are being proposed here for adoption. As can be the case these discussions between and amongst the tribes including those that occurred directly with the State of Washington have been a challenge given the projected abundance of salmon and Coho and what fisheries that these fish can support and how much of the needs of the tribes will be met as a result. I commend them on doing all the hard work that it took to get to this point in order to submit the table 3 management measures for the treaty Indian troll fisheries. I also know that there are other tribal issues that are important as well. Tribes will continue to work toward recovering salmon and protecting habitat as they have always done.

Phil Anderson [00:04:31] Thank you. Further discussion on the motion? All those in favor say 'Aye'.

Council [00:04:39] Aye.

Phil Anderson [00:04:40] Opposed no? Abstentions? Motion carries unanimously, and we'll move to the south to Oregon and Chris Kern.

Chris Kern [00:04:51] Thank you Mr. Chair. Give Sandra a minute. I move to 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 described in agenda item F7a Supplemental STT Report 1, dated April 15th, 2019 including all season descriptions, minimum size requirements, definitions, restrictions or exceptions with the following change. Change the open dates in the Humbug Mountain to Oregon California border all salmon except coho recreational season from May 18th through September 2 to May 25 to September 2.

Phil Anderson [00:05:35] Thank you and I believe the language on the screen accurately captured your motion?

Chris Kern [00:05:42] It does.

Phil Anderson [00:05:42] And is there a second? By Christa Svensson. Go ahead and speak to your motion.

Chris Kern [00:05:50] Thanks Mr. Chair. I'll speak to the change first maybe for convenience. We had meant to get this on the floor yesterday as part of guidance and missed it. It is a reduction so we know it'll fit within the modeling parameters that we've already established and all the conservation goals will still be met but we needed to get this in there based on discussions and agreement with our counterparts in California on how we were going to jointly manage the recreational fisheries in, in that zone so that's what that's about. I'll echo the sentiments before briefly that I really appreciate everybody's work this week. I commend the, the Salmon Subpanel as well as the STT and all the participants who've been here as well as our colleagues from the other agencies and NOAA and Council staff as well so thanks for all the help it's been a lot of hard work but I feel pretty good about where we landed and thank you all.

Phil Anderson [00:06:42] Thanks Chris. Discussion on the motion? All those in favor say 'Aye'.

Council [00:06:50] Aye.

Phil Anderson [00:06:50] Opposed no? Abstentions? Motion carries unanimously. Thank you. And last but certainly not least California and Brett Kormos.

Brett Kormos [00:07:04] Thank you Mr. Chairman. I move the Council adopt the 2019 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 an Agenda Item F7a, Supplemental STT report 1, dated April 15th, 2019 including the commercial and recreational requirements, definitions, restrictions or exceptions.

Phil Anderson [00:07:37] Thanks Brett. Language on the screen I believe accurately captured your motion?

Brett Kormos [00:07:43] Yes it does.

Phil Anderson [00:07:45] And is there a second? Secondly by Marc Gorelnik. Go ahead and speak to your motion.

Brett Kormos [00:07:50] Thank you Mr. Chairman. To begin with I'll, I'll just point out that while we are yet again in a rebuilding phase or an overfished status determination for Sacramento River fall chinook and Klamath River fall chinook, we are also yet again targeting elevated escapement for this stock in an effort to, well Sacramento River fall chinook to be specific, in an effort to expedite the rebuilding process, buffer against uncertainties around forecasts of abundance and or forecasts of fishery performance and while all of that is true we're also looking at increased harvest opportunity in both the commercial and recreational sectors in 2019 as compared to the year prior so that is a nice benefit. I would like to also extend my thanks to all those involved in the process, Salmon Advisory Subpanel, Salmon Technical Team, the State of Oregon and, and their staff, and last but not least National Marine Fisheries Service and, and their staff including Miss Bishop. We appreciate National Marine Fisheries Service responsiveness to the input from the members of the Salmon Advisory Subpanel from Oregon and California and their willingness to adjust the escapement objective downward slightly while certainly also observing the needs that I've already outlined here. So thank you.

Phil Anderson [00:09:31] Thank you. Is there further discussion on this motion? Seeing none I'll call for the question. All those in favor say 'Aye'.

Council [00:09:38] Aye.

Phil Anderson [00:09:38] Opposed no? Abstention? Motion carried unanimously. Robin back to you. I know we don't have anything that's being requested to be implemented by emergency and I know in your opening remarks on this agenda item reminded us that there may, we're giving some latitude for any editorial adjustments that need to be made prior to submission. Is there other things that we need to address?

Robin Ehlke [00:10:13] Thank you Mr. Chairman. I think that completes the tasks under this agenda item F7. There is one small minor topic.

Phil Anderson [00:10:26] We're anxious to hear.

Robin Ehlke [00:10:29] Council staff would like to address if allowed.

Phil Anderson [00:10:32] All right. Well we have a presentation to be made to I believe Mr. Kyle Adicks who apparently is fond of the Florida State Seminoles.

Robin Ehlke [00:10:41] So this is Sandra's granddaughter made this blanket for Bacon, Kyle's pet dog.....(APPLAUSE)....

Kyle Adicks [00:11:02] Just to be fair, I was wearing a University of Miami Hurricane colored bracelet for this session.

Phil Anderson [00:11:09] Duly noted.

Robin Ehlke [00:11:15] Thank you Mr. Chairman that concludes agenda item F7.

Phil Anderson [00:11:19] Okay. Thank you very much.

G. Groundfish Management

1. National Marine Fisheries Service Report

Marc Gorelnik [00:00:00] Well that brings us to our council task which is discussion of the NMFS report. I know that there was quite a number of, quite a number of pointed questions which should provide fodder for Council discussion so let me look around the table and see who wants to go first. Brad.

Brad Pettinger [00:00:25] Thank you Mr. Vice Chair. I think the discussion about the survey was enlightening but also I'd like to add a few things that I learned at the Northwest Science Center early this year when I gave a talk to in their monster seminar jam. Alan Hicks who was a, he used to work for the, the region. When he heard about the survey being cut down the two boats, both he and Ian Stewart, who also worked at the Northwest Science Center earlier were shocked because it really is the backbone of everything that, I mean of the stock assessments we have on the West Coast, and I talked to those individuals they said that it was, it'd be the last thing you should be cutting and I would say that I think I would like to talk to Chuck it earlier that, later in the meeting I'd like to ask for a letter maybe to the administration to restore those funds and to put science first, so thank you.

Marc Gorelnik [00:01:25] Thanks for that Brad. Marci.

Marci Yaremko [00:01:30] Thank you Mr. Vice Chair. Just wanted to first really take a second to acknowledge the West Coast Region's efforts here to coordinate and communicate with the Council, with the GMT and with the GAP on NMFS Report items. I know that Aja you were in yesterday with the GAP briefing them on the plans for how we address the southern resident killer whale work that is potentially in our future, and then I know Karen likewise briefed the GMT. There weren't reports in the materials available for us to review but I know that we really appreciate you taking the time to go and communicate with folks directly here. I guess I would just hope that in the future maybe with Science Center presentations that they might be able to at least be posted to the briefing book in advance of receiving them here on the floor. I think this is maybe the second time that the Council has received Science Center overviews that the GAP and the GMT likewise didn't have a chance to review or think about and I know a lot of information that we heard today here on the floor I think is of interest to our management entities and even if there's not time for the teams to discuss the NMFS report, it certainly is helpful if they have an opportunity to preview the presentations and know what information is being presented to the Council. Thanks.

Marc Gorelnik [00:03:14] Michele.

Michele Culver [00:03:16] Thanks. I did have a question on the southern resident killer whale issue relative to the groundfish fisheries and my apologies as I wasn't in here for the salmon discussion that occurred yesterday afternoon but understand that there is a salmon agenda item on the reinitiation coming up later this afternoon. I recall in March the Council received a letter from NMFS indicating their intent to reinitiate consultation on southern resident killer whales. Through the Council's discussion under that salmon agenda item there had been a question that came up relative to the scope of that reinitiation and my understanding was that we would get further clarification at this meeting on the scope and so given the, what we've heard in this NMFS Report, then is NMFS reinitiating consultation relative to groundfish fisheries for southern resident killer whales?

Marc Gorelnik [00:04:43] Aja.

Aja Szumylo [00:04:43] Thank you Miss Culver. No we are not reinitiating consultation on the groundfish fisheries relative to southern resident. That reinitiation is limited to the salmon fisheries.

Marc Gorelnik [00:04:56] Michele.

Michele Culver [00:04:56] Thanks and so then the, the workgroup work that you're being, that you're proposing is not in the context of doing another biological opinion on SRKW for groundfish?

Marc Gorelnik [00:05:14] Aja.

Aja Szumylo [00:05:14] Thank you Miss Culver. Correct, the intent of bringing things together under the workgroup is just to paint the full picture in a single location and so the work would be similar to what is already done for the ESA workgroup for the other non-salmonid species it's updating bycatch information, compiling that information for Council review the same way that we do for other species.

Marc Gorelnik [00:05:40] Louis did you have your hand up?

Louis Zimm [00:05:43] Yes thank you Mr. Vice Chair. I was particularly interested in the discussion about pulling back to only four trawl survey boats and I want to note for the record that later in the Council year we'll be deliberating on possible inseason adjustments to lingcod regs and we will also most likely address that next year, and I wanted to point out that this is a perfect example of one of the species that is only occasionally encountered by the trawl survey, however I would also like to point out that when we did the star panel and the assessment that I sat in and observed, that trawl survey it was one of the few inputs that we had for gauging the status of the stock in Southern California so it's, we have a perfect storm coming at us here that we have to make decisions on a stock yet we're pulling back on the efforts to actually find out the status of the stock. Thank you.

Marc Gorelnik [00:06:59] Michele.

Michele Culver [00:07:01] Thanks so just a follow up clarifying. So even though we're not reinitiating, or NMFS is not reinitiating consultation for the purposes of doing another buyop. There could be coming out of the ESA Workgroup's work, there could be potentially some regulations that the Council may consider in the future to address SRKW prey. Is that correct?

Marc Gorelnik [00:07:36] Aja.

Aja Szumylo [00:07:38] Thank you Miss Culver. My understanding is that group sometimes recommends additional management measures that the Council may take to, to maintain take underneath the terms and conditions for each of the, the stocks in the biological opinion so yes that is a potential that, that group could make recommendations for additional Council action to address bycatch or in this case prey interactions, but again the group is, you know in this case also going to consider the actions that we're already taking to address chinook bycatch in the salmon biological opinion, that's separate from the ESA Workgroup terms of reference right now.

Marc Gorelnik [00:08:21] Phil.

Phil Anderson [00:08:25] Well this has been a week of surprises and the latest surprise is this reduction of vessels in the bottom trawl survey and I am very concerned about the ramifications relative to the data that we get from these surveys into our stock assessments being compromised. I was not at all comforted. I don't think Dr. Hastie was trying to comfort me by the way, but in his response about what

the, what the consequences, potential consequences to the veracity of the data that we get would be by going from four down to two and I was further, I, I, so my, I have a couple questions. One is how long have you known this, that the funding wasn't going to be available, and two what can, can we, I don't have a good sense of what your funding sources are for the survey work and would it be reasonable to ask the Science Center to provide that information to us, and three then is what can we do? How can we, who should we talk to or express our concern to that might yield some results in terms of restoring the funding that are needed for this critical activity that really is the foundation of our management of groundfish resources and so I don't know if Kevin could help us with this or could you provide us any insight on these questions with your permission Mr. Vice Chair.

Marc Gorelnik [00:10:42] Sure absolutely. When you come up to the, to the microphone so we can all hear you.

Kevin Werner [00:10:57] Yeah thank you Mr. Chair. Yeah we can.....microphones falling apart. Hopefully it doesn't need that.

James Hastie [00:11:07] We're here to help.

Phil Anderson [00:11:10] Fortunately it's not too windy in here now so...

Kevin Werner [00:11:13] Right, so the, I mean we're very concerned about the groundfish survey reductions as well. We, as looking through my old emails while you were talking and this did come up I think about a year ago when we first found out about this issue. I think Michele McClure did share this with the Council at that time as part of her NMFS Report, and so, you know obviously we're, we're willing to engage on this issue and talk about the different funding sources that, that survey is historically been funded by we think through different sources. We need to do some legwork to get under the details on that. We don't have that in front of us right now but we're happy to do that.

Marc Gorelnik [00:11:53] Did, Mr. Chair did that answer your series of three questions?

Phil Anderson [00:11:58] Well I think I had actually two and I think what Kevin's saying is that Michele gave us at least an inkling about this coming some time ago. Maybe we didn't, well at least I can only speak for myself, I didn't understand the gravity of the situation I guess when that, that was information was provided to us otherwise probably would've reacted like I'm reacting now a year ago or whenever that was and I'm just wanting, so, so you did, you answered that and I think the, the funding source piece, understanding that maybe you could provide us that information in June. I don't know if there's anything in the short term that, that we could do in terms of expressing our concern about dropping back to two vessels that could help for this year. I got, I got a feeling it's probably too late for that but this is, this does not, I mean in terms of this being us dropping back to two vessels in future years and this being something that is now going to become the norm that's, I view that as a very serious problem which is not a question but, so to the extent that you could provide us that information on the funding sources that would be great, perhaps in June if or you know when, whenever you can do that and in the meantime I'm going to suggest that we figure out a way to express our concern to the leadership of National Marine Fisheries Service and see if we can get some traction on restoring the appropriate funding for this activity.

Marc Gorelnik [00:14:05] Michele.

Michele Culver [00:14:07] Thanks so as a follow up to that before you leave. Understand that the fiscal year 20 budget is close to being finalized relative to NOAA and was just wondering if what the, the

proposal is relative to fiscal year 20 funding and this survey and if this is something that could potentially be partially restored or is it expected to be at the same level in 2020 and 2021?

Kevin Werner [00:14:52] Thank you Mr. Vice Chair, Miss Culver. The, so we have for FY 20 we have a President's budget. The President's budget has been proposed and obviously the legislative process is working its way through. As I mentioned the survey itself has been funded with a combination of we think three different sources. We'll confirm that so it's not sort of as simple as identifying one line item in the budget and corresponding that to the survey, but we can certainly provide whatever information we have around the FY 20 budget.

Marc Gorelnik [00:15:23] Michele.

Michele Culver [00:15:23] Thanks so I guess just specifically in NOAAs budget proposal for fiscal year 20 Did you include restoring the funding needed to restore up to four vessels?

Kevin Werner [00:15:35] So thank you again for the question. As Jim mentioned in his, his remarks and you might expand on this more than I do. The, the, the, the deficit for the surveys is around the, the catch share funding line and it's, we need to look into that more to fully answer your question yeah.

Marc Gorelnik [00:15:58] Marci.

Marci Yaremko [00:16:05] Thank you Mr. Vice Chair. I'm just wondering regarding the, the budget and I mean apparently we knew this was coming. Can you let us know were there similar cuts to research budgets for acoustic trawl survey work?

Kevin Werner [00:16:30] Thank you for the question. The question is were there similar cuts for the acoustic trawl survey. My understanding is that we haven't experienced those yet.

James Hastie [00:16:41] The, the issue with this year's trawl survey was more in the available days at sea on the Shimada, research vessel Shimada and as you may have heard we ended up developing a survey design dropping every eighth, I belief transect from our, our usual plan and that wasn't generated by a lack of funding it was a reduced number of sea days from what we've had in the past.

Marc Gorelnik [00:17:17] Further questions or? Pete.

Pete Hassemer [00:17:22] Thank you Mr. Vice Chair. So talking about sea days, just trying to, there's budgeting issues and there's ship availability. Out of my ignorance I didn't research NOAA, the West Coast fleet of ships available but I remember from day one when we had the Marine Sanctuary Report which was a very positive report and we had a lot of praise for that but in their report they noticed that starting this year they've got two and a half million dollars for a four year research project on deep sea corals that'll use NOAA vessels and sanctuary vessels so is that reduction in ship days, is there a scheduling ahead of time? A competition for days and, and I guess I'm thinking it was maybe a surprise to a lot of us the reduction this year. Is there a crystal ball that says next year we'd be doing the same thing or is, are the ships completely different and there's no issue there?

James Hastie [00:18:32] In our current schedule of hake assessments we're only doing them every other year, so normally what we have requested is a reduced number of days to conduct research at sea during those non survey years. I don't know, you know looking two years into the future, I mean we would certainly be presenting our request. There is a competition for those days and that's well above....

Kevin Werner [00:19:06] I can say a little about that. I mean yes there is a competition within the agency for, for white boat ship days every year, it's an annual sort of competition, so that, that, but I would say that the bigger limiting factor is the reliability of the fleet. The wipe up fleet is aging. It's, it's experiencing more or more sort of maintenance delays and repair problems that have, you know we had a recent example for, for one of our other surveys, our salmon surveys that, that was not able to go because there just wasn't an available ship. It was scheduled to go but the, the ship itself was was broken and couldn't perform the mission, so that sort of thing is happening with some frequency.

Marc Gorelnik [00:19:51] Thank you. Phil.

Phil Anderson [00:19:54] Well my under....correct me if I'm wrong, my understanding this is not about, we're not, the the trawl vessels, I mean you are, you're entering into contracts with privately owned vessels to do these trawl surveys. It's not been anything to do with ship time for the Shimada or the your white fleet, right?

Kevin Werner [00:20:15] Right those are two separate things. There was a question about the acoustic survey for hake, that is on the white boats. The West Coast groundfish survey is, is as you say it's on charter vessels.

Phil Anderson [00:20:26] Yeah. So, so I mean 2020 is from an agency perspective is gone. I mean it's in the hands of Congress now and the only way we're gonna affect the funding is through congressional action in the end. Of course we can't lobby so it takes, you know figure out some other way to get that message to the appropriators but, and I also believe and I was in Mr. Oliver's office a couple times a couple weeks ago that the 2021 budget is, I mean you're right at the edge of turning that into the administration so if we're going to impact what was being requested by the agency relative to funds for this purpose, that's got to happen really fast too in order to effectuate the, what the agency's request budget is that they provided the administration so you know we, we're gonna have to make our, if it's the will of the Council that is if you share that concern, we're gonna have to make our thoughts known to the leadership of NOAA fisheries quickly to see if we can influence them and ensuring that the adequate funding for this activity is included in their budget request.

Marc Gorelnik [00:22:04] Chuck.

Chuck Tracy [00:22:06] Thank you Mr. Vice Chair and maybe just to put a little context to this and I think I at some point asked this question and got an answer, but what, what, how much money are we talking about here to restore two additional boats to the survey?

James Hastie [00:22:24] For two additional boats and some of the other marginal expenses for transportation and, and overtime probably on the order of a million dollars.

Marc Gorelnik [00:22:41] Further questions here? Further discussion on the report? It seems to me like there's, well I'll get to you in a second Bob, it seems like they're certainly interest here to contact NMFS leadership on, on this issue.

Bob Dooley [00:23:02] Thank you Mr. Vice Chair. I just want to echo and agree with what Phil's comments there. This is really disheartening that we're, we're getting cuts in science in multiple places in the research and it's so imperative that we get that. You've heard it all week even from other sectors rather than groundfish and to see it go this way is not, not good. I'm really concerned about its being attributed to the catch share line item in the budget when this has nothing to do with catch shares. We were doing surveys way before that and so I think that's a separate issue that needs to be addressed but

priority is getting those boats on the water to do the research. I mean we, it seems like we're getting with a cut in the whiting survey we're losing some transects and losing the two boats here and it just seems like we're going the wrong direction in research to support our, our management, so that's all I'll say. Thank you.

Marc Gorelnik [00:24:02] Marci.

Marci Yaremko [00:24:04] Thank you Mr. Vice Chair. Apologies for belaboring this but regarding the acoustic trawl, as I understood your response, there, the limiting factor there was ship time. It wasn't a budgetary constraint. Does that mean there's surplus funding in the acoustic trawl budget that might be transferable to taking on additional vessels for bottom trawling?

James Hastie [00:24:33] Well since we aren't, we aren't paying from the Northwest Center directly for those sea days so the only change in cost to us from having a survey that's a few days shorter is any overtime for personnel onboard the vessels.

Marc Gorelnik [00:25:02] Further discussion around the table? Did I correctly capture the sense of the Council that the loss of two trawl vessels is critically important to the work we need to do and that there's an interest in contacting at the very least NMFS leadership on the issue to see what can be done either in the short term or in the long term to restore those vessels. All right Chuck.

Chuck Tracy [00:25:34] Thank you Mr. Vice Chair I guess I would just point out that this is not an action item for the Council. If the Council wants to consider doing something like that, I think that would be more appropriate under workload planning.

Marc Gorelnik [00:25:48] I defer to you Chuck. Okay on that?

Chuck Tracy [00:25:50] Some other agenda item.

Marc Gorelnik [00:25:51] All right. Well if we don't have that as an action here is there any other discussion on this agenda item? Going once, going twice, gone. Todd.

Todd Phillips [00:26:07] Yes thank you Mr., Mr. Vice Chair I believe that you've adequately covered this particular agenda item and that is it.

Marc Gorelnik [00:26:17] All right. Thank you very much.

2. Endangered Species Act Mitigation Measures for Seabirds – Preliminary Action

Marc Gorelnik [00:00:00] That concludes public comment and brings us to Council action. Kit you want to review that for us. Keep us focused.

Kit Dahl [00:00:12] Thank you Mr. Vice Chair. Yeah your task here is to adopt a preliminary preferred alternative. As I mentioned in the, in the summary at the beginning of this topic there's just the one action alternative with those four options so I think it's reasonably clear that you would adopt that action alternative with any modifications that, that you consider worthy and necessary and also related to that, the which of those four options you would want to include in your preliminary preferred alternative.

Marc Gorelnik [00:01:07] Thank you Kit. We've gotten some specific recommendations from the team. We've got some very thoughtful comments from the GAP and some also some good input from the Enforcement Consultants so we'll see what kind of discussion we have and see whether there's a motion coming. Brad.

Brad Pettinger [00:01:24] Thank you Mr. Vice Chair. No motion but just I think that I support the idea of using streamer lines with the, with the floating gear. I think that, I'm not sure if it was discussion of here at the floor this morning but in the state meeting I know there was discussion about what happens when your streamer lines aren't long enough? And what happens is basically it hooks up with your gear, pulls it down and so I think the use of streamer lines is a natural incentive to have them long enough to get them past where the hooks interact with those and I think that it would make it seem practical and logical to, to include that in the, in the regulations because there's a, there's, it's a natural.....you're properly incentivized to have a longer stream, the streamer lines so it's not interacting with your gear while protecting albatross.

Marc Gorelnik [00:02:26] Thank you. Other discussion? Aja.

Aja Szumylo [00:02:31] Oh....

Phil Anderson [00:02:35] I'm, don't want to cut off discussion. I had a motion.

Aja Szumylo [00:02:38] I had a motion too.

Phil Anderson [00:02:39] Oh good.

Aja Szumylo [00:02:41] If you, if you would like to offer one?

Marc Gorelnik [00:02:42] Well let's see if there's any other discussion and then I want to get to the motion. We have competing hands here. I'm going to call on Maggie and then Corey.

