

DRAFT COUNCIL MEETING TRANSCRIPTS
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Pacific Fishery Management Council
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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] It is Agenda Item A.4, our proposed Council meeting agenda for our June 2019 meeting. I'd entertain a motion to approve. Moved by Herb Pollard, seconded by Pete Hassemer to approve our meeting agenda for our June 2019 meeting. Any discussion? All those in favor say 'aye'.

Council [00:00:26] Aye.

Phil Anderson [00:00:26] Opposed No? Motion carries. We have an agenda.

B. Open Comment Period

1. Comments on Non-Agenda Items

Phil Anderson [00:00:00] That concludes our open public comment period on non agenda items. On behalf of all my colleagues around the table I want to thank everyone for being here today and expressing your views. We very much appreciate getting that input. We're gonna go ahead and take our lunch break and we'll plan to be back here at 1:30 sharp and take up habitat. Oh before we do that. Sorry I got one step ahead of myself. Is there any Council discussion on this agenda item? Kelly.

Kelly Ames [00:00:44] Thank you Chair Anderson. I was asked a question on break that I thought the Council as a whole and public might be interested to hear the response. So there was a question about the EFP's that the agency issued for the 2019-2020 fisheries for the two vessels using shallow set and deep-set long line gear and whether or not there were any seabird avoidance terms and conditions in those EFP's? The answer is yes. The shallow set long line vessels operating under the EFP are required to set at night exclusively. For vessels using the deep-set long line gear the operations that occur during the day must use streamer lines and the terms and conditions reference the groundfish regulations, so they're using the same set of streamer lines that the groundfish fleet is using. Additionally there are terms and conditions related to discharge of awful as well as utilization of proper branch weight lines and use of dyed bait so thought that would be helpful for the discussion.

Phil Anderson [00:01:53] Thanks Kelly. Appreciate that. Any other discussion? Michele.

Michele Culver [00:02:02] Yes. Thank you Mr. Chairman. Under the CPS Advisory Subpanel's Report, I had posed a question and so I'll ask it of National Marine Fisheries Service now whether or not the proposed emergency rule to revise the incidental take allowance from 20 percent to 40 percent is a viable vehicle for the Council's consideration?

Phil Anderson [00:02:55] Kelly.

Kelly Ames [00:02:56] Thank you Mr. Chair, Miss Culver. It would not seem appropriate to take action under this agenda item but certainly under future workload planning the Council could consider scheduling an agenda to have that discussion. Mr. Tracy might have more input with regard to public notice and procedures.

Phil Anderson [00:03:17] Michele.

Michele Culver [00:03:18] Thanks. Yes, I understood the CPS Advisory Subpanel was asking the Council to place this on our September agenda. My question was just relative to NMFS rulemaking authority whether such an emergency action is feasible, is, can be done so in the Council's consideration of whether to schedule this for September for potential Council action in September, I was just looking for confirmation that, that action is something that the Council could consider doing in September, that the action NMFS had the authority to take such action.

Phil Anderson [00:04:27] Kelly.

Kelly Ames [00:04:28] Mr. Chair like to call up Mr. Lockhart. I think he could more quickly and eloquently explain.

Phil Anderson [00:04:34] Okay. Frank.

Frank Lockhart [00:04:39] So those of you that are involved in the salmon world know that when you have an emergency rule there is a certain list of criteria that you have to consider. So under this agenda item the CPSAS presented something and presented their rationale, so it's, it's, the Council would have to consider is that adequate right now to go ahead and, and they are convinced that they would like to schedule this at a future Council meeting to address. They were then you could potentially discuss whether it meets all those criteria and then whether or not to recommend to the National Marine Fisheries Service if you wanted an emergency rule but their only information you have in front of you right now is the CPSAS report.

Phil Anderson [00:05:34] But I thought the criteria that's for salmon under an emergency rule is specific to salmon is included in the salmon FMP and wouldn't necessarily be the same criteria in this instance?

Frank Lockhart [00:05:45] They're all....Pardon me, if, there are also some more generic criteria that we have to consider.

Phil Anderson [00:05:51] Okay. Thanks. And maybe we can think about this a little bit more and when we get to the discussion under workload if there's some more information to be brought to bear on the consideration. Okay? All right. Thank you. Anything else, any other discussion under public comment on non agenda items? Maggie.

Maggie Sommer [00:06:21] Thanks Mr. Chair. I did want to acknowledge the, the number of public comments we heard about shallow set long line and thank everybody for the passion for the oceans and taking the time to come here and speak to us today. Hopefully some of those of you who are still here can relay some of this to those who had to leave and you know I just wanted to share a very brief thought that I had as I was listening to all of the comment, as ocean advocates I know you're interested in the health of marine species and ecosystems everywhere, not just in U.S. waters. We were reminded that we currently import the majority of swordfish consumed in the U.S. from countries with much higher bycatch rates and less stringent regulations and enforcement. You know and it strikes me that therefore we are in effect right now outsourcing the bycatch to other parts of the world. We've been reminded that allowing some intensively regulated long line fishing under U.S. management monitoring could result in a net reduction of global bycatch while at the same time continuing full steam ahead with efforts to scale up selective gears to meet more of the demand, but I also heard in many other comments that we should not compromise our values and we should set a high bar that if we stick to more selective fishing methods here it will lead to a change in other parts of the world. I hope that's the case. I don't think it will be simple. I do want to recognize the place of conservation organizations such as some of the ones represented here today in supporting a transition to sustainable fishery practices in other parts of the world, as well as in raising seafood consumer awareness to increase demand for local and sustainably produced swordfish and other seafood products. So to those of you who are engaged in efforts in transition to sustainable fisheries throughout the world in addition to domestic fishery management here, thank you. I just wanted to point that out and appreciate it because regardless of what each of us thinks is the right thing to do regarding shallow-set long line fishing off the West Coast, we all want the world's oceans to be healthy. Thanks for coming.