Maggie Sommer [00:02:53] Thanks Mr. Vice Chair. Thank you Corey for your patience. I have a brief one. I just wanted to point out we've had some discussion about extended streamer lines and I wanted to note that in the regulatory impact review says the estimated distance astern when the 2 meter threshold relevant to albatrosses was reached, meaning when the line sinks, the fishing line sinks below 2 meters was 157.7 meters for floated gear, so that gives us some sense of, of what kind of distance we might be looking at. I did a quick calculation I think that's 517 feet.

Marc Gorelnik [00:03:38] Corey.

Corey Niles [00:03:40] Thanks Mr. Vice Chair and I was hoping Maggie was going to ask this question and Aja you might have mentioned it in overview but in questioning with, with the GAP there, there was it seemed to end with the GMT statement there, there was confusion about what was allowable in terms of defining the, carving out the nearshore fisheries, so I think, I think the GAP said, if I understood correctly that they would've preferred to recommend the 100 fathom line, something like that, but we're told that was not allowable under the buyop. Can you help me understand what, what, what's going on with this nearshore definition issue?

Marc Gorelnik [00:04:15] Aja.

Aja Szumylo [00:04:16] Thank you Mr. Chair and thank you Corey for the, for the question. So a couple of things to clarify about the requirements. So the requirement in the buyop says build the streamer line requirement consistent with the Alaska regulations. The Alaska regulations also have area exemptions in them to exclude areas where there isn't a chance of interaction with the seabirds so the, the GMT report discussed that NMFS was asking for the requirement to be in place entirely in federal waters but there isn't a necessity to have the requirement in place in an area in federal waters where there is not a risk of interaction and so in our view an exemption of the area south of 36 is reasonable because there is a low risk of interaction but the area shoreward of the 250 fathom lines there's still a risk of interaction there and so that's not an area of, of federal waters that an exemption would be acceptable. Other lines, my understanding of the 250 fathom line was that it was something that was geared towards excluding nearshore vessels, and I, I had a motion potentially to offer but my, my interest is trying to you know carefully define when the situations are where, where vessels would be required to use the streamer lines and so the federal water line, you know federally permitted vessels fishing in federal waters is a clear break for that, a clear definition for that. If there is an interest in exempting shoreward of, of some line that would be amenable as long as again we could support that there is a low risk of interactions for that area, so it doesn't need to be state, the state waters line that, that interest is more in defining the body, the, the universe of permit holders that would be subject to the requirement as long as other lines are acceptable as long as they limit the risk of interactions.

Marc Gorelnik [00:06:21] Maggie.

Maggie Sommer [00:06:22] Thanks Mr. Vice Chair. Can I follow up on that and actually it was on Corey's question. It sounded like you understood the, the GAPs comments to mean that they would prefer 100 fathom line. I understood their response to my question to be that they would prefer the state waters line. Would it be possible to get clarification of the GAP, what the GAP recommendation and preference is?

Marc Gorelnik [00:06:48] Dan or...

Jeff Miles [00:06:58] Yeah originally when we, when we first went through it we wanted, we settled on the 100 fathom line. It's in regulation. Everybody knows where it is. It's easy to deal with. Then we were told that it was not legal to do that so we settled on the state waters line, but our original intent was to want the 100 fathom line.

Maggie Sommer [00:07:28] Thank you.

Marc Gorelnik [00:07:31] Further discussion? Bob.

Bob Dooley [00:07:34] Thank you Mr. Vice Chair. I guess it's more of a question. We keep referring to the regulations that are in the document on page 12 and 13 of the report Aja referred to and it's, it's

quite comprehensive and it talks about a minimum length and it talks about that, ultimately it says it has to cover the gear, so it kind of covers both bases. Are we intending to just adopt that or is that part of it or I'm just going to get my head around what we're thinking about here because we're once talking about a minimum length and you know that we're, or, or six 600 feet or whatever the number is but this kind of covers both bases and I was trying to get a feel for what, what Aja was talking about.

Marc Gorelnik [00:08:19] Well I think when, when that motion gets offered we'll have some clarity.

Bob Dooley [00:08:22] Okay thank you.

Marc Gorelnik [00:08:24]on what, how that will read. Louis.

Louis Zimm [00:08:30] And I.....thank you Mr. Vice Chair and I want to thank Mr. Dooley for bringing my attention to the page 12 and one thing we have not discussed is this using snap gear with superstructure and with superstructure not using it and is there some discussion we need to have on that? And I just want to remind the maker, the possible maker of the motion to include that, or to deal with it. Thank you.

Marc Gorelnik [00:09:09] Further discussion before we get into a motion which will I'm sure prompt additional discussion. Aja do you have a motion or is there further discussion? Phil did you have your hand up?

Phil Anderson [00:09:29] Well I'm anxious to.....I have one but I'm more than willing to defer to Aja.

Aja Szumylo [00:09:39] Okay. Sandra if you could bring up the motion. So I move that the Council adopt alternative 1 with options A, C and D with the following modifications as its preliminary preferred alternative. Alternative 1, require non tribal vessels 26 feet and greater LOA using bottom long line gear as defined at 50 CFR six sixty point eleven fishing in the limited entry fixed gear or open access fixed gear fisheries or fishing with long line gear under the gear switching provisions of shore... of the shore based IFQ program to either use streamer lines according to the Alaska streamer line requirements or deploy gear between one hour after local sunset and one hour before local sunrise once declared into a federal fishery and fishing in federal waters. Option A, when fishing south of 36 degrees north latitude vessels would be exempted from the requirement to deploy streamer lines or, or night set. Option C, vessels would use, or excuse me, vessels using floated mainline gear would be restricted to deploying gear between one hour after local sunset and one hour before local sunrise, and Option D, a weather safety exemption for vessels 26 to 55 feet LOA under a National Weather Service small craft wind advisory and that sustained winds or frequent gusts ranging between 25 feet and 33 knots.

Marc Gorelnik [00:11:06] Aja does that the language on the screen reflect, accurately reflect your motion?

Aja Szumylo [00:11:12] Yes Mr. Vice Chair.

Marc Gorelnik [00:11:13] Okay I'll look for a second. Corey Niles. Please speak to your motion.

Aja Szumylo [00:11:24] Thank you Mr. Vice Chair. So I amended the language of alternative 1 to include vessels over 55 feet and the Council is considering extending some of these exemptions to vessels over 55 feet as well in addition to the smaller vessels that are already include, or that are included in this biological opinion. The requirement would apply to bottom long line vessels defined under 50 CFR 660 11 And that definition includes a definition of snap gear as well and those, and the vessels

that participate in the limited entry fixed gear fishery open access fixed gear fishery and the shore based IFQ program that are gear switching while fishing in federal waters. This will include vessels fishing in the nearshore fishery that fish in federal waters as those vessels are required to declare into the open access, but it will exclude vessels fishing nearshore in state waters. I've included Option A because we think the analysis demonstrates that the data that we currently have which is telemetry and observer data suggest that the risk of short tailed albatross bycatch south of 36 is minimal enough to support an exemption for vessels operating in that area. If future information suggests that the presence of short tail albatross in that area increases or changes you can revisit that exemption and potentially remove it in the future to protect those birds. We also support extending this exemption to vessels over 55 feet for the same reasons that we identified for smaller vessels. I did not include Option B because we do not think the analysis is clear enough to support an exemption for vessels fishing short of the 250 fathoms line. For that reason Option B does not accomplish the terms and conditions or does not accomplish the purpose of this action, and again as I stated earlier my understanding was that this exemption was intended to exclude nearshore long line vessels from this action and we reviewed the biological opinion further. The data included in supporting the analysis did not include nearshore vessels, was focused on vessel, vessels operating in the federal fishery and so this exclusion in the biological opinion negates the need to extend that requirement to state waters vessels and in an attempt to capture just the federal waters vessels I tried to add language to the motion to really define the federal waters vessel, or the vessels fishing in federal waters who are required to, to use streamer lines. I included Option C because we think the seabird interaction research is also clear that streamer lines aren't effective for vessels using floated long line gear and would support selecting an option to restrict these vessels to night setting as, as an appropriate mitigation measure. We are very sympathetic to the concerns that the GAP raised but feel that there would be an unacceptable level of risk and the potential of exceeding the take allowance with selecting this option. We don't have the information now that we need about the fleet characteristics that use floated mainline gear and therefore don't have anything right now to allow us to develop a reasonable regulations to, to, to define the length of a streamer line that would prevent interactions for that gear type. The existing requirements were developed with a lot of research in Alaska and Maggie cited the information about the, the length of expected interaction that we could explore slightly further. Without additional research it would be challenging for us to develop specific measures though so yeah I know that you did that calculation but I don't know that we could for sure say that, that would prevent interactions. We are open to future modifications in a similar way that we would address them for other potential exemptions and yeah through the ESA Workgroup as Lynn mentioned earlier and I would like to see additional discussion in the analysis later about the equipment costs of out, outfitting vessels for night setting. The question I asked earlier about the challenges for setting at night, what, I know that there are some safety concerns but I would like to see additional analysis and discussion of that in the document that Kit put together, and then we're also extending this requirement to over 55 feet because the streamer lines may not be effective for these larger vessels as well. And then in, in this case for the next version of the analysis we'd also like to see a definition of floated long line gear to add to the regulations. Right now we only have a definition for bottom long line gear so we'd need to define floated long line gear as well. And then last support option D which is developing is weather safety exemption for using streamer lines for small vessels and then my motion proposes the National Weather Service advisory for, for small crafts, and I'd like to know Alaska uses a 30 knot mile per hour exemption for smaller vessels but this may be difficult to enforce because it doesn't have an official weather advisory status and with that I'll take any questions on my motion.

Marc Gorelnik [00:16:42] Questions for maker of the motion? Louis Zimm.

Louis Zimm [00:16:47] I would like to, if I may Mr. Vice Chair, address the Coast Guard, look at Lieutenant Commander McGrew regarding safety issues for small vessels setting at night off the Northern California and Southern Oregon Coast. Could you address that and how you would be

equipped to respond to safety issues that might occur at night?

Marc Gorelnik [00:17:23] Louis can I interrupt you. I think that, that would get into Council discussion. I just want to make sure that everyone around the table is clear on the motion, so we'll ask questions of the maker of the motion at this time and then when we have Council discussion we can, we can have that discussion if that's okay with you?

Louis Zimm [00:17:38] Yes thank you for that clarification.

Marc Gorelnik [00:17:40] All right. So questions for maker of the motion at this point? Corey?

Corey Niles [00:17:51] Thanks Mr. Vice Chair and thanks for the motion Aja. I'm, my question is on, on how you're carving out the nearshore sector here. I think I get it. I don't know if it'll be, be super clear to everyone and it's not super.... I might have it wrong but so those particular regulations, the CFRs you're citing to are basically sectors, every other sector other than fixed gear sector other than the nearshore sectors and there'd be no other, there'd be no depth restriction other than what's already in place by the rockfish conservation areas which are between like 40 and 100 fathoms for those states, so that is that kind of the, you explained it, I don't know if I followed it completely but is that how you're, how you're approaching that defined, definition of the nearshore?

Marc Gorelnik [00:18:36] Aja.

Aja Szumylo [00:18:37] Thank you Mr. Niles and thank you Mr. Vice Chair. So again the definition, I was trying to define the specific gear type that it would require, or that this exempt, or sorry this mitigation measure would be required for and then all of the federal permit types that would be required to use that gear type, or sorry that mitigation measure, so it's vessels that are fishing under federal regulations in these circumstances using that specific gear type.

Marc Gorelnik [00:19:08] Further questions for Aja on her motion? Maggie.

Maggie Sommer [00:19:12] Thanks Mr. Vice Chair and just a follow up for clarification on that. As an example, a fisherman fishing in Oregon's state permitted nearshore fishery which falls under the federal open access fixed gear fishery would not be required to use streamer lines if fishing inside state waters but if they were fishing in federal waters then they under your motion would be required to use streamer lines as well as complying with other federal regulations for that area such as VMS. Is that correct?

Aja Szumylo [00:19:45] Thank you Mr. Vice Chair. Thank you Miss Sommer. Yes that is correct.

Maggie Sommer [00:19:48] Thanks.

Marc Gorelnik [00:19:50] Any other questions of Aja? Corey.

Corey Niles [00:19:54] Yeah thanks Mr. Vice Chair. I guess what, what we're doing here is setting up the preliminary preferred alternative and you mentioned other areas where you'd like to see more information to compare and contrast with so you wouldn't, this wouldn't preclude looking at an alternative of just using a 100 fathom line analysis between now and in June or whenever we take this back up, correct?

Marc Gorelnik [00:20:19] Further questions? Bob Dooley.

Bob Dooley [00:20:22] Thank you Mr. Vice Chair. Thank you Aja for this motion. It's a great one. I, I, just a question. You, you mentioned the Alaska rules in here too as a definition of, but is there similar, are there similar rules regarding floated gear in Alaska?

Marc Gorelnik [00:20:43] Aja.

Aja Szumylo [00:20:44] Thank Mr. Vice Chair. Thank you Mr. Dooley. I don't believe that the Alaska fishery uses floated mainline gear so that, or long line gear so I think that's a gear type and a concern that's specific to our fishery and that was part of why they did that study to specifically consider the West Coast fisheries and the gear types that we use here, so there, yeah there's a study referenced in the, in the decision or in analytic document. I think it's Gladicks et al? Gladicks et all.

Bob Dooley [00:21:16] Thank you.

Marc Gorelnik [00:21:16] Brad.

Brad Pettinger [00:21:18] Thank you Mr. Vice Chair. Aja it'd be interesting to know what size floats they did use that study because it, I'm kind of thinking of what would happen if the, the gear, the floats they would use down here were much, much smaller. How that might weigh in maybe at the next meeting if we could bring that forward to maybe help inform the decision because it sounds to me like they've brought us some really great input on why we should allow people to use it and I'm also seeing the safety issue too just because small boats, not much lights. I hate to put people in that kind of position. So anyway thank you.

Marc Gorelnik [00:21:58] Aja.

Aja Szumylo [00:22:00] Thank you Mr. Vice Chair and thank you Mr. Pettinger. So the study was not an Alaska study, it was actually a West Coast study though it was in our region and our fisheries. They don't use floated long line in Alaska so again that's a problem specific to us and I agree I think between now and final action we should definitely explore the concerns that the, that the GAP raised and try to figure out if there's a way that we can mitigate that but for now I wanted to put forward this alternative considering that we don't have a, a strong way to define specifications to ensure that the risk of interaction with the seabirds with this gear type is mitigated.

Marc Gorelnik [00:22:42] Marci.

Marci Yaremko [00:22:43] Thank you Mr. Vice Chair. Just on your last point, I appreciate that you're willing to continue exploring alternatives that might require the length of the tory lines to extend beyond the floating mainline gear. So it sound...but you're also requesting Council staff prepare additional information as possible on the economic impacts of mitigating for you know changing operations to night sets. I guess kind of hearing all of this and I think interest in, in future analyses on, on kind of both tracks. What is your rationale for establishing a preliminary preferred alternative between those two pathways and, and using the language shown here for Option C?

Marc Gorelnik [00:23:40] Aja.

Aja Szumylo [00:23:43] Thank you Miss Yaremko. My, my interest is that the available information that we have suggests that there is an increased risk with this, this gear type so I am establishing this preliminary preferred alternative to tie to the fact that the information that we have points us in that direction. I, I don't think that precludes us from looking in both directions and I think that we absolutely

should and should have full information about what the impacts of this will be before we take final action at that point. But right now I'm matching the requirements to the information that I see and the information that's in the document and in the, in the scientific paper that investigated that gear type.

Marc Gorelnik [00:24:25] All right further questions of the maker of the motion? I don't see any. So now we'll open this up for discussion and or amendments. Let me see if there are any hands around the table for discussion? Phil.

Phil Anderson [00:24:43] Well first of all I appreciate the motion. I appreciate the fact that you are including in the motion the use of the state waters as the line in which outside of which you'd have to use the, the streamers. I, I, I think using the line that is 100 fathom or anything like that would be a big mistake. I've made probably 600 trips in the last 30 years for the specific purpose of viewing seabirds in the area of the shelf break at 100 fathoms and I have pictures of two short tailed albatross sitting on the water together just a month ago right at about the 100 fathom line and we've probably seen on average 50 black footed albatross between 90 and 110 fathom on each one of our trips over that timeframe, so that area is a very productive area and forage area for seabirds and so anything that would touch that area or beyond would, I think would be a, a big mistake to, to exclude from the requirement. I am very concerned about option C. I'm thinking back to the drift gillnet issue and the hard caps and the economic impact on the fleet that NMFS was critical about us, in terms of our analysis and I think from what we've heard through public discus...public testimony and from the GAP is that option C poses a huge economic impact on a large proportion of our fleet that fishes long line gear particularly in the area from Central Oregon South, so I am very concerned about that particular one and I'm so concerned that I'm going to offer an amendment to Option C.

Marc Gorelnik [00:27:12] Go ahead.

Phil Anderson [00:27:16] I would insert after the word 'gear' that do not include tory lines. I, I went T O R E, I tried two Rs on my motion and it kept giving me a spell. I tried one R and it worked so if you want to try that. After the word gear that do not include tory lines that are at least 300 feet in length, comma and then you'd take up again with the 'would be restricted to'. I'm happy to have, if there's, if the 500 and, 500 foot length is that you referenced, or 517 I think you actually said, is a more appropriate length happy to entertain but I'm picking the 300 foot length from the interaction that I had with the members of the GAP and also in, in, in particular Dan I think said his, and he was estimating that they could be approximately 500 feet so if there a better length but I'm not, I am just not ready to, to put this kind of a restriction on all of those vessels without some very good economic data and information in front of us and so I think we need to figure out a way to allow them to continue using their gear. Fishing at night is, is an entirely different challenge than fishing in daylight hours. Many of these vessels are smaller vessels and I, and I just think we need to make, to see if we can, number one address the issue associated with the interactions between seabirds in this gear but at the same time allow that fishery to continue fishing in daylight hours.

Marc Gorelnik [00:00:00] All right. Is there a second to the motion?

Bob Dooley [00:00:05] I'll second.

Marc Gorelnik [00:00:06] Christa. Do you want to speak to, speak any further to your amendment?

Phil Anderson [00:00:11] Yeah I apologize for going on a little long there on the making and the motion, didn't have a chair to whack me down, appreciate that. But again I just, I think we need to, let's take a look at this, let's do some analysis on tory lines. We've asked the, well we haven't but I hope we

ask and the Enforcement insulant, Consultants indicated they'd be willing to take a look at what kind of a definition would be needed here so that this could be an enforceable regulation. We're also asking them to do the same thing to define floated mainline gear, and we can come back and, and see what they have come up with and allow us to move, move forward with the final decision when we have that information in front of us.

Marc Gorelnik [00:01:05] All right. Questions for the maker of the motion? Brad.

Brad Pettinger [00:01:10] Thank you Mr. Vice Chair. Phil I think maybe it might be good if you say 'streamer lines' to be consistent with the earlier motion.

Phil Anderson [00:01:20] So use the term 'streamer' instead of...

Brad Pettinger [00:01:24] It's already at Option A. The exact term.

Marc Gorelnik [00:01:27] They're synonyms aren't they?

Phil Anderson [00:01:29] Are they?

Brad Pettinger [00:01:31] I believe so.

Phil Anderson [00:01:33] Okay.

Marc Gorelnik [00:01:33] I'll go to our parliamentarian to see if we can make that change to the motion, a nonsubstantive change?

Dave Hanson [00:01:45] Ideally it should be done by motion, an amendment but since it's preliminary I would say that the intent is there and let it go.

Marc Gorelnik [00:01:59] Phil.

Phil Anderson [00:02:00] Thank you very much Mr. Parliamentarian for giving me a little slack here. So include streamer lines. We'd replace the word 'tory' with 'streamer'.

Marc Gorelnik [00:02:14] I think we have the okay from the parliamentarian to do that so Sandra if you could change the word 'tory' to 'streamer'. It's not meant to change the meaning of the amendment only to consistency and vocabulary. All right. Discussion on the amendment? Corey.

Corey Niles [00:02:35] Just question for, for Mr. Anderson on your, you mentioned choosing 300 feet instead of Maggie's conversion to meter, from meters to feet, but if, if the analysis shows something longer than 300 feet it would be, would achieve the objective, you're not intending to prohibit them looking at that are you?

Phil Anderson [00:02:55] Not at all.

Marc Gorelnik [00:02:58] Christa.

Christa Svensson [00:03:00] Yeah thank you. I definitely share Phil's concerns and I don't have a solid, it must be 300 feet. I think the intent is to make sure we cover the bird strike zone and in looking briefly at Miss Gladicks work along with others, you know she happens to live in the same town I do and I will

probably be following up with her but, but just looking at sort of the synopsis of the report it appears that the concern was that they, they don't have the data of the length, the additional length required and so if we can come to terms of what that length is I feel like that will cover us and still allow safety for our fleet and economic opportunity for them as well.

Marc Gorelnik [00:03:59] Further discussion on the amendment? Aja.

Aja Szumylo [00:04:03] Thank you Mr. Vice Chair. I appreciate the amendment and I do, again I share everyone's concern about impacts the fleet as well. I think to something Miss, or to the question Miss Yaremko asked me earlier, I, all I'm encouraging is that we have, bring as much information to the table as possible before we take final action on this and that we fully consider the economic impacts and then consider whether this effectively mitigates the risk and so that's, that's my, my end goal in this to make sure that we're addressing the fleet appropriately and addressing our obligations under this biological opinion.

Marc Gorelnik [00:04:43] Thank you. Is there any further discussion on the amendment? I'm not seeing any. I'll call the question all those in favor say 'Aye'.

Council [00:04:53] Aye.

Marc Gorelnik [00:04:53] Opposed no? Abstentions? The amendment passes unanimously. We're back to the main motion for discussion. Phil.

Phil Anderson [00:05:03] Thank you. Just a question under Option D, the, I'm assuming that the exemption would also apply if there were gale warnings up. Is that correct or not? The way it's written the exemption applies when they're small craft wind advisories. Well if there were gale warnings up and someone was out fishing I, I'm....

Marc Gorelnik [00:05:41] Lieutenant Commander McGrew can you answer that?

Scott McGrew [00:05:45] Thanks Mr. Vice Chair. You may want to put it in the language but a gale warning is, supersedes a small craft advisory, so it's a higher level warning.

Marc Gorelnik [00:05:58] Phil.

Phil Anderson [00:05:59] Yeah I'm fully aware of that but this says the exemption applies when we have a small craft wind advisory and then it defines what it is, 25 to 33, and I'm just suggesting there could be times when an individual is out fishing when gale warnings are up, hopefully that's not me and that the exemption wouldn't be in place under the way this is written.

Marc Gorelnik [00:06:27] So presumably you'd have a small craft wind advisory ahead of a gale warning so not necessarily. All right.

Scott McGrew [00:06:36] Mr. Vice Chair I would maybe look to NOAA to see if they would want to just have it reflect small craft advisory winds or greater because you could say the same thing about a storm force or hurricane wind warning. I mean there's a scale.

Marc Gorelnik [00:06:53] Do we want to a, an amendment, an amendment to be proposed? Christa.

Christa Svensson [00:07:01] Yes so I would propose that we add the word after small craft wind

advisory 'or greater' or 'higher' may be a more correct terminology.

Marc Gorelnik [00:07:21] You mean that to go after the word advisory after the parenthetical?

Christa Svensson [00:07:28] I will defer to you Mr. Vice Chair considering you have a bit more legal than I do, but, but the intent would be to have the ability and the latitude to have this be applicable to anything whether it ranged from small craft, gale, hurricane, et cetera, so...

Marc Gorelnik [00:07:50] I think since the parenthetical defines only a small craft we probably want those words after the parenthetical.

Christa Svensson [00:07:56] Perfect. Thank you.

Marc Gorelnik [00:08:06] Does, does that capture your amendment Christa?

Christa Svensson [00:08:10] That definitely captures my intent. Thank you.

Marc Gorelnik [00:08:12] Is there a second?

Bob Dooley [00:08:14] I'll second.

Marc Gorelnik [00:08:14] Bob Dooley. You need to speak to your amendment?

Christa Svensson [00:08:18] No I, I think we've had a bit of discussion on it and, and that adds to the safety of those that will be out there fishing.

Marc Gorelnik [00:08:26] Is there any discussion on the motion to amend? Not seeing any I'll call the question. All those in favor say 'Aye'.

Council [00:08:34] Aye.

Marc Gorelnik [00:08:34] Opposed no? Abstentions? The motion to amend passes unanimously. Back to the main motion. Further discussion? Marci.

Marci Yaremko [00:08:46] Thank you Mr. Vice Chair. I just want to express my support for this motion as amended. I also am cautious about the remarks made south of 36 and that maybe we don't have, or that the data isn't telling us quite everything and I think the advice to be vigilant on that point is well taken. Appreciate the amendments here to not express a preliminary preferred on what we do regarding Option C. I think that's very important, and appreciate the discussion we had about the state and federal waters lines and I think we've come up with a nice bright line test here so thanks.

Marc Gorelnik [00:09:30] Further discussion? Corey.

Corey Niles [00:09:34] Yeah thanks I also appreciate the motion and on the, on the state waters issue it's always good to have Mr. Anderson here and bring more data and information than we, we, we get in the analysis but I was actually thinking of the opposite where state waters goes beyond the 100 fathom line. It's not many areas of the coast, but it seems like a decent part of the California coast so you're gonna get risk in those areas so I was just hoping as, as my question with Aja that we'll get a little more analysis on risk versus, versus, versus the depth zones but otherwise yes very much in support of this, of the preliminary preferred approach here.

Marc Gorelnik [00:10:13] Louis Zimm.

Louis Zimm [00:10:14] I also....thank you Mr. Vice Chair, I also will be supporting this motion as a preliminary motion and I greatly appreciate bringing in the Coast Guard to comment on the weather advisories and I also look forward to the Coast Guard working with NMFS and perhaps with staff to understand the reasons for Option C and I greatly appreciate Mr. Anderson's approach. Thank you.

Marc Gorelnik [00:10:53] Further discussion? Phil.

Phil Anderson [00:10:55] Sorry but Marci your, your comment left me a little confused that you were suggesting that option C is not our preliminary preferred alternative?

Marci Yaremko [00:11:07] As amended I support what we've done here.

Phil Anderson [00:11:11] Oh okay thank you. I missed....

Marc Gorelnik [00:11:14] All right. Any further discussion on the motion as amended? Not seeing any. All those in favor say 'Aye.'

Council [00:11:22] Aye.

Marc Gorelnik [00:11:23] Opposed no? Abstentions? Motion passes unanimously. Kit. Well let me just see if around the table is any further discussion? Maggie.

Maggie Sommer [00:11:39] Thanks Mr. Vice Chair. Just a brief comment. We had a little bit of discussion about analysis of the state waters line and perhaps being able to compare it against a fathom line in terms of risk. The 100 fathom line was mentioned but I understand there are concerns that, that may not be adequately protective of seabirds and I note that 75 fathoms was raised at least in the GAP Report as well and I would suggest that the analysis take a look at that line, give us that for comparison.

Marc Gorelnik [00:12:12] Monterey Bay in particular has a large area of state waters and a lot of depth greater than a hundred fathoms. Phil.

Phil Anderson [00:12:21] If you're going to do that, if you're going to be looking at a 75 fathom curve and what that, I would overlay where the pink shrimp fleet operates when doing that because albatross frequent the areas where the pink shrimp fishery takes place and it is in 75 to 85 fathom off the Washington Coast.

Marc Gorelnik [00:12:45] Any further discussion on this agenda item?

Marc Gorelnik [00:12:52] Parliamentarian. Dr. Hanson.

Dave Hanson [00:12:54] When the North Pacific instituted program the Pacific States received a grant to construct and distribute streamer lines. There was another part of that which was constructing and installing davits on boats to help raise the point of leaving the vessel. So there's another section out there, but the states might want to hit the feds up for grants.

Marc Gorelnik [00:13:23] Always good to find a nice source of funds. Aja.

Aja Szumylo [00:13:28] Thank you Mr. Vice Chair. I just wanted to thank Kit for a really well laid out

analysis on this action and the format was very clear and it provides us a really big leg up for moving forward with the rulemaking very quickly after we take final action, and then I also wanted to thank Science Center staff, Tom Good and Jason Jannot were very involved in the analysis and provide, provided a lot of good information. Also involved in the ESA Workgroup as well relative to seabirds and so I appreciate all the good work that went into this action.

Marc Gorelnik [00:13:59] All right. Any further comments around the table on this agenda item? Kit. How are we doing?

Kit Dahl [00:14:07] Thank you Mr. Vice Chair. Well you've adopted a preliminary preferred alternative. You've also provided some guidance on additional analysis that you'd like to see and specifically in relation to option C and looking at both the costs, potential costs of vessels having to retrofit to fish at night and the, I guess whatever information there is about the efficacy of longer streamer lines in relation to the deployment of floated, floated mainline gear, so we'll, we'll gather that information and put it into the next iteration of the analysis, and then the other part was looking at these potentially alternatives to just the state waters boundary which the action as proposed and the buyop does not apply in state waters but there was some discussion about exempting areas of federal waters, for example shallower than 100 or 75 fathoms. I actually did prepare a map for the GMT showing all of those boundaries, it might have been wise to include that in the bri...supplemental briefing materials but I didn't, but it certainly should be readily available to include in the information for June and with the addition of that Mr. Anderson asked for of indicating where the pink shrimp fishery operates, I guess because that is an area known to be frequented by albatross so, so we'll bring all of that information forward in June to help with your final decision.

Marc Gorelnik [00:16:08] Thank you very much Kit. Well I think that concludes this agenda item.

3. Endangered Species Act Mitigation Measures for Salmon

Marc Gorelnik [00:00:00] That concludes public comment on agenda item G3. We're now about three hours and 20 minutes into a two hour agenda item. Next we have Council discussion. You want to review the, our actions before us here Todd?

Todd Phillips [00:00:19] Yes. Thank you Mr. Vice Chair. We have gone through all of the reports and presentations. We have heard from the GMT has a presentation, the SAS, the GAP as well as public comment. We are on track with Council action for the next, next bit.

Marc Gorelnik [00:00:40] Right. Well the Council's pleasure to take a break at this time or to con, plow ahead with the discussion? I'm not hearing any. Let's go ahead with the discussion then I don't see anyone asking for a break. So Herb go ahead.

Herb Pollard [00:01:00] Thank you Vice Chair Gorelnik. I guess the first note that I wrote down was the GAP is right and I think the GAP statement was very complete and dealt with a lot of the issues that I had with our, our earlier discussion or a lot of the things that I saw as potential problems and our, our testimony since then sort of confirms that the GAP is right but you know I look at what happened in 2014. One or two lightning strikes put one segment over a limit which at that time was kind of prescriptive, this many for the at sea whiting, this many for the non whiting and shoreside, so we had to take an emergency action to, you know we were still 25 percent under the 20,000, we just barely made 15,000 even but because one segment was over so we had to take an emergency action and I was on the gavel when we were trying to figure out how to fix this when Michele Culver came up with the reserve idea as an idea to allow flexibility for inseason movement within the 20,000 overall bycatch and I thought that was brilliant because it was simple and it gave us some flexibility to move quickly with an inseason action and, you know since then I see potential layers of regulations that would constrain that flexibility and limit what we could do and, and still we haven't, we're way under and we're averaging 25 percent of, of the 20,000 between all of the sectors. Because the average bycatch is low, you know I think the 500 subreserve set aside is unnecessary, adds another layer of regulations and complexity. You know somebody mentioned it smacks of allocation to a, to a different group and maybe it does but it's, it really isn't necessary. The current fishing is not even close to the limit. We're seeing responsiveness from the fishermen and you know I think the GMT Report has, gives us a lot of good ways to move forward but I don't think we need very many new measures or new layers of regulation. Where I am here.

Marc Gorelnik [00:04:00] All right thank you Herb. Phil.

Phil Anderson [00:04:03] Thanks Mr. Vice Chair. Just two thoughts. I guess in my, my, my mind I had moved past whether the biological opinion and incidental take statement was consistent with the intent of the Council. It, it, I'm disa, I was disappointed in a number of ways with the outcome but we are where we are. The, I don't, first of all I would say I don't think there's any way that this Council, National Marine Fisheries Service or government in general could possibly build a mechanism through regulations that can be as responsive as industry can be on, left on their own. We, we just we're, we're not good at that and we probably never will be, so I'm was struck a little bit, a little bit in a sort of a funny way but serious way as well that Heather said we don't need you to save us from ourselves and that's a good thing for you because if you did you'd be in a bad spot.....(laughter)... So I have been listening to all this and reading the material and, and really focusing in on the incidental take statement and the terms and conditions that apply, they're nondiscretionary, they're things we need to do, we have to do, NMFS has to do. We're, we're perhaps fortunately in a position to advise them on how to do those things and we're really in my mind down to, to two things that were pointed out in the GMT Report 2b,

which is if the Council determines that additional management measures are needed to allow for timely inseason management to keep the sectors from exceeding their catch, their bycatch guidelines, the Council will develop such measures and recommend them to National Marine Fisheries Service, so I, you know when we think about the, the extraordinary measures that industry has put in place to govern themselves, after all they're the ones that get hurt if they go over, not us, I think that we should be doing the minimum amount needed from a regulatory perspective. I'm not sure that doing nothing and just is, that, that will pass muster, but I think we should, we have ample evidence of over a long period of time and in particularly in the most recent years that industry has stepped up to the plate. They are making revisions. They are monitoring their fisheries. They're communicating with each other. They're taking extraordinary actions to move over and over and over to stay away from salmon, so I think they needed, need to be rewarded for that. So relative to 2b I think as we go forward with this process I think we should be, we should do what we need to do but no more and I'm not sure I know exactly what that is but whatever we do it will be a perhaps a backstop and a, a course tool to address a situation where they're, they're at a point where they're going to go over because if up to that point in time they've probably used every measure and taken every action within their ability to not go over that number and so our action is going to be nothing more than a backstop. So rela, the relative to 2b and I'm not sure what it takes but what it again talks about is if we determine that management measures are needed then we need to develop those and recommend them to NMFS, so let's think carefully about that. And then the other one that seems to me is, is number one I, I probably think it's reasonable for us to do but and that's relative to the reserve. We need, we ha, shall develop and implement initial regs governing the reserve as part of the 19, 20 biennial spex so these are, this is an action that we need to do and again I suggest that we not get too creative in doing that but that's, that's just a I guess a little bit of a brain dump and summary of what my thoughts are and where I think we are and how I think we ought to limit to the extent that we need to comply with the incidental take statement and the terms and conditions contained therein.

Marc Gorelnik [00:09:59] Bob.

Bob Dooley [00:09:59] Thank you Mr. Vice Chair. I concur with what Phil is saying a lot. I want to expand on it just a bit. I think the best tool we have as a Council to avoid salmon bycatch relies on our cooperatives in the way that they are, they've exhibited they can behave and do and part of a real, a real big part of that is the flexibility they have within their agreements to, to do more and to adapt to the situation so I would hope, well I'll back up just a little bit, I fully understand we need backstops because not, not everybody is in a cooperative, we heard testimony to that and I think there needs to be something to address if we're in a situation however I think we need to keep in mind that if we are approaching that, there may be suggestions within the cooperative structure that are better than anything we can do with a backstop when it applies to those cooperatives, and so I would like to at least think about some way if we are found in a position that we need to institute some of these backstop provisions, that we give the cooperatives the chance to offer something that might give them an exemption because it'll be better to do that and I have a couple of thoughts on that. One is I believe if, you know if, if the people affected were in these, in these structures we could manage it better and when they're outside the structures we have to do course, as Phil said, course, course course adjustments I would guess I would call it and we don't have the fine adjustments that they have in the co-op, but if people choose not to be in groups like that then, whether they be risk pools or whatever that has a structure that we can count on, then they sh, we have to use the course tools, it's the only thing we have but we also have to be able to keep our, be able to use the best tools, the best things available and it may be just an adjustment to some measures that are already in place in the cooperatives that they can tell us and if we deem that, that's good enough then we should let them continue on course until they prove otherwise. That's just what I would add. Thank you.

Marc Gorelnik [00:12:29] Thanks Bob. Brad.

Brad Pettinger [00:12:32] Thank you Mr. Vice Chair. I was glad to see the, the talk about the data management improvements potentially in the non whiting fishery. I think about as the RCA goes away next year and a lot of people will be fishing in areas they haven't fished for a long time and really we need to get a handle on that. I think the best way to do that is, is to communicate as best we can amongst ourselves, with the agencies to make sure that word gets out and we can minimize those areas of, of catch in those areas, and so yesterday afternoon I was sitting around talking with a few of the folks, Christa and Heather, Maggie was there I believe, about how we might do that and then just kind of, just to kind of formulating that so I just want everyone to know that, that is an important issue that needs to be addressed and I think between now and June we'll have something more fleshed out by then. Anyway hats, I just want to say hats off also to the great statements by the GMT and the GAP. You know it's a crazy topic as far as the breadth and depth and I thought it was really flushed out well I just thank for everybody's input into this. Thank you.

Marc Gorelnik [00:13:46] Thanks Brad. Pete.

Pete Hassemer [00:13:50] Thank you Mr. Vice Chair. Repeating a theme here I think so I'll try and be brief but salmon and steelhead, the anadromous fishes are extremely important to Idaho and my constituents and, and we suffer too in years like this of lower, of very low abundance of them so I, I have to think and for those people I represent about this very hard and that the salmon impacts are a great concern but as we go through this what, what I have to look at for thinking about how I might act on these various issues is, is paying attention to the national guidelines and when I look at guideline 9 or the National Standards, the bycatch, the guideline is to minimize bycatch and as I listen to the testimony here I hear, I understand all the efforts the industry has gone through and I appreciate their testimony to minimize that. There's no value in those salmon to that industry to catch them and so I don't as in regards to 2b what, what we actually do there I'm, I'm not sure what the right thing is but I don't view it as not doing anything if we don't recommend additional measures. I think the best path forward based on what we've heard to minimize bycatch is to keep this in the hands of the industry and allow that innovation to continue and develop because that's what's resulted, what brought us to where we are today that they're keeping the bycatch levels very low so it's not doing nothing but it's really implementing a path forward that continues to minimize bycatch rather than going through a process putting something in regulation which I feel would freeze the bycatch at the levels it currently is and you know there's the opportunity if we do that then to go through EFP processes to explore various things but there's a whole lot of process, so I think the non action of continuing to leave it in the industry's hands to develop and innovate here and reduce bycatch is the best way to minimize that, then the, the mention about the backstops, I, I agree with that also that we need to think about that so I'll stop there. Thanks.

Marc Gorelnik [00:16:30] All right. Thanks very much Pete. Maggie.

Maggie Sommer [00:16:37] Thanks Mr. Vice Chair. I, I agree with all the comments that have been made so far and certainly what we've heard from industry and what we have seen demonstrated over the past few years illustrates what a, a good job is being done. I also, I do see some value in having the backstops and that's where I see the potential benefits of ideas like the block area closures and the selective flat fish trawl requirement expansion that the GMT has, has developed for us. I would hope to not have to use those but it occurs to me that maybe having those available for use for the say non whiting co-op sectors could be at least a better tool than what we have available to us now in order to, to slow salmon bycatch. There might be a less blunt tool effectively reducing salmon bycatch, minimizing salmon bycatch while having a lower impact on the fleet. That's my current understanding

of the potential benefits of those types of alternatives.

Marc Gorelnik [00:17:58] Corey.

Corey Niles [00:18:01] Yeah. Yeah. Thank you and I'm also agreeing with a lot of thoughts and Pete kind of took my phrase, I think the best we can do is, is create incentives and innovation, but I'm, the thoughts I'm hearing now is kind of just, I want to put out there that what we're doing today is, is establishing a range of alternatives where we can think about these things in more detail and make sure we get the GMT and the GAP and NMFS and they brought us some good information so right now I think that their focus is on, you know making sure the analysis is, is coming back to us and we have it framed in a way that will help us with the decision. It sounds like we're getting down the road. It sounds like we could make a final decision today almost but I think our task here is to make sure we've got that range and not prematurely removing these things and I think the GMT said we're not talking about deciding to put these things into place now, we're talking about putting tools into the toolbox so that you know the word backstop is being used but that's what we're doing, we're not deciding whether we need to box industry in now or not. These are these are tools in the toolbox and yeah I think the, I and this is, I'll try to say this as delicately and that really maybe foreshadowed how well I'm going to be doing this, but I understand how well the whiting sectors are working and just lack of a familiarity I don't understand it as much. I heard from Travis and encouraging things from, from Heather about the bottom trawl, the non whiting sector and so I really want to hear how, and Bob spoke to this, how, do they have the structures in place that, that we can rely on to do these innovative quicker things as Mr. Anderson said, so again yeah I think, I think right now we're just framing the framing issues and we'll come back in, in June, September and really get to final recommendations.

Marc Gorelnik [00:19:45] Thanks Corey. I think that's, thanks for straightening out our point of reference here and what we're trying to do. Maggie.

Maggie Sommer [00:19:54] Thanks Mr. Vice Chair. I would offer a motion if you feel we're ready for that?

Marc Gorelnik [00:20:00] I think we are.

Maggie Sommer [00:20:01] Thanks. Sandra. I move that the Council adopt the purpose and need statement and range of alternatives recommended an agenda item G3 a Supplemental GMT Report 3, April 2019 for further review with the following modifications. Include the alternatives for automatic authority to close the trawl sectors and preserve 500 chinook salmon for fixed gear and recreational fisheries as described in G3 a Supplemental GMT Report 2, April 2019 and shown here. No action, the Council would not develop an action which would preserve 500 chinook salmon for the fixed gear and recreational sectors. Instead the only automatic action authority in regulation would be the one which would close one, one or both of the whiting or non whiting sectors of the groundfish fishery would close upon that sector having exceeded its annual chinook salmon bycatch guideline and the reserve. Alternative one, develop an automatic action authority that would close the trawl sectors as follows: One, close bottom and mid-quarter trawl upon attainment of 8,500 chinook salmon. Two, close the whiting..... would you please add in there whiting trawl sectors upon attainment of 14,000 chinook salmon. Three, close all trawl fisheries.....would you also please add in 'after fisheries upon attainment of 19,500 chinook salmon'. Instead of the alternatives under development of reserve rule provision in G3 a Supplemental GMT Report 3, April 2019 use the following action alternative. A sector may only access..... Council or NMFS has taken action to minimize chinook bycatch in that sector prior to reaching its chinook salmon bycatch guideline.

Marc Gorelnik [00:22:06] Maggie does the text on the screen accurately capture your motion?

Maggie Sommer [00:22:10] It does. Thank you.

Marc Gorelnik [00:22:11] Look for a second? Seconded by Brad Pettinger. Please speak to your motion.

Maggie Sommer [00:00:00] Thanks very much Mr. Vice Chair. In the buyops incidental take statement there were six nondiscretionary regional and prudent measures and associated terms and conditions with which the Council and NMFS must comply within three years in order to avoid reinitiation of the ESA Section 7 consultation. Noting that many have already been addressed, this action meets the need to develop mitigation measures necessary to comply with the remaining provisions of the buyop and adopts those for public review and further analysis noting that this, I am not designating a preliminary preferred alternative here, it's simply a range of alternatives. I do note the difference between the, the purpose and need statement that I'm proposing here recommended by the GMT with the one recommended by the GAP. I believe that the GMTs is more narrowly focused on this action and I, I do want to note that the selection of purpose and need and the alternatives I have proposed in the range here are coming under the overarching guiding thought that additional management measures may not be necessary but they may be beneficial in some circumstances. Further analysis will help us better understand the pros and cons and the tradeoffs associated with these. The analysis of alternatives in the range will include some additional description of the tradeoffs and the benefits of the new measures compared to the status quo. I would also note that analysis should consider the GAPs point that the current status quo includes the voluntary industry self-management that has been demonstrated as a very important characteristic. On the specific measures included in the range here again I have chosen these because I believe based on the information provided by the GMT, the GAP and in public testimony, these best meet the objective of minimizing chinook salmon bycatch while maintaining as much management flexibility as possible. Specifically on the block area closures, the action alternative would provide the Council with a mitigation tool available as a routine inseason measure to address high bycatch in any of the groundfish trawl fisheries through the closure of specific areas defined by established depth lines and latitude points as described by the GMT. These could be determined after consideration of inseason salmon bycatch information provided by the GMT at a Council meeting. This alternative, as I noted in my comments earlier, could offer the option of smaller closure areas than we have currently available to reduce salmon bycatch impacts compared to status quo and that these smaller closures could have the desired effect at a lower cost to the fishery. Again I fully recognize that they are still a more blunt tool than the co-op hotspot closures or move-on rules and I agree that when possible those are preferable. Specifically regarding my selection of inseason rather than automatic action authority here, I believe the ability to make decisions inseason is, is important. It allows the Council to carefully consider the current bycatch levels and other information and circumstances and be responsive to bycatch while still maintaining flexibility to ensure that management decisions are as effective and narrow as possible. On the selective flat fish trawl requirement at all depths alternative, again this could be made available for routine inseason action under the alternative I've proposed here. We have heard that bycatch of chinook salmon is expected to be substantially lower without significant reductions in target species catch based on research and information presented by the GMT and NMFS analysis. Again under this, the inseason action proposed here the Council would consider information provided by the GMT at a Council meeting to inform us on where, both in terms of depth and location, the bycatch is occurring and the Council could use this analysis to assess the most recent bycatch and choose whether or not to implement a selective flat fish trawl through an inseason action and at what depth, what area and to what sector of the fishery it would apply. On the whiting sector actions or whiting co-op rules, also known as whiting co-op credits, in my opinion this is one of the most important of these alternatives. The co-ops have clearly developed salmon bycatch avoidance and minimization