Phil Anderson [00:08:47] Thanks Maggie. Any other comments? Any other discussion? We're still going to be back here at 1:30, so see you then.

C. Habitat

1. Current Habitat Issues

Phil Anderson [00:00:00] So that takes us to Council action and consideration of the Habitat Committee's Report and recommendations. Kelly.

Kelly Ames [00:00:13] Thank you Mr. Chair. Excuse me I just did want to qualify on the Jordan Cove question. It is a, an EFH consultation that NMFS is having with FERC, and so if the Council were to recommend supplementary EFH mitigation measures it would be to FERC with a copy to the National Marine Fisheries Service.

Phil Anderson [00:00:42] Michele.

Michele Culver [00:00:45] Thanks Kelly. So the way I understood the Habitat Committee's recommendation was for the Council to send a letter to FERC which is in Supplemental Attachment 2 by July 5th, which is the FERC deadline for comments on their draft EIS. At the bottom of page one in the Habitat Committee's Report they indicated that the draft EIS doesn't have a complete analysis of no action or address impacts to ESA-listed species, including anadromous fishes and others, and so it seems like the recommendation is to send a comment letter on the draft EIS and potentially its inadequacy of addressing species of Council concern as one task, and then the separate task is that NMFS would undertake an EFH consultation and sounded like an EFH assessment or some, there would be some recommendations coming out of that consultation that NMFS would make to FERC, and the Habitat Committee is asking that those be shared with them and that there would potentially be a second letter from the Council commenting on, specifically on the EFH recommendations...is that?

Kelly Ames [00:02:49] Thank you Mr. Chairman, Miss Culver you nailed it. Yes.

Phil Anderson [00:02:56] Maggie.

Maggie Sommers [00:03:03] Thanks Mr. Chair. I was envisioning the Habitat Committee's request as part one exactly as Michele just described, to provide some rather general comments to FERC now on some concerns about the lack of some analysis in the, the draft EIS and then the, the second part of that, a let's step back from process for a minute but a general desire for the Council to have an opportunity to weigh in on EFH concerns and potentially on conservation recommendations related to EFH, so I guess I would maybe ask NMFS a question of is the pathway you just described of a second letter that would be in addition to the NMFS FERC consultation, is that the best approach or perhaps would there be an opportunity for, during the consultation for the Council to see the EFH assessment which would be the description of potential impacts to EFH and provide comments to NMFS for potential incorporation at NMFS's discretion into your conservation recommendations, if that's a more streamlined approach to provide a single set of comprehensive conservation recommendations back to FERC then maybe that's something we could consider.

Kelly Ames [00:04:42] Thank you Mr. Chair, Miss Sommers. I think that is a logical proposal. Unfortunately John Stadler, our EFH expert, had to leave so I can't confirm with him, but you know I could get you that answer soon on the path forward. Either way it would not be happening under this agenda item at this time.

Phil Anderson [00:05:08] Go ahead Maggie.

Maggie Sommers [00:05:09] Thanks so I think we would be potential, if, if we choose to review a draft letter during the week and at some point revisit it and decide whether to send it and finalize the content of it, is that correct in terms of process? I mean the Habitat Committee provided us with a draft letter but we haven't had much time to review it so I don't think that we're prepared to finalize it right now under this agenda item.

Phil Anderson [00:05:44] Chuck.

Chuck Tracy [00:05:45] Thank you. We could have the Council take a look at it over the course of the week and if they are satisfied, you know give staff direction on how to proceed under workload planning whether that's to submit, you know to submit the letter or to do some more work on it, but I think that could be handled in that way, we've done that in the past certainly.

Phil Anderson [00:06:10] Marci.

Marci Yaremko [00:06:12] Thank you Mr. Chair. Thank you Lance. I'm trying to reconcile this situation with that of the letter that we were planning to BOR regarding the Klamath. I understood back in April we had planned to move ahead with the fast track process to comment on. We expected that there was a deadline but then we learned that that wasn't the appropriate time to comment and that we were waiting for NMFS to complete their consultation on EFH with BOR and that our comments would be more appropriate coming to BOR after we had reviewed the document that is expected over the summer that would include that complete EFH analysis, and so that by allowing time for the agencies to consult and complete that document we would have the ability to get more input on specific content. So here in this situation I'm hearing that a different approach is being advised by the HC with two letters. This first letter that doesn't have a lot of specificity, just kind of notes that there are obligations there with EFH and then we'd send a second letter later so I'm trying to understand how these two situations are different and why we would want to use a different course of action here.

Lance Hebdon [00:08:03] Mr. Chairman. Members of the Council. My, so what we are essentially proposing on the Jordan Cove project is very similar to what we proposed for the other project and what we are trying to do is get our hands on the EFH assessment for Jordan Cove. It is not a public document and so we don't have the ability to review it unless it's given to us through our request in this draft letter that is Supplemental Attachment 2 and so it's, it's exactly the same process. What we want to do is see the EFH assessment so that we can provide very specific recommendations as, and the only way we could look for a path forward in this instance with the Federal Energy Regulatory Commission is to request the EFH consultation directly from them. My understanding is that NOAA cannot release it to us.

Phil Anderson [00:09:09] Go ahead Marci.

Marci Yaremko [00:09:10] Thank you so in the case of Bureau of Reclamation is it the same situation that if we were to be asking BOR for a copy of the advance, an advance copy of what we expect to see in the biological assessment here later in the summer that they would comply with the request from us to do that? It sounded like we were waiting until we got the document.