measures that are more real time and responsive than government regulatory action can be as Chair Anderson noted. My view of these alternatives is that they would be recognizing and using those co-op agreement rules to serve as the action necessary to achieve our goals and our purpose here. The alternative, Pardon me, alternative 1 under this one, Sandra would you scroll up, actually sorry I don't think they have those on the screen. Alternative 1 under this one is the one that would provide for an automatic authority action which could mirror action already taken by the at sea and shoreside co-ops to reduce incidental take. This would incur, occur when a co-op manager notifies NMFS of action to reduce salmon bycatch specifying the area closed or other action taken the impacted whiting sector in the effective time period, NMFS would adopt that action. This option could be preferable to block area closures since it's smaller but enforceable areas are closed impacts are less restrictive. Council action would not be required and NMFS would have no discretion to alter the closed area suggested by the co-ops. Alternative 2 under the whiting sector actions as described in the GMT report is the use of incentive plan agreements to minimize salmon bycatch. We had some discussion on those agreements as used in the North Pacific. It consist of NMFS approved contracts which include elements that all participating vessels must agree to follow as well as annual reports on performance. The, the IPA elements provide incentives for participants to avoid chinook salmon bycatch. If NMFS and the Council adopt IPA type agreements with the three West Coast co-ops, access to the reserve could be allowed if certain measures were taken by each of the co-ops. I note that further development of both of these whiting sector act, sect, whiting sector action alternatives is suggested by the GMT and will be required prior to analysis. Analysis should include consideration of the whiting vessels that do not participate in a co-op. On the inclusion of the 500 chinook buffer for recreational and fixed gear fisheries. The intent of this, the potential action alternative here would be to preserve a fixed amount of 500 chinook to help ensure that should the trawl fishery take 19,500 salmon, select recreational and fixed gear fisheries would remain open. Developing a buffer to ensure that non trawl fisheries are insulated against high chinook bycatch in the trawl sectors and potential closure of all groundfish fisheries was a notable concern that's been discussed by the Council and its advisory bodies. I do recognize that based on information provided at this meeting in the GMT reports as well as opinions expressed by the advisory bodies, there's a very low risk that this would be a problem and a low risk of closure even without this set aside. In addition the, and that risk assessment is based on catch history, bycatch history of chinook, in addition to that the new salmon mitigation tools discussed today that could be used inseason to limit high bycatch would enable the Council to take actions such as implementing a block area closure or implementing a block area closure that would slow chinook bycatch in a trawl sector and protect non trawl fisheries from closure. I recognize and to a large degree agree with the positions of our advisory bodies that suggest that this measure is not needed, however based on the amount of discussion and remaining interest in further exploring the pros and cons of this automatic action alternative I am proposing including it in the range for further analysis noting that, that range also includes a no action alternative which the Council could choose for a preliminary preferred at our next step. Finally on the development of reserve rule provision language, I appreciate the GMTs providing us some proposed language in their report 3 this morning responding to the need to clarify in rule that an action must be taken prior to a sector accessing the reserve. I'm suggesting this language instead. I found the GMTs language possibly confusing and I believe this language meets the intent, is more understandable and does not have a risk of unintended consequences which was a potential concern with specifying numeric ranges in the language proposed in the GMT Report 3. I understand that once a final set of alternatives for the measures under consideration for this agenda item is developed, NMFS could develop regulations that list the types of actions that would allow access to a reserve, to the reserve. Finally I want to speak to the item I have not included in the proposed range of alternatives here which is salmon excluders in the whiting fisheries. We've had lots of discussion about those. We've heard lots of public testimony. We've heard about it in our advisory body reports and had discussion around the table. I understand that they're required under co-op rules in the Bering Sea pollock fishery and used voluntarily by some vessels fishing in other areas including on the West Coast. Research on the West Coast has indeed demonstrated

that salmon excluders can be a highly effective means for reducing chinook salmon as well as rockfish bycatch while maintaining high catch rates of whiting. It's clear that salmon excluders can be an effective salmon mitigation measure, however it's also clear that they are the subject of current and ongoing research, development and testing and also that their effectiveness depends on matching excluder design to the vessel characteristics, operational factors and many other considerations. I recommend that this Council encourage whiting vessels to use excluders and continue the innovation and improvement but not to move forward with putting such a requirement into regulation with a static definition of the gear that would be required and could be counterproductive. Finally I'd want to close by reiterating the importance of knowing in real time or near real time what the salmon bycatch is in our groundfish fisheries, particularly the trawl sector due to the potential to accumulate bycatch more rapidly than other gear types, and that's an important piece that underpins both the effectiveness of, of these measures but even more so our ability to not, our ability to avoid using them. We don't want to have to use these measures and I, I think the information sharing piece is important so I wanted to recognize that in speaking to the motion. Thanks.

Marc Gorelnik [00:11:57] Thank you very much Maggie. Are there questions for Maggie? Questions for the maker of the motion or should we go straight to discussion? Joe.

Joe Oatman [00:12:08] Thank you Mr. Vice Chair. I think I recognize through the motion kind of the reasons why salmon excluders will not be included in the ROA. When I look at the GMT presentation, you know it does state pretty clearly that salmon excluders for whiting appear to be a good salmon tool to add to the tool box, that they are effective at reducing salmon bycatch. While there wasn't any specific tribal testimony on this particular subject I do understand that the Makah for instance do use salmon excluders in the whiting fishery. I think it's the flipper design or the flapper design excuse me and has shown positive results in, in, in being able to reduce the salmon that might otherwise be caught if that excluder device weren't in use and so I wanted to make a comment on that, with respect to those positive results and I think the tribal perspective that, that, for the tribal fishery as well as for the industry, that folks do continue to use what salmon excluders are presently used and to develop, innovate maybe different types of designs moving forward and so I think from the comments that I've heard today is that there seems to be that commitment to folks wanting to keep that in the tool box as it is presently and develop it moving forward and so I just want to provide that comment.

Marc Gorelnik [00:14:14] Thank you very much Joe. Corey.

Corey Niles [00:14:20] Yeah thanks. Since Joe spoke I'll go with this. I think, yeah thanks Maggie for the motion, appreciate it. I do, I do, I'm, I'm gonna support the motion. I, I kind of feel like we're ahead of the train here wherever or however that goes but I feel I'm not super excited about excluding excluders at this point but I, I, you know I understand, I do think it's maybe with the discussions it's gonna take maybe longer than than, than some of these other things. I have no interest, just to be clear to everyone, that of a one size fits all prescriptive regulation of requiring, requiring excluders that don't work, but I do think they're very promising, as Mr. Oatman just said I would like to hear more about what the Makah have done and I guess a question for Maggie and I guess one more, one more piece of background here is I kind of think Pete, Pete kind of said it a little bit earlier, a lot of my feeling with this, with this biological opinion is it's kind of we're losing the forest for the trees type thing and we're really focused on these, these 85 hundred and these 11,000 numbers when maybe we should really be focusing on creating incentives and, and, and in fostering innovation in a way that minimizes bycatch beyond what the ESA requires and I think you heard yesterday, you know there was an orca task force in my state encouraging my agency to work for ways to avoid or minimize bycatch for, for purposes of making prey more available, you know minimizing, my point being minimizing bycatch of salmon has a lot of, a lot of bene, benefits beyond what the biological opinion requires and I think even excluders,

it's great to hear about what's happening now even I think we heard Brent say 12 percent, it was what was a bad year in the North Pacific and 12 percent of 85 hundred is still more than 500 fish we're talking about now, you know I think it's over a thousand, so they have a lot of promise and I get to get my question for Maggie I don't I don't see you in the line with Joe in saying we want to keep the conversation on that going so despite it not being included in the range of alternatives this wouldn't keep you discouraging the GMT for example for bringing back more information on how North Pacific requires it while still allowing innovation? So again to restate that question you're not, you're not keeping that often these documents we'll still discuss alternatives that we're not, and I forget the phrase, but were alternatives not selected, but, but, but considered but rejected kind of thing and still providing us information on excluders. You're not meaning to, to stifle more, more you know information being brought back to the Council on that?

Marc Gorelnik [00:17:03] Maggie.

Maggie Sommer [00:17:04] Thanks Mr. Vice Chair. Thanks Corey I appreciate it and I certainly am very supportive of continued innovation in excluder design and and voluntary use of excluders. My, the fact that I did not include that as an alternative here was based on my understanding from the National Marine Fisheries Service here that in order for an excluder requirement to be put into rule it would need to be very specific in order to be enforceable and I am, again I think that could be more counterproductive than helpful. I will note that the whiting co-op measures alternatives here might to some degree get at a, an excluder requirement for those whiting co-op agreements that ex.. that require exclusions in some circumstances if we went with these alternatives and NMFS approved or adopted or put into rule some of the actions that either the whiting co-op agreements or the actions that they have taken and if those include an excluder requirement, that would accomplish it without the need to put into our federal rules that too much specificity on design and imple, and use of an excluder, so it would retain the flexibility for the vessels to use what works best when it works best. That's my thinking on why I did not include.....specifically to your question on, on whether the GMT can come back with more information on how excluders are required in Alaska, I guess I would maybe turn to Council staff on what rejection from a range of alternatives does along those lines. I think that as a Council we might be interested in that information but one of my goals here was to do some narrowing of the range by not including items that I don't think we are, that I just don't think we want to consider and so to spare the GMT from analysis of, of something that is not going to be used.

Marc Gorelnik [00:19:48] Aja.

Aja Szumylo [00:19:49] Thank you Mr. Vice Chair. So I, I yeah stand by that statement. You know it certainly is easier to enforce a, a well worded definition of a gear type or an excluder type. I'd rather, and I can definitely defer to enforcement folks later about, about what a good definition looks like. I also don't know if the excluder device, it sounds like the excluder devices that are used in Alaska are only in those co-op rules and not in the regulations either, so maybe that's where the innovation comes in. If there is a, a strong design for a device that people have been using so far I think the direction Corey is going is that we create a strong record by looking at a full range and if we are able to analyze and look at those excluder devices and using them as inseason tools the way we're looking at selected flat fish trawl and the other closure options and then exclude that later if we see that it's not a useful tool in our tool box, I think that creates a better record for us overall and, and does, does go to the Council looking at exploring whether and how other inseason tools are necessary to meet the terms and conditions, so I would be supportive of keeping it in the range at this point. In general I am, I'm supportive of keeping lots of things in the range so that we have a strong record but that's certainly up to the Council how they'd like to do that. I'm not sure if keeping it in the IPA type, I really like that alternative that, that alternative that looks at the, the co-op rules that, that the, the whiting industry uses

but I don't know that keeping that as an option within that rule would allow us to make, to have a really robust analysis of that, that, that gear option, that excluder option in the range and so yeah I, I just would like to talk more about whether or not keeping it underneath that, that banner would allow for full exploration of the benefits of that option. I'm not sure.

Marc Gorelnik [00:22:12] Do you have something to add Chuck?

Chuck Tracy [00:22:12] Maybe. I'm not sure how useful it is but I mean you know if you want it to be considered it needs to be in the range of alternatives so and the analysis would have to be done if the Council were to take action on that, so by removing it from the range of alternatives now, if you wanted to consider it further down the road you would have to add it back into the range of alternatives and conduct the analysis later and potentially delay the whole process.

Marc Gorelnik [00:00:01] Aja.

Aja Szumylo [00:00:03] Thank you and yeah again I do think it's an option for innovation within those, those vessel agreements or co-op agreements, but if they don't get the full analysis that they deserve there I think it would be a lost opportunity to not have, to not have that full exploration so I'm supportive of keeping it in the range at this point but yeah that, that's just for, just in the interest of full exploration. Thank you.

Marc Gorelnik [00:00:33] Pete.

Pete Hassemer [00:00:34] Thanks Mr. Vice Chair. Sandra could you scroll up just a little bit. This may be a question for the maker of the motion then. The no action alternative there is to not develop an action which would preserve 500 and then the alternatives are based on including the 500. Does the range, so the range of alternatives we analyze there would be an alternative for closures if we eliminated the 500, would those, the numbers in alternative 1 would they become necessary then? I don't know if that's making sense. The alternative seemed to be dependent on including 500 as a set aside or whatever we require if at some point in time the final is not to include that, would those alternatives apply or would they have to be modified?

Marc Gorelnik [00:02:01] Maggie.

Maggie Sommer [00:02:02] Thanks Mr. Vice Chair. Thanks Pete. I'm not sure I'm following the question but the alternative 1 would be the action alternative which would establish the, those automatic closure points for the purpose of ensuring that a 500 chinook amount remains for the non trawl fisheries. The no action alternative would mean not developing that automatic action authority. So no action and perhaps my inclusion of the long description of what no action means from the GMT report is more confusing than helpful.

Pete Hassemer [00:02:48] I understand now thanks.

Marc Gorelnik [00:02:49] All right. Further discussion on the motion? Marci.

Marci Yaremko [00:02:53] Thank you Mr. Vice Chair. I'd like to offer an amendment.

Marc Gorelnik [00:02:57] All right. Please go ahead.

Marci Yaremko [00:03:01] Add a new bullet point that reads 'Regarding the block area closure tool

include in the range of alternatives and supporting analysis the ability to allow extension of any block area closure seaward to the western boundary of the EEZ rather than the 250 fathom waypoint line'.

Marc Gorelnik [00:03:31] Marci does that read correctly on the screen?

Marci Yaremko [00:03:38] Yes it does. Thank you.

Marc Gorelnik [00:03:40] All right. Do I have a second? Seconded by Louis Zimm. Please speak to your amendment, motion to amend.

Marci Yaremko [00:03:48] Yes thank you Mr. Vice Chair. This is a follow up to the very beginning of our discussion under this agenda item today. Currently right now the analysis that the GMT has produced regarding block area closures only allows use of a, of a closure out to the 250 fathom line. I have always envisioned this tool as being a flexible tool that would allow us to essentially define using geographic points, what areas we intend to close in order to mitigate for high, high catches, high impacts in select geographic areas. I feel like not allowing extension of this westward boundary out to the EEZ kind of gives us half a tool and I want to make sure we have the whole tool in the box in the event that we go to use this in the future. While information is sparse and it sounds like there's not a lot of information on fishing around chinook bycatch in deeper waters, I feel like there's, there's not a reason to limit the analysis to only 250 fathoms, so I think this, this edition here should, shouldn't be too difficult to accomplish in the GMTs analysis, analysis and now's the time to include it in the range. Thank you.

Marc Gorelnik [00:05:26] Thank you very much Marci. Are there questions for maker of the motion? I'm not seeing any questions, discussion. Bob Dooley.

Bob Dooley [00:05:37] Yeah thank you Mr. Vice Chair. Just a question for Marci. Does this, would this preclude us from adjusting that should there be more information in the analysis that says maybe it should just go to 300 or something like that rather than to the EEZ or is it, is this a hard point, either you take all of it or none of it?

Marc Gorelnik [00:05:59] Marci.

Marci Yaremko [00:06:01] My intent with the analysis is to be able again to afford us the flexibility to establish block area closures how we see fit. It sounded like the GMT made an initial determination that a 250 fathom line was a, a good line to use. I believe that is because that is the, the deepest line that we have available but I feel like there's, so I don't know that there could be a refinement within that range from 250 fathoms westward out to the EEZ, I, I wouldn't necessarily request that, that be analyzed, I'm just really looking to make sure we have the ability to include the deeper water areas if we were to, to evaluate use of, of back as a tool. Thank you.

Marc Gorelnik [00:07:01] Additional questions for Marci? Discussion on the motion? Louis Zimm.

Louis Zimm [00:07:10] Thank you Mr. Vice Chair and I will be supporting this amendment because my hazy memory tells me that we did have a, a lightning strike. I believe it was in 280 fathoms so it was certainly there, we, we are now seeing that these animals that can be encountered in, in areas deeper than 250 fathom and I hate to not have that as at least a tool we can look at as this is a just, this is not final action, this is trying to decide what we should look at so I will be supporting this amendment.

Marc Gorelnik [00:07:54] Thank you Louis. Any additional discussion on the motion? Chuck.

Chuck Tracy [00:08:01] Thank you Mr. Vice Chair. I guess I'd maybe ask Miss Yaremko if she could maybe give us a little more detail on I think your last comment about how you weren't expecting this necessarily to be analyzed but you wanted it to be a tool. I mean I.....

Marci Yaremko [00:08:13] Thank you. Let me make sure this is very clear. No I would like this analyzed to the western boundary of the EEZ. I believe Mr. Dooley asked if I would entertain a suggestion to look at different breakpoints deeper than 250, say 300 and 350 something like that but my understanding is that we do not have a waypoint line. That they used the deepest line available.

Chuck Tracy [00:08:44] Great. Thanks.

Marc Gorelnik [00:08:46] Further discussion. Aja.

Aja Szumylo [00:08:46] Thank you Mr. Vice Chair. We could add other waypoint lines. Just wanted to make that clear so we don't, the EEZ is an easy one that is defined already but we, the 250 fathom one is the only, is the deepest one that we have defined in regulation right now so we could define 300, 350 as well and analyze those.

Marc Gorelnik [00:09:10] Herb Pollard.

Herb Pollard [00:09:12] Thank you Marc. This, this could be pretty Draconian. You know we heard testimony that the block area closures are not as quickly responsive or as effective as the move along that's in the co-op agreements and combined with automatic authority you could see some large closures that weren't effective but to include it for analysis I don't think it's a bad idea.

Marc Gorelnik [00:09:43] Thank you Herb. Additional discussion on the motion? Not seeing any I'm going to call the question. All those in favor say 'Aye'.

Council [00:09:52] Aye.

Marc Gorelnik [00:09:53] Opposed no? Abstentions? Motion to amend passes unanimously. Back to the main motion as amended. Further discussion? Phil.

Phil Anderson [00:10:05] I just want to offer a few brief comments about the excluder piece and I appreciate the discussion around the table. Appreciate the importance and utility of excluders. It is industry frankly that has been the one that has developed excluders and saw the, seen the value in them and I have no reason to believe that they won't continue experimenting and, and modifying what they're currently using to make them as effective as possible. I think it's premature for us to consider it requiring them in a regulation because we, if it is going to be enforceable it would have to be a one size fits all and I, I do think that it would be helpful to get information about the use of the excluders and the types of excluders that are in use and there may be a point in time in the future when putting them into a regulation might be something we'd want to consider but I think it would be premature at this time.

Marc Gorelnik [00:11:20] Thank you Phil. Additional discussion on the motion? Corey.

Corey Niles [00:11:25] Yeah. Thank you Mr. Vice Chair. In response to Mr. Anderson's comment there I think I might have caused a little bit of confusion about what I was asking for. I, I get the reality that this is going to move on a slower track because of where people's minds are. I'm really questioning how people are, have this assumption that it, what Mr. Anderson just said, it has to be enforceable, it has to be one size fits all, I don't think that is true and they're doing it the North Pacific and if North Pacific is

doing it we can do it better is kind of the thought and I just was asking for more information. I didn't want to make sure that this would not, Maggie's, the main motion would not preclude us asking on a slower track for the Groundfish Management Team, the Enforcement Consultants to start looking at that approach because when if it does become useful, I think there is a way to do it where it doesn't have to be one size all and I may be wrong but I was just, that was my interest. I wasn't, wasn't necessarily suggesting not, if Aja spoke to the usefulness of keeping it for the record but that was my, where I start out with, I want to hear more about how broad definitions work and to have the GMT and the GAP and the Enforcement Consultants look into how that works and how it could be enforceable while still allowing for innovation.

Marc Gorelnik [00:12:46] Additional discussion on the motion? Not seeing any I'll call the question on the main motion as amended. All those in favor say 'Aye'.

Council [00:12:59] Aye.

Marc Gorelnik [00:12:59] Opposed no? Abstentions? The motion passes unanimously. Before I go to Todd let me ask around the table and see if there's any further action folks would like to take on this agenda item? Corey.

Corey Niles [00:13:22] Thanks Mr. Vice Chair well just as to what I said I would, I would, I will you know talk to our GMT members. I don't wanna belabor the point here but I really do not think we need a one size fits all regulation to be enforceable and I do want to see how our Enforcement Consultants and Groundfish Management Team can, can look into that approach but I, I'm not going to request we make official guidance at this time. I think it's better that we focus on these more easily digestible potential tools in the tool box for now but I do, I do want to express that on the record that I think we can keep the conversation going and, and I will volunteer us to help look into that and we had our in public testimony our folks have already provided information that we might not have fully digested yet.

Marc Gorelnik [00:14:05] All right. Thank you very much Corey. Any additional action on this, on this item? Okay Todd.

Todd Phillips [00:14:14] Yes. Thank you Mr. Vice Chair. I do believe the Council has adequately covered both of the actions to review mitigation measures as well as to consider a purpose and need and those items were provided in the motion made by Miss Sommer, and with that I would say we've covered this particular agenda item.

Marc Gorelnik [00:14:33] All right. Well thank you very much Todd. Thanks everyone. A thorough discussion. I think we ended up in a good place. I think that concludes this agenda item.

4. Amendment 26: Blackgill Rockfish Management – Final Action

Phil Anderson [00:00:01] That concludes public comment on this agenda item and takes us to our Council action which is to consider reaffirming the Council's November 2015 decision on Amendment 26 blackgill rockfish and southern slope rockfish reallocations and two, consider revising the accumulation limits for blackgill rockfish in the trawl individual fishery quota sector. So happy to entertain some discussion first. Brad.

Brad Pettinger [00:00:40] If I could Chair Anderson. I think it's pretty apparent, at least from I got the conversation from what I remember back in the day when I fished down in Morrow Bay, that they were in specific areas and actually I had written down San Lucia Bank as a hotspot here, so I know that they, from my, from my experience they tend to be in certain areas at certain times of the year and then my conversations I've had with Fort Bragg fishermen they've iterated me the same, or intimated me the same information and I think that's really why there hasn't been an issue with catching too many blackgill because people know there is an issue and they stayed away from them and what really kind of scares me I think about this, about this, or this issue is that you're going to cede 55 or 56 percent of your resource that's integral to your fishery to people who don't even fish near you and so I think that I tend to disagree with the GAP statement says as far as what that quota share is worth because I think people will sell it, but it's gonna be for a lot more and a penny and a half pound. I could see a dollar a pound easily. If you look at what happened to canary rockfish, canary rockfish was pretty cheap before it was rebuilt realistically speaking and the first year of effort after it's rebuilt you could buy it for 5 or 10 cents on the open market until people needed it. Now a fish that's you know 50, 60, 70 cents maybe if you have a good market for the trawl fishery, that's, you know it's 75 cents a dollar a pound for canary and there's a million pounds left in the quota account so just imagine, just imagine having what's 163 ton, so 140,000 pounds, something like that, that's going to be your total amount that's out there and if people, if you look at the list I mean there's 130 people that got it. There's 10 people, 3 people were maxed out at 6 percent, so that's 20 percent is in three people's hands or three groups hands and if that goes down pretty quick and it's down to, I mean a quota shareholder number 20 here at below 1 percent and so I think a you're gonna be beholden to people you don't even know and that's, this is a fishery as we've heard that has struggled to be sustainable and the cost associated with it and if they have to go out and buy quota share for a buck a pound or whatever if they could buy it, it's a pretty scary proposition and so I would hope, I was involved in the first Council decision initially and I remember our Chair talk about honoring the Council's decisions, but we've been asked to reaffirm that decision and so for me I just think that it's not the right way to go and I would hope we'd go with the status quo. Thank you.

Phil Anderson [00:03:53] Thank you Brad. Other discussion? Before someone offers a motion I want to take about a five minute break to make sure we do it properly so I don't want to cut off discussion but when we've completed our discussion I just want to take a, like a quick, just a quick break. I don't want you going anywhere. Is there further discussion before we get into the matter of considering a motion? Okay just standby.....(BREAK).....Thank you for allowing us to confer given the suite of potential actions that the Council has and considering that the Council took final action on Amendment 26 in, in November 2015. If we were going to take an action that was different than that one we would first need to rescind that action, so if, if a Council member wanted to bring a proposal forward such as no action we would need two motions, first to rescind the action that was taken in, on Amendment 26 in November 2015 and then put forward a second motion that represented the action that they're now proposing to the Council to take on the amendment and because we were, we have, it, it just it takes a majority vote to rescind the action because we have a full complement of the Council members present. So with those parliamentary rules in mind we are ready to entertain a motion or more. Marci.