Lance Hebdon [00:09:41] Yes. Mr. Chairman. Members of the Council. I, the process as I understand it is a little different with respect to the BOR process because the EFH consultation will actually be accessible to us whereas through the FERC process it's not accessible to us.

Marci Yaremko [00:10:07] Okay. Thank you that helps.

Lance Hebdon [00:10:09] It's been a confusing, the Jordan Cove process has been incredibly confusing to try to identify opportunities to provide input.

Phil Anderson [00:10:20] Rich did you have your hand up?

Rich Lincoln [00:10:23] Thanks Chair. I don't really want to belabor the discussion but I was curious Maggie this suggestion you had about delaying our approval of this initial letter to FERC which was, looked like kind of a shot off over the bow a little bit in terms of deficiencies, and actually requesting this, did, was that a matter of Oregon staff not having enough time to review it as part of the habitat drafting process? It just seems like it would, might be more efficient for us to deal with it and be done with it here.

Phil Anderson [00:10:55] Maggie.

Maggie Sommers [00:10:56] Thanks. I, I agree with dealing with it now Rich if I sounded like I was proposing delaying it. I didn't intend to.

Rich Lincoln [00:11:04] Okay.

Phil Anderson [00:11:04] Okay. Maggie.

Maggie Sommers [00:11:10] Thanks. I guess with that I would be in support of sending a letter along the lines of what the Habitat Committee has drafted. I do think it is, I think the situation warrants that. It is a project you know of a very large scale and scope with potentially severe or potentially considerable impacts on Council-managed species and habitats and fisheries and I think that we would be potentially positioned well to provide some, some valuable comments through review through the Council and Habitat Committee process if we are able to see the EFH assessment. I guess I would also note that the Habitat Committee also recommended drafting a letter to the U.S. Forest Service for the September briefing book commenting on how the Forest Service's exclusion of the proposed project from its forest management practice standards could impact Council-managed fisheries and EFH and I would support tasking the Habitat Committee with that as well.

Phil Anderson [00:12:26] And when would you want that letter sent? Or see it in September? Or go ahead?

Maggie Sommers [00:12:36] Thanks. It would be in the September advance briefing book I believe was the Habitat Committee's suggestion and I don't think there's a deadline for sending it.

Phil Anderson [00:12:51] Okay. So we have a recommendation to send the letter that, to FERC that the Habitat Committee has drafted. Is there objections to that? Michele were you coming on that, commenting on that?

Michele Culver [00:13:15] Not as an objection.

Phil Anderson [00:13:17] Okay. You want to comment on it in some other manner? Okay go ahead.

Michele Culver [00:13:26] Sure thanks. So appreciate the discussion and support the proposed direction and would just note that in the draft letter that we have there's a couple of times, it's at the

bottom of the second paragraph and it's the last sentence at the bottom of the page of where the Council is asking FERC to provide the EFH assessment to the Council and then it says coincident with the delivery to NMFS which seems to indicate its FERC's EFH assessment and they're providing it to NMFS and we're asking for a copy of that and it sounded like through our Q and A that no it's actually NMFS's EFH assessment that will be done that the HC and the Council would like to see in order to produce the second letter.

Phil Anderson [00:14:40] Kelly.

Kelly Ames [00:14:40] Thank you Mr. Vice-Chair, Miss Culver. It's, it's my understanding that, to get my acronyms correct here, that FERC is the one preparing an EFH assessment and a biological assessment that is to be done around July 31st. After the agency receives that we then embark on our EFH consultation process where we recommend the mitigation measures, and so my understanding from Miss Sommers question is do we have to wait until NMFS finishes our EFH consultation process and then make comments on the mitigation measures that NMFS has recommended or could the Council get a copy of the EFH assessment conducted by FERC and then provide their comments on mitigation measures directly to the agency to take into account when we develop our EFH consultation.

Phil Anderson [00:15:38] Go ahead Michele.

Michele Culver [00:15:39] Thanks and then, so then the last exchange was that there seemed to be something that prohibits NMFS from providing us with the EFH assessment that you receive from FERC and therefore we were asking FERC work to provide it to the Council. I'll just say in general it seems strange to me that the Council that operates closely with NMFS would be asking FERC to provide a document rather than being able to cooperatively just receive that from NMFS.

Kelly Ames [00:16:29] Mr. Vice-Chair, Miss Culver. I'm not sure I was not present for the Habitat Committee discussions where that guidance was provided that, that was the appropriate route. But again I can follow up with Mr. Stadler and Dr. Stadler and get some input, further input.

Phil Anderson [00:16:49] Bob.

Bob Dooley [00:16:49] No. Thank you.

Phil Anderson [00:16:53] So just want to be clear. We have the letter to FERC that's Supplemental Attachment 2. The recommendation is to send that letter and if I can say that it's with the understanding that we give staff the flexibility to do whatever polishing up as needed and that we do that. We would then wait until after presumably the end of July to see whether or not they're willing to send us there EFH analysis or not and if they're not we'll have to figure out some other way to get it, right? Maggie.

Maggie Sommers [00:17:41] Thanks Mr. Chair. The letter, however, is if we are intending to comment on the EIS during the open comment period... it closes July 5th. We can't wait until the end of July before sending a letter.

Phil Anderson [00:18:06] No, no I wasn't. I didn't mean that. We'd send, go ahead and send the letter but as part of the letter we're asking them to provide us their EFH so I'm just saying and we'll know that I guess when we meet again in September whether they complied with that recommendation. It's separate from sending the letter so.....

Maggie Sommers [00:18:32] Thank you.

Phil Anderson [00:18:32] Okay. Are we clear on that? Yeah? Michele.

Michele Culver [00:18:38] Thanks and so I was just going to suggest because we have until July 5th to send the letter that we get clarification from Kelly, from Dr. Stadler on whether or not NMFS can provide us with the EFH assessment and then if so then that request doesn't have to be made of FERC but we would still send the letter with our comments on EFH.

Phil Anderson [00:19:09] Well yeah, I mean I guess to me it would be more efficient if FERC would simply send us their analysis when they send it to NMFS or we can wait for them to send it to NMFS and then get it from them which is what I thought I just heard you say. So if they get it done and they're going to provide it to NMFS, we're asking that they also provide it to us and I don't see anything wrong with that. Chuck did you have something?

Chuck Tracy [00:19:47] No.

Phil Anderson [00:19:54] Good. Just kidding. Marci.

Marci Yaremko [00:19:55] Thank you Mr. Vice-Chair or Mr. Chair sorry. I guess I'd like to learn a little bit more about the July 5th deadline and we had some brief discussion here about the idea of using the quick response process as an alternative to acting on this, this week. I'm just thinking about the situation on the Klamath where we thought we had a deadline and that, that was the appropriate comment deadline and then after further discussion outside of the meeting and a little more investigation and Q and A, it was kind of determined that that wasn't the best path forward. So I know I'm not familiar with this issue. I think this is the first we've heard of it and I appreciate the concern very much and why we certainly need to be following what's going on but I'd feel a little more comfortable with a little more opportunity for dialogue to make sure that our, that we have the full understanding of the situation and when it's appropriate for us to be commenting and asking for documents. So I guess just all things considered I, I was supportive of the idea I heard about using quick response as an alternative to acting on a letter here today.

Phil Anderson [00:21:26] Okay, well we can reverse course because what I heard was Rich asking Maggie if there was a reason to wait. Can we go ahead and make, take action on the letter now? A response to that was 'no' there isn't a need to wait until later in the week or some later time, so I asked if there was any objections to that, hadn't gotten any, but now I have one from you that is suggesting that we wait and approve this letter through our quick response procedure so there's several different perspectives that have been voiced and so I don't.....Rich.

Rich Lincoln [00:22:15] Thanks Chair. I'm....just take one more shot at this. It seems like there's, there, it doesn't feel like there's much to gain from the conversation I've heard about delaying just sending this initial letter because one of the main purposes of it is to request additional information that actually would need to coherently either comment on the, on an, on an improved environmental impact assessment and this EFH thing so it just feels like it would, might be most efficient for us just to get this first, first letter out. I don't know that there's much there that we could improve upon in terms of its initial purpose but that was just my thought.

Phil Anderson [00:23:07] Marc.

Marc Gorelnik [00:23:07] Thank you Mr. Chairman. I'm, I'm with Rich here. I look at the letter as

sort of laying down a marker that this is an issue that's of intense interest to the Council but we have not yet been provided with the specific information we need and I think getting that in by the comment deadline in a sense preserves our opportunity to object once we see the EFH analysis.

Phil Anderson [00:23:46] Okay. Marci can you live with that?

Marci Yaremko [00:23:50] Yes thank you I can. I, I, it sounds like there's lots of comfort around the table and other folks are far more familiar with this issue than I am and certainly I, I can live with that. I just wish I think that Dr. Stadler was here for a little more dialogue but...

Phil Anderson [00:24:12] Okay thank you. All right. So I'm going to make the assumption we have consensus around the table on how to proceed sending that letter giving latitude to the Council staff if there needs to be some editing to it and there was a point in there where they were going to add the boilerplate language about the Council and its role and all that good stuff. Okay so that takes us back then to the Habitat Committee's recommendations in their report so we would, on the letter to the U.S. Fish and Wildlife Service that would be coming back to us in September.

Chuck Tracy [00:25:06] Forest Service.

Phil Anderson [00:25:09] Excuse me?

Chuck Tracy [00:25:10] Forest Service.

Phil Anderson [00:25:10] What did I say? Oh sorry. Forest Service. We can give you one too....(laughter).... and then the...if that were to be also true for the Bureau of Reclamation correct? Okay. Are there any other recommendations from the Habitat Committee that we need to take action on? Jennifer how are we doing?

Jennifer Gilden [00:25:46] Mr. Chairman there are no other recommendations from the Habitat Committee apart from those three letters, so if you are okay with the Habitat Committee bringing those letters to the briefing book, the U.S. Forest Service and the BOR letter to the briefing book in September and then mailing out the FERC letter by the July 5th deadline then we are through with this agenda item.

Phil Anderson [00:26:15] Okay. Anything else from around the table on habitat? All right. Thank you very much. Thank you Lance. Concludes our agenda item on habitat.

D. Administrative Matters

1. Council Coordination Committee Report

Phil Anderson [00:00:00] Okay that takes us to our Council discussion on the issues that were associated with the CCC meeting and our discussion or any further discussions to be had? Michele.

Michele Culver [00:00:18] Thanks so on the, the regional management forum that's being proposed, just a question, where the forum is being proposed to be held in, in 2021 and there would be more discussion coming up at the November CCC meeting if, if this is something that the Council should consider including in our five-year grant? So just noted this, this didn't come up at the Budget Committee Meeting but this might be something to add.

Phil Anderson [00:01:01] Good point. Thanks.....and if there are any of you around the table that would be interested in being our rep on that group to plan, Mr. Dooley....

Bob Dooley [00:01:17] I would.

Phil Anderson [00:01:18] If there's anybody else let me know and we'll make that appointment soon. Okay? Anything else on the CCC? Louis.