Marci Yaremko [00:06:38] Thank you Mr. Chair. I move the Council rescind its final action taken on

Amendment 26 in November 2015.

Phil Anderson [00:06:48] Okay we have a motion. It's on our screen, it accurately reflects your motion?

Marci Yaremko [00:06:53] Yes it does.

Phil Anderson [00:06:53] Is there a second? Seconded by Bob Dooley. You may speak to your motion if you wish.

Marci Yaremko [00:07:00] Thank you Mr. Chair I believe you laid out the rationale for this. Thank you.

Phil Anderson [00:07:04] Any discussion on the motion? All those in favor say 'Aye'.

Council [00:07:10] Aye.

Phil Anderson [00:07:10] Opposed no? Abstentions? Motion carries. Okay Marci.

Marci Yaremko [00:07:24] Thank you Mr. Chair. Thank you Sandra. I move that the Council number one, take no action on Amendment 26 to remove blackgill rockfish from the slope rockfish complex south of forty ten north latitude nor take action to reallocate blackgill rockfish and the remaining species in the southern slope rockfish complex between trawl and non trawl sectors. Two, maintain existing accumulation limits for the slope rockfish complex south of forty ten latitude. Number three, to provide relief to the non trawl sector as soon as possible. Direct the GMT to evaluate limited entry fixed gear and open access inseason trip limit increases for use in 2019 and 2020 under agenda item G 9. Four, recognizing the interest in reallocating some portion of the slope rockfish complex south of forty ten and the analytical work done in support of this regulatory action that will not proceed in the 21, 22 biennial spex process, direct the GMT to analyze removing the slope rockfish complex south of forty ten from the list of species and species groups for which the amendment 21 allocations apply, so those are the trawl and non trawl allocations, and allow the allocations of this complex to be established biennially. Five, direct the GMT to evaluate the need to maintain the blackgill harvest guideline within the southern slope complex into the next biennium and report back to the Council during the 21, 22 biennial specifications process.

Phil Anderson [00:09:17] And that completes your motion?

Marci Yaremko [00:09:28] Yes. Thank you.

Phil Anderson [00:09:29] And the verbiage on the screen accurately reflects your motion?

Marci Yaremko [00:09:33] Yes it does.

Phil Anderson [00:09:34] And is there a second? Seconded by Marc Gorelnik. Please speak to your motion.

Marci Yaremko [00:09:42] Thank you Mr. Chair. Well the need for this action as we've heard from many folks here today has kind of come and gone. In 2012 and 2013 we had a stock in the precautionary zone. There was no effective means to directly limit the trawl sectors impacts of blackgill within the complex, while we did have a mechanism to regulate the non trawl sector effectively with the use of trip limits. The trawl sectors possible impacts could have resulted in conservation concerns associated

with exceeding blackgills contribution to the overall complex so the original need for this action was very apparent and well documented. The harvest guideline that we've had in place allowed prompt and direct and effective management of the non trawl sector while we set off to pursue Amendment 26 which would offer a tool to directly limit the trawl harvest of blackgill by issuance of species specific quota shares and pounds. In twenty, in 2015 when the Council first took action it made the right decision based on the information available us, available to us at that time but today with new and vastly different information status quo offers us the best pathway to begin cautiously but expeditiously rebuilding our non trawl blackgill fishery in California south of forty ten. The trip limits that the non trawl fishery has been reduced to as we heard from Mr. Richter really have made the fishery not viable for many non trawl fishermen to participate and they're actually afraid of catching blackgill because they won't be able to land and need to discard it. The concept of slip..of splitting out blackgill and, and moving ahead with reallocating both blackgill and the remaining slope species in the complex may have merit at some point in the future in the event that the status of blackgill or some other species in the complex were to dramatically change, but as of today with the stock out of the precautionary zone there's really no reason to single this species out and manage it separately from the southern slope complex. While it does make it more difficult while it's in the complex to directly manage blackgill, there's really less need for that today and meanwhile there are efficiencies and benefits of keeping the complex together that significantly outweigh the benefits that would come from removing blackgill right now. There is no clear reason any longer without the conservation concern to pull blackgill out. It takes a lot of work to implement such a change through the quota share program. It means adding a new species to track shares too. It means reprogramming databases. It means lots of notifications to industry and without a clear need, it's difficult to see a reason to move ahead. That said this, this decision is particularly challenging for, for California and for CDFW. We really championed Amendment 26 back in 2015 and saw this as a very important pathway forward and I'd just like to acknowledge years of work on the part of Council staff, department staff, industry, so this has been, you know this is a, a but I feel like making the decision to go 180 degrees now is the right decision. I'd say that those work efforts are not lost. I think we've learned something from this. It's, we couldn't have known how significant the change of events has been since 2015 without the analysis that we had from Mr. Seger and Brian and Dan, so I want to thank them for their efforts on this over the past several months. The analytical materials they've offered us should give us a lot of comfort with the decision not to proceed. Just want to speak to the NMFS Report and the participation in the southern trawl fishery. Page eleven of the NMFS Report describes this that on average 15 IFQ vessels landed blackgill south of forty ten between 2011 and 2018, so that includes the IFQ gear switch boats. Notably that 2018 numbers down to nine vessels, six trawlers and three gear switchers. That's reflective of the general situation in the southern portion of California and as Michele testified we, we are losing our IFQ sector in the south and as we heard from NMFS in their analysis that there are a 131 entities that own quota share of the southern slope complex and if blackgill were to be pulled out and the two new groups of shares were reallocated, NMFS initial analysis suggested that those pounds or shares might be readily available on the market. The NMFS table 12 information suggests that 57 percent of the entities would receive less than 300 pounds of blackgill rockfish south and I think we heard pretty compelling information from both Pete personally and in the GAP statement that it's really unlikely that folks are going to spend a lot of time and energy to post shares for sale when the value isn't likely to be much, while yes I think there are ways that we can encourage folks to post shares for sale, I think we've heard from a number of the speakers that going through that extra effort is going to make things ever more difficult and without a good rationale I don't feel like imposing that extra burden on them. We already have too many little boxes in this fishery. We are already tracking to way too many limits. The groundfish fishery is very complicated. There are a lot of species to contend with and there are a lot of efficiencies to be gained by maintaining species where we can in a complex. Most compelling to me in considering this action was learning that the trawl sector is actually supportive of reallocating some blackgill in the complex to the non trawl sector on, on equity grounds, I believe Pete referenced that in his testimony to kind of right what he perceives as potentially

a wrong back in the, the old GAC days. I really appreciate Pete and Gary working together and seeing eye to eye on this issue. The fact that our two representatives from both the trawl and non trawl sectors agree with the relocations proposed in this action but at the end of the day the burden of actually doing it is, is more harm than good, so that's I think to me the fact that they agree not to proceed and that we can pursue other avenues forward again makes me feel like this you know for certain is the right decision but that we do have other tools available to us to immediately provide some relief to the non trawl sector now. Trip limit tools are effective and powerful and we've seen that. Looking at item three in the proposed motion, talking with the GMT it looks like we will be able to consider some trip limit increases now for use in 2019 and 2020 at this meeting, so they've been waiting since 2013 for this so there is certainly room in the harvest guideline. There have been several years of very significant under attainment as the GMT report referenced. Approximately 75 to 100 tons of that harvest guideline is being left on the table unless we make some adjustments soon. We have noted in California, you might remember this from our inseason reports last meeting that we are woefully under attaining a number of our harvest limits and that is certainly a priority, I mean harvest limits are, you know we want to manage within them but particularly in this case there is certainly some room for some belt loosening and proceeding with making some opportunities available within our existing means and using the tools that we have available to us. I appreciate the GAP acknowledging some of those tools. The Department of Fish and Wildlife beginning in July of 2019 is moving to mandatory e ticket reporting that will require all commercial deliveries to be submitted to the department within three days, so currently the requirement is that we receive landings only twice monthly and they come to us in paper form so there's often quite a data lag by the time the information makes its way to PACfin or to our other systems allowing us to track catches, so I feel like recently we now have the ability to keep a pretty good handle on the performance of this fishery and determine if we need future adjustments to the non trawl sector through use of inseason mechanisms. Just want to speak to the, the stock assessment, the harvest guideline as we heard you know has now increased in 2019 to 159 tons. Previously that, that's a significant increase from the levels that folks were modeling the trip limits to back in 2013 and this is as a result of the stock assessment update in 2017 and we have not made any trip limit adjustments since that time. The reason that we haven't been doing that is because we anticipated action under Amendment 26 and so essentially folks kind of put the brakes on looking at how we can provide more opportunity until a decision was reached on A 26. So I think now we've made the decision and I look forward to hearing what will come back to us in, inseason. Also want to speak to the next biennium which covers bullet points four and five in my motion. As we heard there is interest in reallocating some portion of the slope rockfish complex. Right now the complex is bound by the Amendment 21 allocations between trawl and non trawl, so recognizing that there is this interest it seems appropriate based on the analytical work that has already been done here in consideration of this action that we can use much of that in considering a more appropriate allocation of that complex in the next biennial cycle and then allow the biennial spex process to make adjustments to those allocations to best meet the needs of our fleets and communities and, and their discussions with one another about what equitable sharing looks like. Similarly with the blackgill rockfish harvest guideline that we have been managing to, under, very far under, we need to evaluate whether we need to maintain that harvest guideline. We don't have harvest guidelines on other species that are within a complex that are not, not, I mean there needs to be a good need to maintain it. I think in the past when we were in the precautionary zone and we were concerned about exceeding the contribution to the ACL, this was our measure to be able to control the non trawl sector, so I think recalling our evaluations in the spex process, the last biennial spex process, I don't believe this item got a lot of attention but yet meanwhile we've now moved out of the precautionary zone so this seems ripe for re-evaluation in the next biennial process as to whether we still need a species specific harvest guideline for blackgill within the complex. That completes my rationale. Thank you.

Phil Anderson [00:25:10] Thanks Marci. So we have a motion in front of us. Further discussion on the motion? Corey.

Corey Niles [00:25:28] Thanks Mr. Chair and thanks Marci for the thorough motion and, and explanation of your thinking. I'll keep it brief given the, given the hour of the day, evening here, you know given this, this is an issue that really affects California. I'm thinking about this with a great deal of deference. I will support this motion. I do have some reservations with the use of stock complexes like this and to keep it brief we could use it, at the same time this is an interesting unintended use of a stock complex to provide a little bit more flexibility in the IFQ program which we could have used for several species, darkblotched rockfish, POP which by right, by biology could be slope rockfish and they just happen to be in rebuilding so it has to be pulled out but we saw the same dynamic of individuals being constrained while on the whole the trawl sector is low, so given the change in circumstances I can support this. I think it was, it was, the key part to me was, was it was, was the fair and equitable sharing between the sectors and I think we're going, the motion would look at that, especially by number four. I don't, I can't say this Council has ever done anything unfair on purpose but what happened in this situation back when, when those trip limits were put in place seems and what happened to the sector you know Gary spoke to, I was on the Groundfish Management Team at that time, I did not, I don't know if any of us foresaw the, the off switch that the trip limits would have and then Gary speaking to the, you know second order type effects of lowering sablefish and it seems like it had a big economic impact. In my view at that time was the Council went that way because there was no option to do much to the IFQ fishery, so again I hope, I hope we're right here that we don't get to those levels again and get into that same, that same spot I see Marci spoke to. Hey it might be worth looking at again if we get there and yeah so I think with these conditions now this, this seems a creative approach and I can support this motion.

Phil Anderson [00:27:39] Thanks Corey. Other comments or discussion? Okay we'll go ahead and call for the question. All those in favor signify by saying 'Aye'.

Council [00:27:52] Aye.

Phil Anderson [00:27:52] Opposed no? Abstentions? Motion carries unanimously. Let me check back with John Devore and ask him if there's any further business we need to attend to?

John Devore [00:28:07] Yeah, excuse me. Thank you Mr. Chair, Council members you've completed this action by rescinding your previous motion from November 2015 and opting to go with no action and presented rationale for doing so and then of course directed the, the GMT to bring forward some consideration for new trip limits as part of the inseason action and then you know a process to consider removing the Amendment 21 allocations in the next spex process which of course we'll be taking up later in the year here, so with that I would say you've completed the action.

Phil Anderson [00:28:53] Thanks John. If there's nothing more to come before us this evening we'll recess for the evening.

5. Science Improvements and Methodology Review Report

Marc Gorelnik [00:00:00] So that takes us to Council discussion and action. You want to remind us John of what we're doing here.

John Devore [00:00:11] This is more of an informational agenda item to apprise you of the new science improvements and you know some of the science improvements are, are somewhat unique this, this cycle so we thought it prudent to really provide as much of that detail as possible, the, the the new segment considerations being probably at the forefront of new types of science improvements so there really is no action that needs to be taken here. This was really set up for you to ask questions and better understand the science that will inform your decisions later this year.

Marc Gorelnik [00:00:56] All right thank you for that John. Well let's look around the table and see what discussion we have or comments? Marci.

Marci Yaremko [00:01:05] Yeah thanks. I want to thank the SSC for this work particularly as, as John mentioned much of their discussion focused on the issue of the category 2 sigmas exceeding the static category 3 sigmas, so I think their time spent to explore how to remedy that situation and the alternatives available I think was time very well spent. It may not seem important here but when you get down into the individual case circumstances it is a pretty, pretty significant issue. So I want to support the efforts that have gone on here with the SS or the, the GMT and Owen Hamel and his group. As Patrick mentioned many of these catch only updates will have a benefit in our upcoming spex cycle with regard to OFLs and the giving credit for fish that were left in the water because those stock assessments did presume that those ACLs were actually taken and in many cases they weren't, so I think that's a, it's a significant activity and undertaking and I'm really glad that there was some capacity out there to do that. I do think it does reflect that you know, if fish are left in the water there should be some credit for that in terms of future OFLs and ABCs. So thanks.

Marc Gorelnik [00:02:44] Brad.

Brad Pettinger [00:02:45] Thank you Mr. Vice Chair. I look forward to seeing the results of the work done with Owen and his, his students because this is a pretty big issue. It's because we look at resources, I mean realistically from the new, new sigmas we need to do a lot more stock assessments and a lot more each year or each, each cycle but I think that this Council probably needs to look at our, how we look at risk with a more holistic approach with the new sigmas that we have in place here down the road and how we manage our risk because we do know that we have to have a P star of below point five, and we chose point four five as that, as that number we're going to use, but with the sigma that we had in place I think we need to look at that as a Council some point in time, sometime the next next year on how we might approach risk because it's a pretty big impact especially if I see in California there's, some of these stocks are, there's some pretty big cuts coming under the sigmas we have right now and so anyway I just, just a thought as far as looking forward. Thank you.

Marc Gorelnik [00:04:05] Thanks Brad. Chuck.

Chuck Tracy [00:04:06] Thank you Mr. Vice Chair. Well I guess I would voice my opinion that I think this is a little bit more than informational. I think there's being new methodologies proposed here and I think it's, the Council should have the opportunity to approve their use so if there's something, something new here like a different approach to, to sigmas I think that's important for the Council to weigh that and, and decide whether to accept that methodology and, and implement it in the future as we go forward, so I think this is more than an informational meeting, informational agenda item, as the

action says the Council should consider approving any new science improvements so I would suggest that, that the Council do that.

Marc Gorelnik [00:05:03] Thanks for that Chuck. Well I'll see if there's further discussion and I think since the word 'approve' is there we should probably at some point consider a motion perhaps based on the SSC report. Did you have a comment Louis?

Louis Zimm [00:05:20] Yes I did Mr. Vice Chair and the comment is that I really want to thank Washington and Mr. Niles for bringing up the questions about steepness and, and trying to inform us on, on what is happening there with that and science now and then also the question of doubling sigma for Cat 2 and then doubling again for Cat 3. It appears that the horse is out of the barn now on that however I see that Mr. Tracy is urging us to consider whether to approve these science improvements and I hope that the Council has some deliberate thought on that. Thank you.

Marc Gorelnik [00:06:16] All righty I'm going to look around the table and see if there's any further discussion or a suggestion for action here. We have before us the SSC report as well as the team report. I know it's still early but, Marci.

Marci Yaremko [00:06:39] I take that to mean you were looking for a motion?

Marc Gorelnik [00:06:41] Yes that's correct.

Marci Yaremko [00:06:41] Yes okay I would move the recommendations of the SSC as described in Supplemental SSC Report 1 and the recommendations of the GMT as provided in Supplemental GMT Report 1.

Marc Gorelnik [00:07:02] We'll give Sandra a moment to, to record that. I think that there's, the motion referred to recommendations of the SSC as well as the recommendations of the GMT, it needs to fit in there somewhere. Okay. Move to accept the recommendations?

Marci Yaremko [00:07:38] Sure. I moved to accept the recommendation.

Marc Gorelnik [00:07:45] All right Marci does that motion read as you, as you wish it to read?

Marci Yaremko [00:07:50] Sure.

Marc Gorelnik [00:07:51] All right. Is there a second?

Bob Dooley [00:07:53] Second.

Marc Gorelnik [00:07:53] Seconded by Bob Dooley. Please speak to your motion.

Marci Yaremko [00:07:56] I think the discussion that we've had under this agenda item captures it.

Marc Gorelnik [00:08:01] Very good. Any questions for a maker of the motion or discussion on this motion? Maggie.

Maggie Sommer [00:08:10] Thanks Mr. Vice Chair. I, I do have a question just for clarification. The, the specific recommendation I see in the SSC report is using the same prior distribution and default values for steepness as were endorsed for use in 2017. Are there other recommendations in the SSC

report that we should be focusing on here that are changes from what we're doing? I see there's discussion of the further sigma considerations but I'm not sure I see recommendations in there.

Marc Gorelnik [00:08:47] Marci.

Marci Yaremko [00:08:48] Thank you. As I understand it the recommendations surrounding category 2 sigmas exceeding the static category 3 sigmas rather than using the long term projections which I think might arise out of the cat long, you know category 2 sigmas that are very stale, that the preferred approach instead would be to use the equilibrium maximum sustained yield or a data poor approach, so I think they're recommending it be a case by case determination and so, but that is, that is their preferred method is to look at it so that I think is a, is a methodology change that they are proposing here and I'm endorsing it with this motion.

Maggie Sommer [00:09:45] Thanks.

Marc Gorelnik [00:09:47] Any further discussion on this motion? Not seeing any I'll call..... I'm sorry. Corey.

Corey Niles [00:09:55] Yeah thanks Mr. Vice Chair. Quickly thanks for the motion and I, and thanks to the GMT and SSC. I agree with what, what Louis and Brad said I'm, I think we in, we can do better in terms of how we think about risk and I encourage continued dialogue about that but for now this is where we are in and these are good recommendations. On, on the catch only assessments we're talking about like Marci I do, I do hope we can find a way to do more of those. If I understood what Patrick told us and what involved it really is not an assessment it's an update of a forecast that doesn't involve much so maybe we can think about finding a time of year when that, when people's workloads are..... you know I think the GMT works as hard as anyone at getting those catch, actual catches compiled and then from there it's just you need someone to know how to run the SS model which you don't need to be a rocket scientist for but so yeah all these are good, good movements forward. I hope we continue to see progress and again thanks for the motion.

Marc Gorelnik [00:11:00] Any further discussion? Brad.

Brad Pettinger [00:11:06] Thank you Mr. Vice Chair. Just to kind of comment here I just see the, the staleness penalty and discuss in the GMT statement and you know it's kind of funny, why is there, why is there a staleness to not to do not do an assessments and it's really because this Council's input from the flee, from the industry, from all the folks involved in this process. I don't see that species at being a risk. Everything is going pretty good there's no one saying that there's a problem with that stock and it really is, it's kind of funny that we prioritize things because we don't see an issue with it but they're really kind of forcing that there is an issue, assuming there's an issue with it, I just, it's just kind of an observation. It's just kind of, I hate having the new sigma kind of thrust upon us penalizing us because it takes away the interpretation that the Council I think it's an important part of what we do as far as what should stocks should be assessed. Anyway just comment on that. I appreciate the motion and I'll support it.

Marc Gorelnik [00:12:08] All right thanks for that Brad. Any further discussion? I'll call the question. All those in favor say 'Aye'.

Council [00:12:18] Aye.

Marc Gorelnik [00:12:19] Opposed no? Abstentions? Motion passes unanimously. Does the Council

have any further action on this agenda item? John how are we doing?

John Devore [00:12:39] Yeah thank you Mr. Vice Chair. You've accepted the recommendations of the SSC and GMT on science improvements and with that you've accomplished the action under this agenda item.

6. Electronic Monitoring: Implementation Update

Marc Gorelnik [00:00:00] Well this concludes public comment on this agenda item so Brett why don't you get us refocused on our goal here.

Brett Wiedoff [00:00:08] Thank you Vice Chair. So it's just discussion and guidance on program implementation and development so just looking for some thoughts on you know the timeline that was presented and maybe thinking about workload planning a little bit here and thinking forward. As I had, the GAP noted regarding June and what would be presented there I did have an email exchange with Brett Alger of headquarters and he said he is available to come out in June to present whatever he has in hand. He's going to be presenting those final and draft directives in, at the CCC and hopes that he'll have some other, the same documents or maybe some revised documents based on their comments in June. So I just want to give you that, a little bit of information there.

Marc Gorelnik [00:01:05] Thanks for that. All right Council. Discussion and comments on the timeline we've received or anything else? Brad Pettinger.

Brad Pettinger [00:01:18] Thank you Mr. Vice Chair. Chair Anderson had asked the questions I was going to ask about this topic. I was heartened a little bit to here Karen talked about there'd be a lot of, certain amount of flexibility and what that rule might look like and that would be wonderful if it was flexible enough for what I thought was appropriate but I'm not sure it is. The final or when the draft rule does go out I'm kind of curious is there, you would get public comment and is as far as outside of just public comment, is it possible to have a GEMPAC meeting in between that and final rule because it would be, it would be interesting, it would be nice if the GEMPAC could look at the draft rule before it actually went out. I think it would be kind of, it would be nice, and it might be, it might be wonderful but just saying I'm worried about this thing getting out of the barn and it's, it's not fixable. We're not quite ready for prime time and it's, it makes it a lot tougher to get the right product in the end and of course this is a whole different animal as far as the, the third party providers as far as review, that's something totally different than this topic but, and I won't get into that here now, but anyway I just, I'm a little concerned about the timeline and I'm just, I'm hoping that the agency is open for a delay to make sure we get everything flushed out properly before it does go into final rule.

Marc Gorelnik [00:03:05] Kelly.

Kelly Ames [00:03:05] Thank you Mr. Vice Chair. I just want to highlight. So the GEMPAC did review the regs, the draft regs in 2016. We have consulted with the Council on several changes. I think based on the schedule it's quite possible, I mean you could have a GEMTAC meeting after the proposed rule is out to comment on it and review it and discuss. I think that would be fine.

Marc Gorelnik [00:03:35] Thanks for that answer. Further discussion around the table? Phil.