Louis Zimm [00:01:32] I just wanted to, if I may Mr. Chair, comment on AFMA's presentation that Mike Conroy made and, and to urge that the Council affirmatively and early get involved in this process. I saw some of this go on in California and learned that if you're not at the table you're on the menu, so this, this may be quite, quite important. I can see a possible future conflict between our attempts to, to govern and regulate offshore fisheries and this new BVNJ, sounds like a sandwich, effort.

Phil Anderson [00:02:29] Okay thanks Louis. Okay we'll go ahead and close this one out.

2. Update on Implementation of the Modernizing Recreational Fisheries Management Act of 2018

Phil Anderson [00:00:01] Thanks Kelly. In terms, I mean I know there were some things that were not applicable to the Pacific Council and others that were. Is there any kind of a table or something that could be produced so we could understand what the obligations are obviously for your agency and the Pacific Council as a result of the passage of this act?

Kelly Ames [00:00:29] Yes.

Phil Anderson [00:00:34] Do we have any.....sorry, any other questions of Kelly? Joe Oatman.

Joe Oatman [00:00:52] Thank you Mr. Chair. This question would be regarding the Section 102, Slide 6. If you might be able to elaborate on what is meant regarding the Council's sub authority to use fishery management measures in a recreational fishery such as traditional or cultural practices of native communities in such fishery or fishery component?

Kelly Ames [00:01:49] Thank you Mr. Chair, Mr. Oatman. I think we need to still develop kind of our interpretation of what the act says relative to this piece and I don't think we're ready yet to, to speak to that.

Phil Anderson [00:02:17] Joe.

Joe Oatman [00:02:20] Thanks for the response but am I to take that you're not certain if that language pertains to Indian tribes that are associated with the Council or some other native community groups?

Judson Feder [00:02:49] I'm, I'm not sure I understood the question exactly. Was the question whether this directly applies to something that the tribes are expected to do or because I don't think that's what this means. I think this is a directive to Fishery Management Councils and not to tribes. The language appears, I haven't had any discussions internally and this is, the language appears very general to me and I would, I'm kind of at a loss to, to come up with something intelligent to say about it other than just what it appears to mean on its face so I think this is something probably the fishery service needs to thrash over and come up with a kind of a systematic nationwide interpretation. I'm not sure actually it has much substantive, to be frank, I'm not sure it has much substantive impact on, on anything even that the Council will be obligated to do.

Phil Anderson [00:03:48] So I, it's not in quotations but why is it italicized? Was it pulled from some place? Some, where did it come from?

Kelly Ames [00:04:01] Thank you Mr. Vice-Chair, or Mr. Chair I came from the act itself.

Judson Feder [00:04:10] That's it exactly.

Phil Anderson [00:04:15] Okay. All right then I'll keep my comments to myself. All right. Do we have any management entity comments? Marci.

Marci Yaremko [00:04:27] I'm sorry thank you. One additional question if I may for Kelly on Section 201 and 202. There is a lot of mention in your slides here about incorporating data from state agencies and work of MRIP but I am just wondering if we should be expecting on the state side that

needs that you have of state agencies to assist you with the reporting requirements and such, will that all come through MRIP channels or will you, could, are we to expect requests for consultation or analysis or what can we expect on the state side?

Kelly Ames [00:05:21] Thank you Mr. Chair, Miss Yaremko, so the Office of Science and Technology is coordinating this particular effort so you might anticipate hearing from them but then also through the MRIP channels.

Phil Anderson [00:05:36] Other questions of Kelly? Any management entity comments? Any public comment? Further Council discussion? Anything else on this agenda item...Jennifer?

Jennifer Gilden [00:05:59] No there is not Mr. Chairman.

Phil Anderson [00:06:02] All right.

3. Legislative Matters

Marc Gorelnik [00:00:03] That concludes public comment and brings us to Council discussion and if it pleases the Council I'd like to do this in separate steps. Before getting to the Cantwell letter I'd like to go to the Legislative Committee Report where we have revisions to the consensus positions in the CCC working paper and see if there's any discussion on those revisions because if there's not, then we can as a Council agree to those revisions. I'm not seeing any.....is there any objection here to, to having our Council approving those revisions? I don't know if we need a motion or anything but certainly if there's any objection let's have it now and we can discuss it. All right, I think that takes care of the, of the revisions to the CCC working paper and then takes us to the draft letter to Senator Cantwell on the Forage Fish Conservation Act, so I think it's a well-written letter. I'd like to....we've received one public comment on some language in it. I'm not sure if people want to react to that. Louis.

Louis Zimm [00:01:36] Thank you Mr. Vice-Chair. I just want to highlight Ms. Gilden's correction that she made and I'm sure that they'll be caught now that she brought it up, in the last line of the second sentence, I mean the last line of the second paragraph where it says 2015 comma and then it says F O R and she correctly pointed out that it's actually F O U R is that correct?

Jennifer Gilden [00:02:08] That is correct.

Louis Zimm [00:02:09] Though I'm very glad she caught that.

Marc Gorelnik [00:02:13] Those homonyms will get you every time. Any other comments on the letter? I thought that Ben's comment was well taken because while changes to Magnuson are necessary if a council wishes to undertake this as we have and as the North Pacific has, I'm not so sure that changes would not be necessary to get the other regional fishery management councils to do the same. Rich.

Rich Lincoln [00:02:56] Thanks Marc. I guess I had, I guess I had much the same kind of thought about that and it might help a little bit to share with the Council some of the discussion we had within the Legislative Committee which I think kind of ranged across some of what we've heard here. I think there are some, there were some views expressed that you know generally the, some of the concepts in the proposed legislation you know definitely seem consistent with what the Council had done here but there was some concern amongst some folks that depending on how NOAA might interpret its guidance on some of that, that it could prescribe certain things so if you look at provisions like you know the idea of, of set asides of forage or buffering our calculations of total allowable catch to provide for ecosystem those are logical things but if, and those kinds of adjustments don't require quantit...you know detailed quantitative analysis of food needs of dependent predators for instance and there's no reason to think that, I mean a reasonable interpretation of the legislation there's really no reason to think that something would be prescribed that wasn't possible, that those kinds of approaches would be quite logical, so there was a little bit there in my mind that yeah maybe that was the one place that you know people could, could perhaps be a little concerned about but from my own perspective I didn't see it you know, you know significant issues with the bill. Some of the interpretations of the forage species thing I guess there, there are some you know specific things that we commented on there but I'm not so sure, I mean there's some best practice reflected in the legislative concepts and the things that the Council has done here that aren't standard practice in other areas so I'm not all that comfortable to say that just flat out that this you know this legislation as a, as an idea wouldn't be a, wouldn't be a useful tool to get better management of forage species across the U.S.

Marc Gorelnik [00:05:27] Further discussion? Maggie.

Maggie Sommer [00:05:33] Thanks Vice-Chair. I had the same thoughts when reading the draft legislation and then seeing the letter here. It really does depend on a council's own practice and willingness to take steps along the path that we did to protect forage fish. I don't have a specific edit to offer to the letter at, at this point. I would just put out that it might be worth considering a relatively minor revision to the effect that our history of protecting forage fish demonstrates that changes to Magnuson are not necessary to achieve that potentially while, while recognizing the value of, the intent and some of the practices laid out in that, in the legislation. Thanks.

Marc Gorelnik [00:06:50] Brad.

Brad Pettinger [00:06:52] Thank you Mr. Vice-Chair. I think the letter is really good as far as laying out what we're doing and I think that it's great to hold this up as an example of what can be done. My fear of going to, you know as a legislation is it, we might get something handed back to us that we didn't do more as unintended consequences when it gets out of our hands and it's forced upon people but I realize the letter touches a lot of good points and it does hold up as an example but I just, I'm always wary of where it might take us if something would go through, through the legislative process.

Marc Gorelnik [00:07:35] Michele.

Michele Culver [00:07:39] Thanks. I am, I am, I'm struggling with the letter and I'm, I think there are some good points in the proposed legislation and some good management sideboards. Some things that the Council should be considering in my opinion in looking at fisheries that target forage fish, I don't necessarily agree with some of the statements in the letter as they're characterizing, for example the concern of Pacific hake could be considered a forage fish and Pacific hake is a forage fish and I think it meets the definition of forage fish. We acknowledge it is a forage fish. I think the question just comes to responsible management of it and I think the JMC and the Council do responsible management of it but to say that it isn't a forage fish I think that goes a little too far and so I am, I'm struggling with the ways these comments appear to be fairly negative toward the legislation but I don't feel prepared to offer changes to the language right now.

Marc Gorelnik [00:09:24] Thank you. Jennifer what's our timeline here? Do we have any idea when and if our letter would be necessary?

Jennifer Gilden [00:09:31] Mr. Vice-Chair. There is no specific timeline. I would say anytime within the next few weeks would probably be fine. We got the request just about two days ago, three days ago so I think we have a little time to, to work on the letter.

Marc Gorelnik [00:09:48] Bob.

Bob Dooley [00:09:49] Thank you Mr. Vice-Chair. I share Brad's concerns to a certain extent. I think that this Council's pretty much demonstrated we do a lot of this. The letter supports that but I also....you know you see a lot of legislation come out where certain regions, certain councils, areas or except, you know exempted and you don't know what you're going to get and it'll be a culmination of, of all the regions weighing in and you may end up getting something we don't like, like Brad mentioned and I have no problem with saying what we say there that it's, that we're doing all the right things and we will continue to do that. We'll be conti.....continue to be responsive to those issues and take those into account but I don't think this legislation is necessary for this region for our Council

and I think we should say that because I would like, I mean I'm afraid of what you get sometimes isn't what you think you're going to get because other regions get, also have their voices in and this is a culmination of that and sometimes in the support of a, of a legislation these letters come forward that you supported it and you know your support of that. So that's just my thoughts and I know I'm not the brightest bulb in the string here, you guys have a lot more experience than me but I, I, that's my feeling.

Marc Gorelnik [00:11:26] Further comments? Dave.

Dave Hanson [00:11:30] The committee's was mentioned as to what their attitude was and I don't think the committee's attitude was anti this legislation. The real concern is the type of regs, regulations that may come flowing out of Silver Springs. We've seen this happen before where something looks fairly innocuous but by the time it gets messaged back east it's, we end up with a problem that ends up causing us lawsuits. So I'm not sure how to phrase that but that's, I think the fear that you hear behind a lot of the discussion here.

Marc Gorelnik [00:12:07] Further discussion? Herb.

Herb Pollard [00:12:11] Thank you Marc. The, building on what Dave said and some of the discussion we had in the Legislative Committee, a prescriptive definition of forage fish that might come back to us as a regulation where we have to treat hake under some regulation similar to anchovy or the section that says which, which sounds pretty good to make a set aside for, for predators but if that comes back as a regulation or even if it's general that opens us up to litigation and you know some of us looked at that report that Dr. Richard Parrish gave us where he tried to estimate the you know million metric ton set aside of forage fish for humpback whales, and a million and a half set aside for sea lions and that sort of thing, if that were to come back in regulation it would be a lot of workload and it would make our jobs more difficult and I think the changes are not necessary to sustainably manage forage fish, which is what it says in the last paragraph, and I think that's, that's the point of this letter is we can't sustainably manage forage fish and wisely under the current regulations and adding more regulations or to be more prescriptive isn't going to be, may not be positive. I can't say that it won't or will, but it may not be positive and we don't need a change.