Phil Anderson [00:03:40] So Kelly just maybe to put you on the spot a little bit more. You know there's, I mean you, you saw the GAPs report. The recommendation, strong recommendation that the GEMPAC have an opportunity to look and have some interaction before fine, you go to final, so is your response to Mr. Pettinger an affirmation that, that NMFS will support a meeting of the GEMPAC be it webinar or in person prior to going to the final rule to ensure that you had an opportunity to hear their perspectives on the proposed rule?

Kelly Ames [00:04:26] Yes. Thank you Mr. Chair. You know based on our proposed schedule it's even possible that the proposed rule will be out at the June Council meeting so there would be an opportunity

there. If the timing didn't quite line up, certainly we could do a summer webinar with the GEMPAC to review that proposed rule and solicit comment. I think that's an appropriate way forward.

Marc Gorelnik [00:04:55] Further discussion? Bob Dooley.

Bob Dooley [00:04:59] Thank you Mr. Vice Chair. Just a question I hope for Kelly. I'm, I know there's been a long timeline here for this thing and I'm curious when the final rule drops and we start going forward with trying to implement all this, I'm assuming part of this delay has been to make this mesh with the national guidelines and if there's differences how do we deal with that, or will there be differences? Has it been addressed?

Marc Gorelnik [00:05:28] Kelly.

Kelly Ames [00:05:31] Thank you Mr. Vice Chair. So we, we did not delay our rules to mesh with the NMFS policy directives. As we have discussed, you know the idea here is to make incremental steps and if the policy directives line up with you know our publishing of the final rule that's fantastic. If they do not and we have to go and have a regulatory amendment to make some discrete changes, for example if the, you know storage requirements are different than what we have in the final rule, that's not a big change to make through a two Council meeting process and subsequent reg amendment, so you know we feel comfortable that taking these incremental steps, you know there're important steps, they provide some certainty to industry and to the providers that we are moving forward. We're going to go to the next step which is to develop the program guidelines and you know like many of the things in our complicated trawl rationalization program, you know we would anticipate you know future changes to the regulations to address the latest information that's available and how to make the program most efficient.

Bob Dooley [00:06:43] Thank you I appreciate it.

Marc Gorelnik [00:06:45] Marci.

Marci Yaremko [00:06:46] Thank you Mr. Vice Chair. A question Kelly. We heard some testimony from Michele about the difficulty in getting providers even interested in offering services because of the lack of those procedural guidelines. What has NMFS been doing behind the scenes to kind of get in touch with these prospective contractors to encourage them to develop their business, keep those activities kind of geared toward providing the services that are, are needed by the industry?

Kelly Ames [00:07:30] Thank you Miss Yaremko. Yes I mean we have been in discussions with providers. I think really the most important part is our proposed schedule that does allow this five month time period to work with providers to help them understand the regulations, to help them develop their applications and get ready for business on January 1, 2021.

Marci Yaremko [00:07:53] So have....

Marc Gorelnik [00:07:54] Marci Go ahead.

Marci Yaremko [00:07:55] So you've been in continuous communications with them about upcoming plans, I'm just you know hearing from Michele that it seems like it's tough to keep them interested and looking toward the future and you know building their business. I'm just wanting to know you know what, what outreach and communications have been coming from, from NMFS with them?

Kelly Ames [00:08:19] Thank you Mr. Gorelnik, Miss Yaremko. I personally have not been in communication with them but the permit shop definitely has been in communication and you know I could call Justin up to the table if you'd like to hear more. You know they are, they are working on the EFPUs. They're aware of kind of our process and timeline and presumably they're getting ready, but again we need to make this incremental step of getting the final rule out so then we can move to doing the program guidelines and, and really start having those detailed discussions.

Marc Gorelnik [00:08:56] Marci.

Marci Yaremko [00:08:57] Thank you. So the final rule needs to come before we can establish any kind of guidelines for them? I mean we're still operating under a number of EFPs that have different focus areas.

Marc Gorelnik [00:09:15] Kelly.

Kelly Ames [00:09:17] Thank you Mr. Gorelnik, Miss Yaremko. I mean yes we do, on our website we have some draft examples of what those program guidelines and service provider guidelines look like but they are draft and, and again because we don't have the final rule out we can't talk about the specifics and really get to the heart of the matter about what it will take for them to provide the services required under the final rule. So yes we believe getting that final rule out so we can have the discussion is, is an important step.

Marc Gorelnik [00:09:48] Further discussion around the table? Bob.

Bob Dooley [00:09:54] Thank you Mr. Vice Chair. Just one further question here. Do you have an idea of how many providers have been even sniffing around to, to be in, you know in the game? I mean it's it's a, it'd be comforting to know that there's more than one or two.

Marc Gorelnik [00:10:09] Kelly do you have an answer?

Kelly Ames [00:10:14] Thank you Mr. Gorelnik, Mr. Dooley. I mean I do know that there are two service providers operating under the EFP so you know I don't have a count of all the people that have called the permit shop and inquired about the program but you know.

Marc Gorelnik [00:10:28] Bob.

Bob Dooley [00:10:30] I'm not necessarily worried about the providers that provide the cameras and such but more the data review, the video review and what, who's, who's inquiring and not necessarily who but how many just to get a feel if there is anybody even interested in that business.

Marc Gorelnik [00:10:51] Kelly.

Kelly Ames [00:10:51] Thank you Mr. Gorelnik. Mr. Dooley. Again the, you know information from the permits and monitoring staff is that they have had contact, they have been in contact with people who are interested but again they're waiting for the final rule to really have detailed discussions about what it takes for them to be a third party reviewer.

Bob Dooley [00:11:11] Okay just.....

Marc Gorelnik [00:11:14] Bob do you have a further question or comment?

Bob Dooley [00:11:17] Yeah I do. I would, I'd like to get a feel for if there's 1, 2, 5. I mean is there just a ballpark, just to feel the whether, whether it's just one person or what it is?

Kelly Ames [00:11:34] The staff behind me say at least two and then I do know from Miss Hooper that there have been three others so maybe a potential of five but you know these are not numbers that, you know these are informal discussions. No one has signed on dotted lines to provide applications because again we're doing this in a stepwise process where you know once the final rule comes out then we can move towards those applications and then we can give you concrete numbers about the number of applications we've received and....

Bob Dooley [00:12:06] Understood just trying to understand the, the interest. Thank you.

Marc Gorelnik [00:12:10] Any further questions of NMFS or any discussion on this agenda item? Maggie.

Maggie Sommer [00:12:18] Thanks Mr. Vice Chair. Just a brief comment on a different topic within the NMFS Report, just the mention of electronic monitoring in the commercial rockfish fishery and the Northwest Science Center's testing of some low cost small scale EM systems and I just wanted to express support for those. I think we're all well aware of the cost and practical challenges of monitoring on small vessels and, and look forward to further development on how this can be an important part of that puzzle. I know there is a reference to possible work with an Oregon EFP. I can share that I don't know how much if any effort to expect in the near term under that EFP. I, I am hearing that the potential participants were discouraged by the reduced canary set aside that this Council adopted and perhaps other factors but we are, Oregon from an agency perspective certainly supportive of testing of these low cost and small transferable EM systems and express our support for the, the update and continuing work on those systems. Thanks.

Marc Gorelnik [00:13:32] Further comments? Discussion on this agenda item? Brett how are we doing?

Brett Wiedoff [00:13:43] I think we're doing okay with the discussions. I'm trying to summarize maybe some guidance I might have heard but the only real specific discussion or guidance I might have heard is just thinking about GEMPAC meetings and maybe one during the June meeting or after the June meeting. It's kind of dependent on whether there's information available on the policy directives coming out of the headquarters and maybe the final availability of final or proposed rule in June. If it's not available in June then make a GEMPAC meeting after the June meeting to get prepped for September or comments on proposed rule on bottom trawl and then maybe future agenda items in September.

Marc Gorelnik [00:14:31] Kelly.

Kelly Ames [00:14:32] Yes thanks. Just to echo and support what Mr. Wiedoff said relative to scheduling GEMPAC meetings. We also would request the Council put on their September agenda you know the discussion about the program guidelines, a draft program guidelines as well as extension of the EFPs to continue testing the technologies for the following year so it would be both a September and November process to do the EM program guidelines.

Marc Gorelnik [00:15:03] All right. So we have the input on the potential GEMPAC meeting as well as agenda items in September and November. Is there further guidance from the council? Chuck.

Chuck Tracy [00:15:19] Thank you. Thank you Mr. Vice Chair. Well we did also hear that there's

some interest from Brett Alger to come to the June meeting and, and brief the Council on the status of the policy directives so I don't know if that's of interest but it's something we can put in the, put in the box in the quick reference and see if that can, if we can accommodate that with the, with the other agenda items for June if the Council would like to do that.

Marc Gorelnik [00:15:50] It makes sense around the table? I don't see why I wouldn't. I guess we're getting a preview at the CCC but the full Council should get the benefit of that. Is there further guidance on this agenda item? I'm not seeing any. Brett did you capture that additional....

Brett Wiedoff [00:16:09] Yes thank you Vice Chair.

Marc Gorelnik [00:16:14] So are we okay?

Brett Wiedoff [00:16:16] I think this completes your action on this agenda item.

Marc Gorelnik [00:16:20] All right. Any, before we close this out, does anyone around the table have something else to say on this agenda item. I don't want to be premature. Okay I think we're done with this agenda item. I have 9:31.

7. Vessel Movement Monitoring Update

Marc Gorelnik [00:00:00] So that leaves, leads us to Council action which is to consider the report and recommendations. Is that right Brett?

Brett Wiedoff [00:00:08] Yes that's correct Vice Chair.

Marc Gorelnik [00:00:11] So let me open the floor. I think we have some specific recommendations. There is one aspect of the NMFS Report that may be problematic so let's see who has, let's have some discussion and see if there's a proposal to come forward. Marci.

Marci Yaremko [00:00:35] Thank you Mr. Vice Chair. Just I think a little additional dialogue with Aja would be helpful. If I'm understanding the GAP Report, the NMFS Report and the public test....and the EC Report and the public testimony we just received from John Corbin, would it be possible to move ahead now with a rule implementing management measures 2 and 3 as well as the note from the EC referencing the current definition of continuous transit needing to be revised which was approved for revision under VMM management measure 1, so can we pull that little piece out of 1 and couple it with 2 and 3 and proceed with that rule?

Marc Gorelnik [00:01:32] Aja.

Aja Szumylo [00:01:33] Thank you Mr. Vice Chair, Miss Yaremko. Yes I believe we can that, you know the continuous transit measure is very separate from the provisions related to the ping rate, so I think we can pull just that one item out and move it forward and allow the Council to reconsider the ping rate and the associated exemptions that it was considering at a later date if it would like.

Marc Gorelnik [00:01:57] Further discussion? Phil.

Phil Anderson [00:02:02] From a process perspective we would be modifying an, an action that we took in April of 2016 and so I'm, well I was wondering if we would need to rescind that action and then replace it with another one?

Marc Gorelnik [00:02:27] Dr. Hanson.

Dave Hanson [00:02:29] You have two options I believe. I haven't looked at what we did in the past before but either to rescind or to modify something previously adopted and that takes a simple majority as well.

Marc Gorelnik [00:02:46] Phil.

Phil Anderson [00:02:48] I don't want to cut off discussion. I do have two motions to offer but I'll wait before I do that to ensure that additional discussion isn't needed.

Marc Gorelnik [00:03:00] All right Maggie.

Maggie Sommer [00:03:01] Thanks Mr. Vice Chair and it's not I think likely to affect any motions but just maybe to, to clarify for the record and I'm sorry I was not quick enough to put the pieces together in my head when I was listening to the SAS report but it was my impression that they were in favor of the alternative management measure 1, preferred alternative 1B because they saw it as allowing for staying at one, a ping rate of one per hour but that would be for vessels with electronic

monitoring systems and I'm not sure there's a lot of EM in the salmon troll fleet so I think there may be some confusion there, again I know the SAS representatives who got up and spoke to that have left the room now but wanted to maybe see if other Council members had a different interpretation than I did and just make sure we're all straight on, on that.

Marc Gorelnik [00:04:07] Brett.

Brett Wiedoff [00:04:08] Yeah I, I agree it wasn't quite clear but I think what they're asking for is actually an exemption from the, the, the increase in the ping rate and would like to just stick with the one hour ping rate that applies to that fishery, correct? Because they're, there, you're correct they're not, they don't have EM on board so it would be seeking just like a couple other fisheries were exempted from that increase in the ping rate so I think that's what they're seeking. I see head nods so....

Maggie Sommer [00:04:34] Thanks.

Marc Gorelnik [00:04:35] Great. Thanks for the clarification. Further discussion before I turn to Phil? Chuck.

Chuck Tracy [00:04:44] Thank, thank you and maybe getting back a little bit to Mr. Anderson's point so, so I, as I understand it there's not any action needed for management measures 2 and 3 and then so then the discussion was is there any necessary for the continuous transit as well so, so I think that's, that's one issue and then I guess in terms of management measure 1, the other parts, the question would be then are we, you know what, what sort of process is necessary and notice and you know considering the action under this agenda item if we're, where we stand with that so I'm not sure who that's a question to but I think those, that's the issue that needs to be discussed.

Marc Gorelnik [00:05:42] Phil.

Phil Anderson [00:05:43] I didn't understand the first one. Would you repeat that?

Chuck Tracy [00:05:48] So the, there's three management measures under the VMM and management measure 2 and 3. There's been no proposal to make any changes to the Council action that was taken on that already so, so those don't require any action and then there is also the comment that about the transit rules and whether that is a part of management measure 1 that could also be implemented without any additional action and so, so again the Council would not have to take any action for those to be, for the rulemaking to go forward on those.

Marc Gorelnik [00:06:34] Can we turn to Aja just to get confirmation on that?

Aja Szumylo [00:06:38] Thank you Mr. Vice Chair and Mr. Tracy. No I don't believe we, the Council needs to take any action on management measures 2 and 3. Should the Council choose to move forward with the ping rate which is included under alternative 1, or management measure 1, alternative I think 1A with the exemption for mid water trawl there and the EM alternative and sorry I'll back up, 1A also includes that continuous transit item so if the Council wanted to move forward with alternative 1A as it's currently constructed and alternative 1B as it's currently constructed, I wouldn't see any need for Council action there as well. But if the Council would like to reconsider those later then I don't think it requires a Council action, I think it just requires waiting right now to, to make that reconsideration at a later date but to move forward with 2 and 3 no Council action necessary, we can just take the recommendation from before and roll those forward.

Marc Gorelnik [00:07:43] Phil.

Phil Anderson [00:07:43] Well that's not the way I have this constructed. I will tell you how I have constructed is rescind the action in April of 2016 and then a follow up second motion that affirms everything that we did with the exception of the allowance of non type approved VMS units, so basically it takes everything off and then it replaces it entirely with the, that one exception and if there was an amendment needed to deal with the revised meaning of the continuous transit definition amendment could be offered and that would have the package, but if you'd rather, if there's a different way to skin a cat that's more efficient I'll leave that to someone who has, knows or has a thought about how to do that.

Marc Gorelnik [00:08:45] That certainly would be a good way to do it but are there other suggested paths forward? Marci.

Marci Yaremko [00:08:54] I think where maybe I'm struggling with understanding the NMFS Report was the suggestion that if we wanted to make any changes even to the non type approved recommendation that we made, we needed to do that in a subsequent Council action, that we could not take that action today.

Marc Gorelnik [00:09:16] Aja.

Aja Szumylo [00:09:17] Thank you Mr. Vice Chair and Miss Yaremko. My, the meeting was noticed as an update and so I, I defer to the Council and the Parliamentarian about what we're allowed to do under this item. I, I think that the way that Phil presented the motion sounds fine. I think that, that is a clear direction to us about what we should go forward with but however I, I, I don't, yeah I don't know what's allowed under this agenda item given how it was noticed. So I was trying to protect that there.

Marc Gorelnik [00:10:00] Phil.

Phil Anderson [00:10:01] So my motion does include support for NMFS moving forward with implementing measures 2 and 3. It does not, it removes the allowance of the non type approved VMS units but does not suggest anything replace it, so if there is a subsequent process by which the Council wants to provide something else they, I mean that's a separate thing. Same with the ping rate if they want to modify for example the requirement of the ping rate in the troll fishery that would require, that's a separate process so it's resetting us so we're back where we were in April 16 without the non type approved units and then if there's subsequent process to address other measures that, that were, we think need to be changed that to me needs to be done in a, in a separate process that would carry forward to the June meeting.

Marc Gorelnik [00:11:08] Marci.

Marci Yaremko [00:11:09] So I'll ask a question to the prospective maker of a prospective motion. It sounds to me from what we're expecting to hear that you are not intending to address the NMFS concern outlined regarding complexity created by exempting mid water trawl whiting?

Marc Gorelnik [00:11:43] Phil.

Phil Anderson [00:11:44] Well I may have missed it but I understood it that was a concern but during the dialogue between National Marine Fisheries Service, the GAP and the Enforcement Consultants they thought they could deal with that, so I was not intending to make any changes to that.

Marc Gorelnik [00:12:05] Aja.

Aja Szumylo [00:12:08] Thank you Mr. Vice Chair. Yes and to confirm we are comfortable with the, the enforcement and administrative complexities of the exemptions in favor of getting the, the ping rate and the continuous transit definition in place as soon as possible, so we're okay with going forward with alternatives 1A and 1B under management measure 1.

Marc Gorelnik [00:12:32] Further discussion? Marci.

Marci Yaremko [00:12:41] Sorry so I asked Phil specifically about the exemption for mid-water trawl whiting and the concern addressed by NMFS there and then you added to that response the concern that you'd outlined in your report regarding the EM exemption, so it sounds like you're comfortable even though you've placed these concerns on the record you're, you've worked them out in subsequent discussions that we're okay moving ahead? Okay thank you.

Marc Gorelnik [00:13:20] Okay further discussion or I'll turn to Phil if Phil's still prepared?

Phil Anderson [00:13:26] I think I am. We'll find out.

Marc Gorelnik [00:13:29] All right go ahead Phil.

Phil Anderson [00:13:31] Okay Sandra the first one, the short one. So I would move the Council rescind its action taken at the April 2016 meeting relative to final action to adjust management measures related to vessel movement and monitoring.

Marc Gorelnik [00:14:02] Is that language accurate Phil?

Phil Anderson [00:14:03] Yes it is.

Marc Gorelnik [00:14:05] Is there a second? Seconded by Bob Dooley. Please speak to your motion.

Phil Anderson [00:14:12] Thanks Mr. Vice Chair. In order for us to modify some, all or some portion of that action I'm proposing that we first rescind it in its entirety and then come back and affirm what portions of that final action we want to move forward.

Marc Gorelnik [00:14:35] Questions for Phil on his motion? I have one question. I don't recall the language of the action taken at that meeting. Are we certain that there will be no unintended consequences in rescinding that action in its entirety? Might that have addressed other issues? I simply don't know the answer to that question.

Phil Anderson [00:15:01] I'm working off the information that we have. The Council Final Preferred Alternatives for Vessel Movement and Monitoring Action. When I come back with the follow up motion, if there are things in there that were, that I, that I'm not aware of those will be put back into place assuming the Council votes in the affirmative to the next motion.

Marc Gorelnik [00:15:32] Great. Any discussion on this motion? Seeing none all those in favor say 'Aye'.

Council [00:15:41] Aye.

Marc Gorelnik [00:15:41] Opposed No? Abstentions? Motion passes unanimously and I think you have another motion Phil?

Phil Anderson [00:15:49] I do. Mr. Vice Chair.

Marc Gorelnik [00:16:12] Please proceed.

Phil Anderson [00:16:13] I move the Council affirm its action taken at the April 2016 meeting relative to the final action to adjust management measures related to vessel movement and monitoring as represented in Agenda Item G7 a, NMFS Report 1, table 1 modified by removal of management measure 1, alternative 2 that would allow the use of non type approved VMS units. In addition the Council supports NMFS moving forward with implementing regulations relative to management measures 2 and 3.

Marc Gorelnik [00:16:51] Phil does that language read correctly?

Phil Anderson [00:16:54] Yes it does.

Marc Gorelnik [00:16:55] I think actually when you read it it's right in the very last line, regulations relative to management measures 2 and 3 but....

Phil Anderson [00:17:06] Could you add the word 'to' as in 'to oh'.

Marc Gorelnik [00:17:07] All right that language is correct Phil?

Phil Anderson [00:17:13] It is now.

Marc Gorelnik [00:17:14] All right is there a second to the motion? Seconded by Louis Zimm. Please speak to your motion.

Phil Anderson [00:17:24] Thanks Mr. Vice Chair. Well we appreciate the concerns that National Marine Fisheries Service has brought forward to us after they looked at the preferred action relative to these management measures that we took back in April 16. They came forward and identified concerns with several aspects of it. The, all but one of those concerns I believe were addressed as they worked with the Groundfish Advisory Panel and Enforcement Consultants leaving the one dealing with the use of non type approved VMS units. I added the emphasis of the Council supported moving forward with implementing management measures 2 and 3. I am aware that as the Council discussion matured here in the last few minutes that there are several aspects to measurement, management measure 1 that also could be moved forward. By emphasizing 2 and 3, I am not intending to suggest that we don't support them moving forward with the management measures in 1 with the exception of the one that deals with non type approved VMS units. I'm also aware that the enforcements, Enforcement Consultants were interested in a revision to the language that defines continuous trans, transit and I would be happy if one of my colleagues wanted to offer an amendment to ensure that, that was included in the action.

Marc Gorelnik [00:19:24] Thanks Phil. Are there questions for maker of the motion? Louis Zimm.

Louis Zimm [00:19:30] Thank you Mr. Vice Chair. Mr. Anderson do you have in mind dealing with the salmon trollers request to remain at one ping?

Marc Gorelnik [00:19:45] Phil.

Phil Anderson [00:19:47] Thank you Louis I do not. I don't believe that is, I think that's a matter for tomorrow when we're looking at our future management planning that if we wanted to add that or other things dealing with that would modify this action at a future Council meeting but I don't believe that dealing with that issue at this meeting with this agenda item is appropriate.

Marc Gorelnik [00:20:19] Any further questions for maker of the motion? Corey.

Corey Niles [00:20:24] Thanks Mr. Vice Chair and thanks for the motion Phil. I, I maybe I'm not following but on your comment about the continuous transit, my thought was that, that was part of alternative 1, so that's, I was reading it to be already part of your, maybe I misunderstood what you said or the structure here, but I thought that was, would be covered by your motion?

Marc Gorelnik [00:20:50] Phil.

Phil Anderson [00:20:51] Thanks Corey. It, it is covered by the motion. I, I'm sorry that I was playing off the conversation that was going on around the table when I was creating this, crafting this motion and I thought there was a, a request by the Enforcement Consultants to revise the current definition of continuous transit and it looks like that, that definition was approved for revision so no, no amendment is needed to take care of that issue. Thank you.

Marc Gorelnik [00:21:30] Further questions? Marci.

Marci Yaremko [00:21:34] That really was my question. Thank you Vice Chair but I just want to confirm that the continuous transit definition that was included in VMM measure 1 was part of 1A or 1B and not part of alternative 2, does that, we can confirm that?

Marc Gorelnik [00:21:54] Aja.

Aja Szumylo [00:21:56] Thank you Mr. Vice Chair, Miss Yaremko. Yes it's part of alternative 1A.