Marc Gorelnik [00:14:02] All right thanks Herb. Further comments Her...uh Phil.

Phil Anderson [00:14:16] Well so we were asked to comment on the legislation and I think we should, obviously we should attempt to do our best to address both the positive and negative aspects of the legislation as we see them. I think in doing so it's fine to call to the senators attention the work that this Council has done to protect and sustainably managed forage fish and that's, that's good. I don't, I don't see us taking a position one way or the other on the bill in the letter. I see us providing comments in areas that we may have that are of concern. I would, I would modify the first sentence in the second paragraph to say that changes in the Magnuson Act are not necessary for this Council to protect and sustainably manage forage fish so let's talk about whether the legislation is needed for us not whether it's needed for somebody else. I would, I would not repeat that at the bottom of the letter under page 2. At the bottom of page 2 I would simply start that paragraph with, 'The Council has met with considerable success' and not repeat that. I don't think that's necessary. So I think if, if those two edits were made I would be comfortable with the letter.

Marc Gorelnik [00:16:03] Thanks Phil. Further comments? I think what I'm hearing is that to those around the table that are concerned is the concern is that this legislation would impose obligations on this Council above and beyond the good work we've already done with regard to forage fish and

perhaps that sentiment can be expressed in the letter. You know to the extent that the legislation or resulting regulations impose additional burdens we would have concerns or something along those lines. I think that Jennifer's had some guidance here and but I, given the importance of the letter I think that it would be useful for us to take one final look at it before we approve it, so perhaps we can return to this briefly on day last and I would suggest that anyone who has any specific concerns could perhaps address those to Jennifer as long as it's not materially different from what we've already discussed around the table. Is that a reasonable way to go?

Chuck Tracy [00:17:20] Staff in general.

Marc Gorelnik [00:17:21] Staff in general. Okay. All right. Is there any other discussion with regard to the legislative, to legislative matters that we haven't already covered? I'm not seeing any, any hands so Jennifer can you sum up where we are?

Jennifer Gilden [00:17:51] Yes Mr. Vice-Chair. So there were no changes to the consensus statements in the CCC working paper. I did hear some potential edits to the Cantwell letter, so just to clarify did you want me to make some of those edits that we heard here today and provide you with a new copy for day last.

Marc Gorelnik [00:18:13] I think that Chairman Anderson has offered some very specific edits and I think those should be incorporated.

Jennifer Gilden [00:18:22] Okay.

Marc Gorelnik [00:18:22] I didn't hear anyone object doing that and I think I summarized the sentiment of those around the table that our concern would be that this legislation or resulting legi....or resulting regulations may impose additional burdens so if that could be expressed somewhere in the letter, and then if we could get, I'm not, you know comments should be directed to staff on this and if we could get the next revision out you know at least a full day before day last and then we'll suspend this agenda item until day last and hopefully this won't add much time to the day. Anything else on this agenda item? Brad.

Brad Pettinger [00:19:10] Thank you Mr. Vice-Chair. I'd just like to say for getting this thing out in two days at the beginning of the Council meeting by Council staff, this good a draft is you know, you know way good. It's really great work.

Marc Gorelnik [00:19:24] Okay great. All right. So, so we'll suspend this agenda item with, we'll only have one small piece of business on day last with this.

Revisit

Phil Anderson [00:00:00] So let's take up and I'll pass the gavel back over to Vice-Chair Gorelnik for the legislative matters and the letter.

Marc Gorelnik [00:00:12] Thank you Chair Anderson. So we have before us, this was distributed yesterday and recommended everyone take a look at overnight the revised letter to Senator Cantwell in response to her request for comment. During that agenda item there was some discussion about the concern that this would impose additional obligations on the Council beyond that which we already

do to protect forage fish and that language has been changed so let me look around the table and see if anyone has any comments or requests any changes to the letter that was distributed yesterday. I'm not seeing any....oh wait Corey and then Marci.

Corey Niles [00:00:58] I'll defer to Marci if she can give me a second to collect my thoughts anyway. If Marci wanted to go first.

Marci Yaremko [00:01:07] Thank you Mr. Vice-Chair. Just a question. I believe Chair Anderson had suggested a few edits to the letter and I'm just curious if they were incorporated in this version?

Marc Gorelnik [00:01:19] Chuck.

Chuck Tracy [00:01:20] Thank you Mr. Vice-Chair and Miss Yaremko. Yes they were. There was an edit, editing out something on the final paragraph that was basically a repeat of what was in the first paragraph. We, we did delete that. We changed F O R to F O U R and one other thing, there were a few minor edits like that. I guess the substantive changes were in description of effects relating to the definition of forage fish and also describing the Council's practices under the Section 7 description about how we account for, for the needs of dependent species in our setting our reference points.

Marc Gorelnik [00:02:17] Marci.

Marci Yaremko [00:02:20] Thank you Mr. Vice-Chair. I believe he also had suggested in the first sentence that we clarify that changes to MSA are not necessary for our Council to protect and sustainably manage forage fish.

Chuck Tracy [00:02:36] I believe that's what it says now.

Marci Yaremko [00:02:37] Okay... oh I'm, I must be looking at the wrong version. Thank you.

Marc Gorelnik [00:02:48] Corey.

Corey Niles [00:02:49] Thanks Mr. Vice-Chair now I'm worried I'm looking at the wrong version too.

Chuck Tracy [00:02:52] So this is Attachment 4.