Marci Yaremko [00:21:59] Okay thank you.

Marc Gorelnik [00:22:02] Discussion on the motion or further questions of, of Phil? Marci.

Marci Yaremko [00:22:12] Just want to speak in support of the motion in light of the public testimony received on the need for relief on the issues pertaining to movement of pots across management lines and reference the GAPS support as well, moving ahead with 2 and 3 will provide relief to the industry. I also want to continue to speak in favor of moving ahead with the increase to the ping rate. I know enforcement has been waiting for this and waiting and waiting and you know we've had delays in implementing this part of the rule but given the concerns we've heard from the EC and I think they reference four prior statements where they have reminded us of how critical this is to enforcing our rules. I also want to recall our action under EFH and the cut outs that we defined in that action and the critical reliance on the ping rates going down to 15 minutes instead of an hour. We had a lot of back and forth between the enforcement representatives on the design of those RCA, EFH RCA areas. We heard some testimony about how small many of those are and there's just no effective way to monitor those areas without reduced ping rates. Recognizing that rule is going to take effect soon, it was built premised on the idea that we were going to have 15 minute pings. Thank you.

Marc Gorelnik [00:23:58] Thanks for that Marci. Corey.

Corey Niles [00:24:03] Yes thanks. I'll echo that lot of what, what Marci said. I think this ping rate, that we've been wanting it for years. I just also want to speak to the, to the as Mr. Anderson said about the, if we, if we want to look at, at the, an exemption for the troll fishery we should, we should do that as a separate process. I think the recommendation from the back when, we're, we're reconsidering this basic because of a snafu with the information we had about type approval. I don't see other needs to reconsider the cause to reconsider other elements. I do want to recognize the concerns about cost. We have heard that this, the ping rate you can get four locations maybe with just one transmittal and which will reduce the cost that I imagine the trollers are, are worried about.....we do need that to enforce things like allowing more lingcod in the RCA and in enforcement of our, of our yelloweye conservation areas, so, but yeah very sympathetic and if, if costs are not what we thought we'd definitely want to keep an eye on that, but yes so I just want to acknowledge that we're, we're not ignoring that and that we, we could take another look at it in another, another process.

Marc Gorelnik [00:25:14] All right. Thank you Corey. Further discussion on the motion? Brett.

Brett Wiedoff [00:25:22] I'd just like to clarify with, with the motion here. What I see here is that you're recommending basically moving forward everything that's in the NMFS Report 1, table 1 except for management measure 1, alternative 2. Is that correct?

Marc Gorelnik [00:25:43] Phil.

Phil Anderson [00:25:44] Yes.

Brett Wiedoff [00:25:45] Thank you. Secondly when we did the original motion back in 2016 we modified the motion a little bit to exempt a few fisheries from the increase in the ping rate. I interpret that this motion would continue with that exemption to those vessels. I just want that clear on the record.

Marc Gorelnik [00:26:09] Phil.

Phil Anderson [00:26:10] That's correct.

Brett Wiedoff [00:26:13] Thank you.

Marc Gorelnik [00:26:14] Any further discussion on the motion before I call the question? Okay all those in favor of the motion say 'Aye'.

Council [00:26:22] Aye.

Marc Gorelnik [00:26:22] Opposed No? Abstentions? Motion passes unanimously. Does the Council have any further business on this agenda item? Brett how we doing?

Brett Wiedoff [00:26:39] Thank you Vice Chair I think we're doing quite well here now. We moved things forward as I clarified there in the motion. Regarding alternative management measure 1, alternative 2 I would expect as OLE provides, gets more information on, on that issue and we would expect maybe down the road discuss it again hopefully. I just was thinking forward about that because I don't believe that this Council we are scheduling anything to reconsider that alternative at this point so....

Marc Gorelnik [00:27:18] All right. Thanks Brett. I think that concludes our business on agenda item G7 Vessel Movement Monitoring Update.

8. Cost Recovery Report

Marc Gorelnik [00:00:00] Well that concludes public comment. That takes us to our Council action to review the report and provide comment and with that I will open the floor for Council discussion. Kelly.

Kelly Ames [00:00:21] Thank you Mr. Vice Chair. Just in response to the discussion that happened under the NMFS report, NMFS report with Dr. Hastie and a point of clarification. So there were not catch share funds used to support the trawl survey. There were and have been discussions regarding the use of cost recovery funds and I want to be very clear that there is a difference between the agency's ability to recover funds, and in this case we're not talking about recovering funds from industry but we're talking about the spending of those funds previously collected, and so when the center brought forward their proposal of spending cost recovery dollars that had been previously collected to support the survey, there was a very detailed review including a legal review and it was determined that, that activity met the Magnuson criteria for the use and spending of those funds.

Marc Gorelnik [00:01:22] Thank you Kelly. Further discussion? Maggie.

Maggie Sommer [00:01:29] Thanks Mr. Vice Chair. Wanted to speak to the recommendations made in the GAP report and referenced in the public comment we heard. I think they're all very good ideas and in particular I wanted to address their first recommendation. I was the maker of the 2017 motion that included the request to NMFS to explore options for reducing observer and catch monitor costs and certainly adding EM in there is a good idea and we have just had some discussions on that earlier today. I, I do want to emphasize and we are all well aware of the value of full accountability in this fishery and how important that is and so certainly it's a critical goal to maintain that full accountability level but I think there is some opportunity to certainly look for a range in a number of different ways to reduce costs and programs and I guess I would just request, again just bring that request back to light and I appreciate the GAP doing so and ask NMFS to consider that and leave it to their discretion to determine the best timing and way to bring some information on that back to us as a Council. Thanks.

Marc Gorelnik [00:03:02] Thanks Maggie. Kelly.

Kelly Ames [00:03:03] Thank you Mr. Vice Chair. Yes Miss Summer I also agree with the GAP recommendation under number 1 and we will pick that initiative back up. We had some staffing changes between your motion in June 2017 but we are now staffed up and I think we're ready to dive into those discussions further and wrap up some of those discussions and bring them back to the Council at a later date.

Marc Gorelnik [00:03:28] Thanks Kelly. Further discussion, guidance, comments? Brad.

Brad Pettinger [00:03:36] Thank you Mr. Vice Chair. Kelly bullet point number 2 in the GAP Statement it talks about the Endangered Species Act Mitigation Measures for Salmon. Is that, to that question, was that deemed recoverable or was that deemed a nonrecoverable?

Marc Gorelnik [00:03:55] Kelly.

Kelly Ames [00:03:56] Thank you Mr. Vice Chair, Mr. Pettinger. We have not identified that as something that is cost recoverable.

Brad Pettinger [00:04:08] Thank you.

Marc Gorelnik [00:04:08] Further discussion? NMFS has received the GAP report and I guess point number one has been well taken. There are two other points in the GAP report which you've received, I'm not sure how the Council wants to endorse all three or just number one? Bob Dooley.

Bob Dooley [00:04:33] Thank you Mr. Vice Chair not necessarily on that topic particularly if it buys you some time.

Marc Gorelnik [00:04:36] Okay fair enough.

Bob Dooley [00:04:36] In the situation summary, situation summary it refers to the cost report recovery reports in the second paragraph April, and in blue it has a link, April 17, 2017 Agenda Item F4 b GAP report and, oh I'm sorry, later go down farther, background says the Council's final recommendation. It's in the, in that background paragraph, if you go to that link it will take you to the Council final cost recovery program recommendation September 2011 and first paragraph, there is another link, the, the verbiage around that link suggest what the Council's intent was at that time for cost recovery. It says it described in Appendix B of September, 2011 Cost Recovery Committee Report agenda item G6 b Cost Recovery Committee report 2011 and the framework provided, the Council recommends implementation of the cost and framework provided in Appendix C of the same report. So if you click on that link it takes you to that report and that report was September 2011, Trawl rational, Rationalization Cost Recovery Committee Report and you go to the bottom of that, go all the way down and you will find Appendix C and I suggest it would be very good to read through that the next time we address this and I understand you have 'with and without' and 'before and after', it addresses all those things as you go down, particularly in the guidance that's below that it talks about the catch share policy, Council guy, it talks about, it's on page, do not page numbers, huh, sorry about that, but it says NOAA Catch Share Policy and it has a long discussion about what is recoverable and what is not and how to, how to approach that. The other point it is up from there, The Design and Use of Limited Access Privilege Programs by Lee Anderson and Mark Holladay and it, it specifically addresses these issues of how to, how to analyze what is, what is being used. It speaks about to the two credits if the new program is more effective then or more efficient cost, cost wise to the agency than not. It speaks to all those in general and I would, I would hope we could get to that. We talked about it last time he came before us, about this very thing and it was acknowledged that those are the guidelines that this program was predicated on by the Council and I believe that we need to follow those guidelines, so I would suggest when we get to the point of, of where we can have some more informal meetings and just discuss it that as the GAP had suggested, that we talk about these and delve down into them because I believe there's, there, there's cost efficiencies to be had here. So I guess the question is if there's a question is that I assume you know we're following those guidelines correct?

Marc Gorelnik [00:08:23] Kelly if you wish.

Kelly Ames [00:08:25] Yes. Thank you Mr. Gore, Mr. Vice Chair, Mr. Dooley. Yes in fact in our annual report we do cite the design and use paper that you reference here, Design and Use of Limited Access Privilege Programs, we are all supervisors, Cost Recovery Coordinator intimately familiar with those guidelines and the regulations governing the cost recovery program and we have meetings with staff to discuss so that they are clear on the guidance of the but four criteria and how that should apply in their day to day work so yes we do feel very comfortable and confident in our knowledge of those principles.

Bob Dooley [00:09:07] Thank you.

Marc Gorelnik [00:09:08] All right. Further discussion on this agenda item? Kelly I think you've

received the request, the comments of the Council. Jim how we doing?

Jim Seger [00:09:24] Thank you Mr. Vice Chairman. So the discussion started off with Miss Sommer kind of speaking positively of all three of the recommendations on the GAP report. As you mentioned there was an emphasis in particular on the first recommendation. The second recommendation would involve future Council documents and what you have available in front of you for actions so the idea is that when you're considering an action up front there would be an identification of the portions of that action that might be subject to cost recovery and possibly even an attempt to provide what those amounts in association with that action would be, and then the third one was for some ongoing work. So as you paraphrased earlier an emphasis on that first one and I kind of wanted to check in on the status of the second and third and....

Marc Gorelnik [00:10:16] Second and third? I think there was some overlap between the first and the third but are we...Kelly.

Kelly Ames [00:10:26] Thank you Mr. Vice Chair, Mr. Seger. So as NMFS staff this is what we do and so I think it is a reasonable recommendation of the GAP if the Council would also like to have that same discussion.

Marc Gorelnik [00:10:38] Well I need to get the sense of the Council on those GAP recommendations. There hasn't really been any discussion on number two or three, so is the Council comfortable with NMFS taking into account those three, those three specific comments from the GAP? Corey.

Corey Niles [00:11:03] Thanks Mr. Vice Chair. I'm comfortable with number three for sure and really Maggie spoke to it but pardon me, the ongoing dialogue between, between NMFS and the GAP and others is really nice to see and I hope that goes forward. On number two specifically I believe, I maybe I wasn't following but I thought Kelly said that was already a non-issue and that it was not recoverable so I was figuring that was tabled. Yeah very comfortable with number three and yeah maybe I missed it but I thought number two was in response to Brad's question. I think it was, was deemed not recoverable but that's just where the sense of this particular.

Marc Gorelnik [00:11:44] Well I think two asks that costs be designated in advance whether they're recoverable and the specific example was the ESA mitigation measures. We got an answer on that but not in general on the request from the GAP that actually the Council make a determination of whether a cost is recoverable. Maggie.

Maggie Sommer [00:12:10] Thanks Mr. Vice Chair. My interpretation of the may, number two here was a request to provide information early on as possible in our consideration of actions on which parts of those actions might be recoverable. I also see her question there to come up with roughly estimate associated costs and I think we all know how difficult that is, certainly the earlier inaction is and the less specified it is but I, if I would say it seems reasonable for NMFS to be able to provide some input on which elements of a proposed action might be recoverable or not and in some cases I recognize that, that input might be, it is too early to say, we don't have the details yet, but if that information can be provided my sense is that the GAP would appreciate having that just to, to paint a fuller picture of proposed actions as they consider them and provide their input to us and I would support that if it NMFS concurs that, that's a reasonable request.

Marc Gorelnik [00:13:28] Kelly.

Kelly Ames [00:13:29] Yes. Thank you Mr. Vice Chair. Thank you Miss Sommer. I do think that is a reasonable request and I'll just note that even in the SAMTAC committee discussions we've identified

that all of the alternatives as they appear right now would be recoverable or at least in you know that they're not the range of alternatives yet adopted by the Council but just looking at the long term implementation, so we are having those discussions.

Marc Gorelnik [00:13:54] All right. Thank you. Jim does that provide some clarity?

Jim Seger [00:13:58] Thank you Mr. Chairman. I believe that a clear endorsement on number one and two and also number three sounds like it's, people are seeing an overlap there with number one and that, that should also be considered endorsed by the Council.

Marc Gorelnik [00:14:11] Great. Any further discussion on this agenda item cost recovery? I'm not seeing any that'll conclude this agenda item.

9. Final Inseason Management, Including Shorebased Carryover and Salmon Caps for Midwater Trawl Exempted Fishing Permits (EFP) – Final Action

Phil Anderson [00:00:01] That concludes public comment on this agenda item takes us to our Council action which is being projected on the screen. So any preliminary discussions prior to moving to motions is appropriate now. Okay then action. Marci.

Marci Yaremko [00:00:42] Thank you Mr. Chair. Let me send this off to Sandra. Actually if I may.

Phil Anderson [00:01:23] Sure go ahead.

Marci Yaremko [00:01:23] Before we proceed with the motion I, I believe Aja said she might get back to us in the course of this discussion about the continuation of rules into January 2020 that we act on here today and specifically I, I know this is catching you kind of cold and I am particularly interested in the situation for recreational fisheries. We took some inseason actions in March and we might take some inseason action here today and I'm needing to understand if we will be revisiting those bag limits, bag limit adjustments come November.

Phil Anderson [00:02:09] Aja.

Aja Szumylo [00:02:10] Thank you Mr. Chairman, Miss Yaremko. So with an inseason action that we take today we can only affect the later periods of the year so if you think back to let's pull up one of the tables, table 6 in the GMT report for example, if we went with limited entry alternative 3 we would change the trip limit starting in periods three, or in period three and that would continue through the end of the year and then the beginning of the year would still have the trip limits from, from when we implemented specifications and so we'd have to go back in November and adjust that trip limit to match what we've set for the remainder of the year if we wanted that trip to carry out across the entire year. So we can only with inseason actions at this point in the year affect later periods of the year and those, the, the trip limit structure that's picked up for 2020 will match, again for example in table six limited entry alternative 3 will match exactly what you see there, so for the start of 2020, January and February, March, April would have 1,375 pound per two month bag limit and then picking up in May it would be 4,000 for two months for blackgill in that example. Does that makes sense?

Phil Anderson [00:03:30] Marci.

Marci Yaremko [00:03:31] Yes it does and I think I'm hearing that I have no way to change the 1375 for January, February, March, April now. Is that correct?

Aja Szumylo [00:03:44] Thank you. That's correct and then one clarification that Maggie.... that's a good point but the recreational fishery doesn't or....is it all? Thank you. Bag limits are not period specific so if we make a change to one that will carry over for all of 2020 so we wouldn't have to go back in November to change those for the beginning of the fishing year if we wanted those to remain the same for the start of the year.

Marci Yaremko [00:04:10] So and I ask because I believe there was an issue with this in our inseason actions last year for recreational, so the effective date of the canary and the black action we took in March hopefully it will be sometime in May that will continue through the entire biennium once the rule is published?

Aja Szumylo [00:04:37] Thank you Mr. Chair, Miss Yaremko. Yes that will continue through the rest

of the biennium once the rule publishes.

Marci Yaremko [00:04:43] If I may.

Phil Anderson [00:04:43] Marci.

Marci Yaremko [00:04:43] But conversely in the case of commercial trip limits whatever we adopt here now in these various tables will apply only through the end of 2019?

Aja Szumylo [00:04:58] That's not quite correct.

Marci Yaremko [00:05:01] Well what's shown will be re-adopted.

Aja Szumylo [00:05:04] What's shown....

Marci Yaremko [00:05:05] But we cannot implement a change for the beginning of 2020 for commercial.

Aja Szumylo [00:05:09] Correct.

Marci Yaremko [00:05:09] But we can for recreational?

Aja Szumylo [00:05:10] Thank you Mr. Chair, Miss Yaremko. Yes and it's again because of how things are set up in the regs, so the bag limits are a number that we're changing that affects the entire year. In this case with blackgill for the commercial trip limits it is set up through that period structure and so we can't go back and change things that, change things for the period that's already occurred and can only change forward from there and so we'll have to go back at the end of the year to pick up the early periods in the year and effect the same change that we implemented for the late periods of the year.

Marci Yaremko [00:05:41] Okay. Thank you and so I assume the GMT or someone tracks these things so that we are not, that we'll be okay with regard to commercial and we will for sure consider these changes come November?

Phil Anderson [00:05:57] Aja.

Aja Szumylo [00:05:57] Thank you. Yes so we'll, we'll pick up, we'll pull up the trip limit tables in November and check in with everyone then and confirm, is this what you want the start of the year to look like or should it look different and you can make those changes then.

Phil Anderson [00:06:15] The other, seems like the other way we could ensure this to happen is at this juncture we could assign the GMT the task at their November meeting to review the changes to the trip limits that we've made and report back to us and then that would inform whether or not we wanted to make changes for 2020. Marci.

Marci Yaremko [00:06:39] Thank you and the reason for my inquiries on this is I'm really just trying to avoid what is shown right now in the limited entry fixed gear table that we reflected in the CDFW report with trip limits that bounce around to five different levels over the course of the year. It's, it's a tenuous situation. Thank you.

Phil Anderson [00:07:02] Before we go to your motion. Corey.

Corey Niles [00:07:05] Yeah thanks Mr. Chair. Just, just since it's on everyone's mind and I don't want to launch a big discussion but Aja is, are the requirements you're speaking about are these self-imposed by our procedures or are we talking about what we hear from time to time about inseason and the waiver of notice and comment just so Marci's got, got it for it seems like for, for this you see us just while it's in the air what it where is this, is this our own requirement? Is this a notice and comment type requirement?

Phil Anderson [00:07:37] Aja.

Aja Szumylo [00:07:39] Thank you Mr. Chair and thank you Mr. Niles for the question. I think it's, it's actually a combination of things and so right now you know we're, we're using new information today to evaluate the fishery and suggest changes that should happen and we're trying to do them through an action that does not require notice and comment and that does not have a delay in effectiveness, so those are procedures that relate to the APA, the Administrative Procedure Act, so under those requirements yes we're affecting periods that are, we're making changes that we're implementing quickly that will affect the periods going forward for the remainder of the year. There are probably ways to set up the regs differently so that we're not, we're not doing this exact process all the time but that, that's a bigger change in the regulations so I think yeah it's a combination of contracts with the APA and the, the current structure of the fishery and how, how the Council has set things up historically.

Phil Anderson [00:08:40] Okay. All right. Back to you Marci.

Marci Yaremko [00:08:58] I'm gonna have to amend what I sent you but okay we'll go with it. I move the recommendations contained an Agenda Item G 9 a Supplemental GMT Report 1 noting that any discrepancies in the GMT report surrounding historic ACLs and harvest guidelines for blackgill should be resolved in favor of language contained in the final rules for biennial specifications.

Phil Anderson [00:09:50] Okay the.....

Marci Yaremko [00:09:52] I need to modify bullet three of the GMT recommendations as follows. Adopt option 1 for the limited entry fixed gear, limited entry comma, yeah limited entry fixed gear and open access sectors for 2019 as shown in Supplemental CDFW report 1 and a two fish bag limit for lingcod for the remainder of 2019 and 2020 and if I could add the word 'recreational fishery bag limit' for lingcod. Sorry for that. South of 40 10. I apologize.

Phil Anderson [00:11:49] Okay. Take the time you need. Does the language on the screen accurately reflect your motion?

Marci Yaremko [00:12:17] Yes thank you.

Phil Anderson [00:12:18] And is there a second? Seconded by Marc Gorelnik. Go ahead and speak to your motion please.

Marci Yaremko [00:12:29] Excuse me. Thank you Mr. Chair. First I want to acknowledge the work of the GMT in the task of analyzing blackgill trip limits here at this meeting which was an unanticipated extra assignment on them. They did a great job with no notice and it certainly I think helps move the ball forward with regard to blackgill opportunity in the non trawl sector and this is something is as we discussed in the agenda item yesterday very, very important to California non trawl fishery sector in, in the southern reaches of California so this is a big step forward and a change that is somewhat overdue I think in many people's minds so very much looking forward to seeing some fish come into our markets

in some more appreciable volume than they have been. I want to speak to lingcod for a minute. I will support the recommendation of the GMT with regard to increasing the recreational bag limit as well as the commensurate increases to the limited entry fixed gear and the open access commercial sectors that were equitable or, or comparable to the increase of a bag limit from 1 to 2 fish for lingcod, but just, just want to note that the time to bring a change to this lingcod bag limit was during the annual specifications proc, biennial specifications process last spring. CDFW had put out our report with our management measure recommendations and had included the one fish bag limit as the preliminary preferred recommendation and there was no discrepancy, no discussion, the GAP was supportive. They understood the stock was on the precautionary zone, we would be dealing with a lower number, we didn't, there was some uncertainty about what the number actually was but the GAP took the, took this on and they knew that they were going to be feeling in a little bit of pain and worked it out equitably and I appreciate their efforts. We do have new information now. I understand that very much under attained because the trawl sector of lingcod is underperforming and so there is no conservation risk here but I do want to get away from making inseason bag limit changes to recreational fisheries. It's, it's burdensome on our agency. There are a lot of outreach needs that come with making changes to recreational bag limits. It's not just about turning on the switch and relying on NMFS to get a rule through. We have to take comparable action on the state side to align our rules with the federal regulations and we have a significant outreach obligation that comes with every one of our bag limit changes or any recreational change for that matter. We have to update our website. We have to pass out materials. We have to issue press releases because that's part of our state, state requirements, so it's a, it's a fairly burdensome task so just looking forward I'd really like to try to minimize the use of inseason bag limit adjustments here in this process. I understand that there are going to be extenuating circumstances and certainly we want to have an inseason tool to be able to say adjust depth limits and bring folks in. If we are seeing catches that exceed projections we want to be able to keep folks on the water through the end of the year without having to have an abrupt unplanned end to a fishing season, so that's kind of the way traditionally we've used inseason actions for recreational in the past so I'd kind of like to get back there recognizing that there are exceptions and one of them was canary rebuilding when we got some new information and needed to adjust quickly to a situation we hadn't faced in 20 years getting to routine canary rockfish. So with that I, I completely appreciate that there are a lot of fish on the table here and that the recreational sector wants to utilize them and the commercial sector will have an opportunity for greater utilization under the recommended increases for the commercial trip limits and it appears that the trawl sector is comfortable with the recommendation as well so with that I'll, I'll be supporting it and letting my staff know that we have a lot more work in front of us. Certainly support the amendment to provide some lingcod to the Emily-Platt EFP, it looks like that is a nice creative way to be able to make that change in their EFP pretty quickly so we appreciate that and it sounds like in discussions with Travis and the salmon caps regarding the EFP that folks are feeling comfortable with the 100 chinook a threshold in the south and the 1,000 fish threshold in the north so I support that as well.

Phil Anderson [00:18:42] Thank you Marci. I have a question. The modification of bullet three references adopting option 1 of the limited entry fixed gear and open access sectors as shown in Supplemental CDFW report 1 and I for the life of me can't find option 1. And it's, and of course your report is specific to the lingcod so could you help clarify that for me please?

Marci Yaremko [00:19:20] Thank you Mr. Chair. I should have asked the GMT that as well because they included this language of option 1 in their report and you are correct, CDFW did not describe anything as an alternative 1 or an option 1 so I agree that, that language is probably not the best to include in a motion.

Phil Anderson [00:19:46] So may I ask what, what the intent of the motion is relative to, I mean what,

is option 1 for limited entry fixed gear and open access relative the lingcod or relative to other species or I'm just....I see Melissa over there.

Marci Yaremko [00:20:21] Yeah again I was, I was pulling the language from the recommendations contained at the end of the GMT report but most likely that the better text is what's up here on page 3 from the GMT report regarding the limited entry and open access sectors for 2019 so the specific changes since you're asking and then we'll figure out how to cure the motion, the specific changes include referring back to the CDFW report.

Phil Anderson [00:21:06] So we haven't got a second yet so you're free to.....oh I'm sorry we do. So...

Marci Yaremko [00:21:14] It's, it's simple it's 1200 pounds for the limited entry sector for the two month periods and 500 pounds for the open access sector as shown in.

Phil Anderson [00:21:33] I would recommend...

Marci Yaremko [00:21:36] It's GMT option 1 right? Okay.

Phil Anderson [00:21:38] If I may Marci I would recommend with the concurrence of the second to withdraw the motion and then just we'll, you can leave this, the text right up on the screen and then amend it rather than doing an amendment to this so....

Marc Gorelnik [00:21:54] I concur.

Phil Anderson [00:21:54] And Marci you're okay with...

Marci Yaremko [00:21:57] I am.

Phil Anderson [00:21:57] Okay so the motions been withdrawn but don't get rid of it on the screen that is. So that motions withdrawn and so we're looking for a new motion.

Phil Anderson [00:00:00] Marci.

Marci Yaremko [00:00:00] Thank you and I'm really sorry to do this. I'm looking at, I'm hoping we can have a quick Q and A of the GMT?

Phil Anderson [00:00:10] Certainly.

Marci Yaremko [00:00:11] Thank you.

Phil Anderson [00:00:13] Jesse. How are you doing?

Jessi Doerpinghaus [00:00:16] Doing great.

Phil Anderson [00:00:17] Oh good. So are we.

Marci Yaremko [00:00:21] So under table 3 at the top of page 3 there, we have limited entry and open access and we have status quo in option 1 for each and I believe what the GMT's recommendation is, is the option 1 trip limits as shown in this table?

Jessi Doerpinghaus [00:00:44] Mr. Chair. Miss Yaremko. Yes I, I think the intent originally we were gonna have all three as option 1 that was analyzed in the CDFW report, so if I may recommend.....our whole intention was to adopt the trip limits that were analyzed in the Supplemental CDFW Report so that might be the cleanest way for your motion potentially would be to adopt the trip limits analyzed in the CDFW report. That was our intent.

Marci Yaremko [00:01:15] Thank you but it would be nice but understanding that we can only act for 20, through 2019 and I guess from my understanding of the dialogue about the tables, we need this table showing the early periods for lingcod commercial as shown in Table 3 or can we just....

Phil Anderson [00:01:44] I don't think so. We're not modifying those.

Marci Yaremko [00:01:47] Right.

Phil Anderson [00:01:47] Right.

Marci Yaremko [00:01:51] Okay.

Phil Anderson [00:01:59] So the first paragraph or sentence here is fine. What we're working on is the second one which is the intent of the motion was to, as I understand it, was to adopt the GMT recommendations for lingcod south of 40 10 as well as represented for option 1 for the limited entry and open access. Is that correct?

Marci Yaremko [00:02:34] Yes. Well there is no option 1 in the CDFW report but the option 1 in the GMT report.

Phil Anderson [00:02:39] I didn't, yeah I didn't mention this CDF and W report.

Marci Yaremko [00:02:41] Okay. Yes.

Phil Anderson [00:02:47] So if, if the motion said adopt option 1 for limited entry fixed gear and open access sectors as shown in Table 3 of the GMT report....

Marci Yaremko [00:03:01] Yep so remove Supplemental CDFW Report 1 and replace with GMT Report Table 3.

Phil Anderson [00:03:16] GMT, its Supplemental GMT Report 1.

Marci Yaremko [00:03:19] Yes.

Phil Anderson [00:03:23] And then you're adding the two fish bag limit.

Marci Yaremko [00:03:27] Right.

Phil Anderson [00:03:32] Okay. Why don't we try this again? Go ahead and if you, if you wouldn't mind just read your motion and then I'll ask you if it's accurate if you would.

Marci Yaremko [00:03:45] Sure. I move the recommendations contained an Agenda Item G 9 a Supplemental GMT Report 1 noting that any discrepancies in the GMT report surrounding historic ACLs and harvest guidelines for blackgill should be resolved in favor of language contained in the final

rules for biennial specifications. Modify bullet 3 of the GMT recommendations as follows: Adopt option 1 of the limited entry fixed gear and open access sectors for 2019 as shown in Table 3 of Supplemental GMT Report 1 and a 2 fish recreational fishery bag limit south of 40 10 for lingcod for the remainder of 2019 and 2020.

Phil Anderson [00:04:29] Thank you. So that language appears to be accurate that's on the screen? And is there a second? Marc Gorelnik.

Marc Gorelnik [00:04:42] Your peripheral vision is excellent.

Phil Anderson [00:04:47] I was making some assumptions. Okay and would you like to speak any further to your motion?

Marci Yaremko [00:04:59] I think it's all covered though I would note that in Table 3 I believe there is one typographic error but it should not affect anything related to the action and that's for limited entry option 1 showing 201 pounds per month. I believe it's 200.

Phil Anderson [00:05:17] All right.

Marci Yaremko [00:05:19] It shouldn't be relevant but just flagging it.

Phil Anderson [00:05:25] It's a very slight liberalization. All right. Further discussion? Louis Zimm.

Louis Zimm [00:05:33] Thank you Mr. Vice Chair. Mr. Chair and Mr. Vice Chair I'd like to put the Council's earlier action and the GAPs suggestions and the GMT suggestions in a, in a very positive light. As you know I was involved in the lingcod assessment and while I appreciate Ms. Yaremko's comments and very much admire the work that the department does, I must state for the record that at the time of the spex discussions and after the lingcod stock assessment, the stock was assessed to be at the precautionary level. The Council had to respond to this and has done so by holding back catches in both the commercial and the recreational sectors in the first five months of the year, so we have responded to the fact that it was put into a precautionary status. We've done our due diligence. We have new information now that we can go ahead with this and I think we're doing the right thing. Thank you.

Phil Anderson [00:06:50] Further discussion on this motion? Seeing none will call for the question. All those in favor say 'Aye'.

Council [00:06:59] Aye.

Phil Anderson [00:06:59] Opposed no? Abstentions? Motion carries unanimously. I believe we have the matter of if there's carry, the carryover issue if that's, any actions needed there.

Marci Yaremko [00:07:20] It's in the GMT.

Phil Anderson [00:07:20] It was in the GMT? Okay sorry. Well then let me turn to Todd and ask him if there's any additional action that the Council needs to take?

Todd Phillips [00:07:33] As I understand it the, the GMTs report was accepted for trip....adjusting inseason action and both, all the items in....the projections for the inseason adjustments, the surplus carryover and the mid water EFPs were all addressed within that report so I would believe you are correct.

Phil Anderson [00:07:56] Okay thank you very much. So I believe that brings us to the end of this agenda item. It also brings us to the end of the agenda that we have for today's session.

H. Pacific Halibut Management

1. Incidental Catch Limits for 2019 Salmon Troll Fishery – Final Action

Phil Anderson [00:00:00] And that takes us to our Council action which is to adopt our incidental catch limits for the 2019 salmon troll fishery including the time period from April 1 through 30th, 2020. Herb.

Herb Pollard [00:00:29] Thank you Phil. I wonder if we could get Robin to read to us or say to us what this option 2 adjusted would say now based on the discussion that we had on the SAS Report. I think I understand it but I think we need something firm to move on.

Phil Anderson [00:00:54] Marci.

Marci Yaremko [00:00:55] Thank you Mr. Chair. I guess I'd ask Robin is the language in option 2 as presented in this situation summary accurate?

Robin Ehlke [00:01:10] Through the chair. Yes it is.

Marci Yaremko [00:01:15] Thanks.

Phil Anderson [00:01:24] Looking for a motion. Herb.

Herb Pollard [00:01:30] Thank you Chair Anderson. I move that the Council adopt for incidental, incidental catch limits for the 2019 salmon troll fishery option 2 from the Agenda Item H1 situation summary.

Phil Anderson [00:01:57] Okay we have a motion to adopt option 2 which is.....

Herb Pollard [00:02:14] If necessary we could, we could copy that. One, one, one plus one but no more than 35 per trip that's, that's listed in the situation summary.

Phil Anderson [00:02:41] Sandra if you took option 1 from the situation summary and change the number 25 that you find in the last line to 35, so I'm, you were, no you had it before. If you go...okay. Yep that's the one that should be 35 and though highlighted, there you go.

Herb Pollard [00:03:16] And then, then if we change this to option 2 and replace where it says option 1 status quo to option 2.

Phil Anderson [00:03:27] Yeah simply made the motion to adopt the language on the screen. You don't need to reference an option necessarily but it's totally up to you.

Herb Pollard [00:03:36] Okay so if you went up to the, to the top of the this and removed the, you know I mean there's a yeah there's duplication there so....

Phil Anderson [00:04:02] There you go.

Herb Pollard [00:04:03] There yeah.

Phil Anderson [00:04:10] Perfect. Way to go Sandra.

Herb Pollard [00:04:14] Thank you Sandra and Phil. Yes that looks right.

Phil Anderson [00:04:18] Okay we have a motion to adopt as a final landing restrictions for the Pacific halibut caught incidentally in a non-Indian salmon troll fishery as presented on the screen. Does that accurately reflect your motion?

Herb Pollard [00:04:34] That does.

Phil Anderson [00:04:35] And is there second? Seconded by Michele Culver. Speak to your motion.

Herb Pollard [00:04:43] We've discussed it. You know we look at the history of how this process has worked to allow the season to progress and keep the, the catch within the, within the target and as mentioned by the SAS so there will be a mid, midseason checkpoint which has also helped to the incidental harvest of halibut in the salmon troll fishery in line with, with the allocation and so I believe this is consistent with what, what we've done before and what we wish to do now.

Phil Anderson [00:05:29] Great thanks very much. Is there discussion on the motion? All those in favor say 'Aye'.

Council [00:05:36] Aye.

Phil Anderson [00:05:36] Opposed no? Motion carries. Robin do we have any other business to do under this agenda item?

Robin Ehlke [00:05:46] Thank you Mr. Chairman. I think we have concluded the task under this agenda item. We have some incidental take limits for the upcoming salmon troll fishery for halibut. Thank you.

Phil Anderson [00:06:01] Thank you.

2. Commercial Directed Fishery Workshop Planning

Phil Anderson [00:00:00] That concludes public comment on this agenda item and takes us to our Council action which is to review the recommendations, the scope, the potential of having a, and excuse me scope of and provide direction and planning relative to the area 2A commercial halibut fishery. Michele Culver.

Michele Culver [00:00:30] I had a question for Frank and in the, in the GAP report there is certainly quite a few questions and analysis that the GAP is requesting that seem to be more focused on the long term management of the commercial fishery relative to limited entry control dates, those kinds of things and I was wondering if you could speak a little bit to NMFS resources and capability of, of doing those types of actions here in the short term?

Phil Anderson [00:01:26] Frank.

Frank Lockhart [00:01:27] Are you referring to the bullets on the top page two of their report?

Michele Culver [00:01:32] Yes.

Frank Lockhart [00:01:32] Okay and then secondly are you asking for how long would it take us to analyze it or, or to provide some of this analyses or just our general thoughts on them?

Michele Culver [00:01:44] Yes the general thoughts on them and how, how quickly they could be done?

Frank Lockhart [00:01:53] Well I think overall NMFS believes that there's, there's a lot of moving parts to this whole discussion and it's, it's very difficult to focus on one thing without acknowledging that other things are affected so, so overall we think kind of the discussion here is perhaps more complicated, so this is not something you know, I think their statement that you know we're not going to have a whole brand new management system by 2020 is correct and we think that if the Council went forward and wanted to take over management from the IPHC and have a full blown permitting program as part of that and also a lot more inseason analysis that getting there from here would take years, you know and internally we've had discussions and I think the most optimistic of us think about three years and maybe the more realistic of NMFS staff says five years so, so it's gonna, we believe it's going to take a while and especially if we go down the road of limited entry with attached permits and all of that, so this is, this is a long term decision.

Phil Anderson [00:03:29] Brad Pettinger.

Brad Pettinger [00:03:31] Thank you Mr. Chairman. I'd like to address the issue of the safety of the fishery. By comparing it to the crab fisheries probably not fair. In the crab fishery you have three small vessels and very large vessels and the competition is pretty intense and it's also in the middle of winter and most of these issues are mostly fatalities. A large number of them are usually to the bar crossings and you don't see that in this fishery, but what we do see in this fishery is the opener a lot of time on minus tides in the Northwest, and the Northwest as we know and the West Coast could be pretty intense and I think what happens is when there is a gale warnings up, this fleet is much smaller and much more homogenous and those vessels for the most part don't go as a group and so therefore there's no real competition. What helps that is that we've heard the fathom restriction on the halibut fishery is kind of borderline right? People would like to have that line moved in, so the success, success of this fishery when people do go fishing is very sporadic, a lot of hits and misses so people, it's not a for sure thing.

As the yelloweye restrictions ease and those fish become more readily available, there will be much more certainty when you go fishing you're gonna catch those fish and when that happens your gonna see a lot more boats go out and try to get those fish and it will resemble more of the crab fishery and so I think that right now we haven't seen those, those fatalities or those injuries. I expect that to go up under the current regime into the future as the restrictions are eased in the groundfish fishery. Thank you.

Phil Anderson [00:05:13] Thanks Brad. Other discussion around the table? Michele.

Michele Culver [00:05:27] Thank you Mr. Chair. I have a motion prepared I would like to offer.

Phil Anderson [00:05:39] Okay.

Michele Culver [00:05:39] I move that the Council one, express to the International Pacific Halibut Commission our intent to pursue management of the commercial directed halibut fishery. Two, request that representatives from National Marine Fisheries Service and the Washington, Oregon and California departments of Fish and Wildlife and Council staff coordinate to identify the questions we have for IPHC regarding the logistics, for example the issuance of permits associated with a potential transition plan. The intent is for this group of management representatives to have a conference call in advance of a meeting with IPHC staff, for the meeting to occur prior to the June Council meeting and for the representatives to report back to the Council in June. Three, schedule a Council discussion for June relative to a stakeholder workshop that would occur later this year. The purpose of the workshop would be to review and discuss regulatory alternatives for the commercial directed halibut fishery for the 2020 season, for example the opening date season structure and vessel limits. Four, request NMFS provide an initial report describing the process, timeline and workload associated with transitioning the management of the directed commercial fishery from IPHC to the Council with a status quo fishery structure, i.e. open access trip limit fishery under two scenarios: A, the permits would continue to be issued by IPHC and B, the creation of a federal halibut permit. The purpose of the report is to have a general sense of the amount of work that it would take to complete the transition of the management of the fishery to the Council and what timeline estimates would be. This report would be provided for the November 2019 meeting.

Phil Anderson [00:07:52] Thank you. Michele does the language on the screen accurately reflect your motion?

Michele Culver [00:07:57] Yes.

Phil Anderson [00:07:58] And is there a second? Seconded by Bob Dooley. Go ahead and speak to your motion please.

Michele Culver [00:08:08] Yes thank you. The management entities have had a few discussions relative to the pros and cons associated with continuing the fishery management of the commercial directed halibut fishery under IPHC versus transitioning it to Council management. I would say that we have identified quite a few questions that are more associated with the implementation of that transition, so questions with regard to permits, logbooks, accounting for the safety of life at sea, question the structure of the fishery and the potential impacts associated with yelloweye rockfish with different fishing seasons. All of those questions have yet to be worked out but we do think it's worth pursuing the management under the Council. We see a lot of benefit to doing so as most of those issues and concerns are under the purview of only the Council and not of IPHC, so there's a lot of benefit of bringing it to the Council process and allowing us to address our concerns. That being said what is

being proposed in, in the motion is to initiate a dialogue with IPHC on how this may work, so given that there are some workload considerations and administrative considerations particularly on the part of NMFS but as well as Council staff and the Council process, we'd like to have a dialogue with IPHC relative to their willingness to work with us on a, a transition plan knowing that any transition is not going to happen overnight. So through the motion I'm proposing that the representatives of the state agencies, NMFS and Council staff have a conference call to identify the questions we would have for IPHC and that there be a follow up meeting with IPHC staff prior to the June Council meeting and for us to report back to the Council in June similar to the report that we provided to you for this meeting. Following that at the June Council meeting have a Council discussion about the stakeholder workshop that would occur later this year, so while I certainly appreciate the forward looking of the GAP and the public testimony we received on looking at the long term management of this fishery, I do think that it's worth having some conversations about that but I also think that the, the urgent matter before the Council, given that it's unlikely the fishery is going to look significantly different than what it has in recent years, that we also need to nail down what we would like to see in place for the 2020 season. So I am proposing that, that would be the primary purpose of this workshop and we would then work through the Council process that would be initiated in June but we would then work through the Council process in September and November specific to finalizing what we would like to see for 2020, and then finally on the request for NMFS to provide an initial report, I think it would be helpful for the Council to have a better understanding of what exactly it would take to get there from here, so in deciding whether or not to actually transition the management of the fishery, it'd be good to have an understanding of, of what it would take to, in order to do that in order for us to make that decision, so that's the purpose of item four.

Phil Anderson [00:13:05] Thank you Michele. Discussion on the motion? Marci.

Marci Yaremko [00:13:13] Thank you Mr. Chair. Just maybe a question first if I may. On item four recognizing that this discussion here today is just about the directed 2A fishery, we would be asking NMFS to provide a report describing the workload associated with transitioning the directed fishery permit from IPHC to the Council. Is that correct when you say an item A permits continued to be issued by IPHC, that would be with the understanding IPHC would continue to administer permit issuance programs for the other halibut sectors?

Phil Anderson [00:14:05] Michele.

Michele Culver [00:14:06] Thank you. I appreciate the question. So the, really the purpose of item four at this point is to give NMFS a heads up that this is a report that we would like to see, so and then with a timeline of, of November 2019 of when we'd like to see it. I think much of this hinges upon our discussion we've yet to have with IPHC that would happen after this meeting but prior to June and so I'm hoping that through that discussion we will get some feedback from IPHC staff relative to permits for this fishery and the other sectors and kind of gauge their willingness to work with us on a transition. It may be through those discussions that IPHC is perfectly willing to continue to issue permits and perhaps to do so indefinitely and then we don't need the creation of a federal permit, but regardless I would still like to know what NMFS resources would be needed if the, in the event IPHC says that they do not want to issue permits.

Phil Anderson [00:15:33] Further discussion? Frank.

Frank Lockhart [00:15:37] Just speaking in support of the motion. This, your, the question from Marci and Michele kind of clarify one question I was potentially going to ask so thank you for that, but I think this motion really accomplishes several things. First of all it allows for focused discussion by the

managers up front on this issue altogether and I think that has been something that we haven't really been able to do. I think it also provides for multiple opportunities for public input. We'll have the June, September and November Council meeting and the workshop later in the year, so I think that it's provided, provides that and overall I think it's an efficient use of Council resources to tackle this issue and so I'll be voting in favor of the motion.

Phil Anderson [00:16:27] Thanks Frank. Maggie.

Maggie Sommer [00:16:29] Thanks Chair Anderson and thank you Michele for the motion. I also support the motion and think it is a, a good approach to move us there. I do support us continuing down this path of exploring transitioning management of this fishery to us. As the GAP noted and I concur that we are well positioned to understand this fishery and the needs of its, of our stakeholders who participate in it. I also wanted to acknowledge the discussion in the GAP report and also the public comment we heard addressing the question of longer term management structure of this fishery and I want to, to say I understand the importance of us taking up some of those questions and addressing them to our stakeholders and also acknowledge the timeframe that Frank outlined earlier that, that is not something that's going to happen right away. It is not found in detail in this motion for that reason. This is focusing on the immediate steps in transition but we are all certainly aware of the, the interest there is and we will if we indeed proceed down this path and do end up with management of this fishery in house with the Council and NMFS here have an opportunity in the future to take those up but at this point I think this is the best path to get us, move us toward that, that goal. Thanks.

Phil Anderson [00:18:12] Thanks Maggie. Marci.

Marci Yaremko [00:18:15] Thank you Mr. Chair. I likewise will be supporting the motion. I want to pay particular attention to Item three relative to the stakeholder workshop for this year with the idea that we review and discuss alternatives for the fishery for the 2020 season. I recall very vividly the report back from the annual IPHC meeting making very clear there was an expectation that we would be bringing back very specific recommendations for change to the directed fishery for 2020. I, I think a workshop approach this year is a, is a good one to get those discussions well underway and to do a, take a good look at that for the purposes of informing this Council on what, what recommendations we need to bring to IPHC for the annual meeting in December in January so I really look forward to that. I think making that the priority here in the near term is very important so I think this motion does a good job of laying out that we will be proceeding with things kind of in, in parallel but on different time tracks and using different vehicles. Harrison, I appreciate your suggestion about you know trying something, seeing how it works and getting the opportunity to review that. I think we will have that opportunity to, to make some recommendations for 2020 and to be able to evaluate that and help us develop future recommendations for the directed fishery that will come later in the process, so I just want to support the motion and appreciate all of the work that it's taken for us to get here. Thanks.

Phil Anderson [00:20:23] Thanks Marci. Further discussion on the motion? Okay we'll go ahead and call for the question. All those in favor say 'Aye'.

Council [00:20:35] Aye.

Phil Anderson [00:20:36] Opposed no? Abstentions? Motion carries unanimously. Robin back to you for status on how we're doing.

Robin Ehlke [00:20:53] Thank you Mr. Chairman. I believe we've completed the tasks under this agenda item and I'll, I always like to just kind of recap what I've heard so I do see that then we will add

this topic to the June agenda then where we will talk a little bit more about the workshop at the June Council meeting and in the meantime have discussions with the IPHC and the small workgroup that developed the report would stay intact to help with those communications and that we would look forward to a NMFS report by November to help us further outline what a management transition might look like.

Phil Anderson [00:21:33] Sounds like an accurate summary.

Robin Ehlke [00:21:37] Thank you Mr. Chairman.

Phil Anderson [00:21:38] Thank you. Okay so that completes our work on agenda item H 2.