Corey Niles [00:02:55] Attachment 4. Let me pull that up but I thought, I think I can get one of the general comments out because I believe I read it in the new version but the, in one of the, one of the bullet points it talks about the challenge of quantifying the forage value of, of, of a species and so I think and first of all I think the draft looked, the first draft was as someone said last time we took this up was is, it was on short notice really well done. I think it's even better done now so thank you for those changes and but I think so this is just a suggestion to explain maybe a little more in like one more sentence about why it's challenging and it would just be an opportunity I think to explain what comes up on our ecosystem agenda items a lot is you know generally the California Current we're lucky to have good science but we are not data rich in the data that you need to understand trophic value of species out there so just one more sentence explaining you know that we are and I can't wordsmith out loud right now but that we are data poor so to speak in terms of trophic information in the California Current and so that's really one of the inherent challenges we have. For example yesterday we talked about short belly rockfish and its trophic value. I don't think with much certainty

it could be quantified though I thought, I just that one stood out as an opportunity to, to just explain you know to the public and to Congress that the real world challenges of actually understanding the trophic value.

Marc Gorelnik [00:04:41] Corey would you suggest that fall under the first bullet that has to do with the bill's definition of forage fish?

Corey Niles [00:04:49] Well if there's other comments I will open the proper version and find where I was so apologies for that.

Marc Gorelnik [00:04:54] Maggie.

Maggie Sommer [00:04:55] Thanks Vice-Chair and want to thank staff for making the revisions to the letter. I am comfortable with it how it is. I note that I think Corey was talking about the bullet point about Section 7 and there's a sentence that reads "however quantifying the dietary needs of forage dependent predators is extremely challenging, is difficult to accurately estimate and represents a significant workload and financial burden on the council, state and federal agencies". So I assume that's the sentence you are proposing we consider for an addition or a revision.

Marc Gorelnik [00:05:38] Phil.

Phil Anderson [00:05:39] I was in the same place in the letter thinking it just could add a phrase to that sentence about lack of data to address Corey's recommendation.

Marc Gorelnik [00:05:54] I'm going to look around the table and see if there's general agreement with that suggested change by Corey? No one objects. All right, thanks Corey for that suggestion. Any further comments? Chuck.

Chuck Tracy [00:06:08] Thank you. Well I guess in regards to that I'm fine with that. I think, I suspect that we are relative to the other councils or the other regions we are probably data rich but I don't know if that's, that's true or not that but I would think if we had a hard time doing it the other councils that have even a harder time doing it. I don't know if that's worth pointing out or if that's, maybe other people that have a better, a better understanding on that.

Marc Gorelnik [00:06:37] Perhaps all the more reason to mention it. Corey.

Corey Niles [00:06:41] Yeah thanks Chuck and I know Mr. Burner is an ecosystem veteran himself, but my understanding is we are, well maybe I don't know all the councils but we are not the data we, Alaska and the Northeast have a lot more data than we have. We're like for example we were, many people who may have gotten an email about a albacore study on climate change that was going to use trophic data and these researchers were looking for data and a lot of our stuff and they were mentioning goes back is from the 70s and 80s and so...

Chuck Tracy [00:07:11] Fine.

Marc Gorelnik [00:07:12] Any further comments or suggestions regarding the letter? With that change to the bullet concerning Section 7, that additional sentence is everyone fine with the letter and we can leave it to staff to make that change and transmit the letter? Alrighty then, I think that concludes our business on agenda item D.3. Is there anything else?

Chuck Tracy [00:07:45] Did you have something Mike or?

Mike Burner [00:07:46] No sorry.

Marc Gorelnik [00:07:49] If there's no other business on the agenda item I will pass the gavel back to Chair Anderson for the balance of 250th meeting.

4. Allocation Review Procedures – Final Action

Marc Gorelnik [00:00:00] No public comment. No more reports. That brings us to Council discussion and action. Our goal here is to, is final adoption of COP 27. So with that let's have some discussion and or a motion. Phil.

Phil Anderson [00:00:25] I was going to make you wait a little while longer but I'll show mercy.

Marc Gorelnik [00:00:29] You're merciful.

Phil Anderson [00:00:30] Yeah I do have a motion. Thank you Mr. Vice-Chair. I would move that the Council adopt draft Council Operating Procedure 27 entitled "Process for Initiating Allocation Reviews" as presented in Agenda Item D.4. I might have left out the attachment... Attachment 2 with the following modification, replace the second and third sentence of the first paragraph of the section on procedure with the following; for allocations that are not, that are not already specified in an FMP or catch sharing plan, periodic reviews or required by court order, the Council will consider public interest requests before it undertakes a review. Taking public interest into account, the Council will evaluate the need for the review and if a need is identified, integrate the associated tasks and timelines into its workload planning process and what follows there is, is just that, that paragraph with that modification made and the modification is underlined.

Marc Gorelnik [00:02:07] Does the text on the screen accurately represent or reflect your motion?

Phil Anderson [00:02:12] Yes it does.

Marc Gorelnik [00:02:13] Is there a second? Second by Herb Pollard. Please speak to your motion.

Phil Anderson [00:02:26] Thank you Mr. Vice-Chair. Well first of all as I said I thought Jim did a great job of pulling this document together and, and the table was particularly helpful in laying, laying those categories out for us. The reason I'm suggesting a modification to the first paragraph under procedure is if you follow along with me in the first sentence under procedure it says in general allocation reviews and especially revisions are often time consuming and contentious and once established should not be altered without good cause and adequate council, agency capacity. Then it goes on to say in the next sentence, therefore to ensure both of these issues, which is the good cause and adequate council, agency capacity, to ensure both of these issues are satisfied, the Council will consider public interest requests for allocation reviews before it undertakes an allocation review that is not already specified in an FMP catch sharing plan or required by court order. Then the next sentence is, this will ensure the Council has the flexibility to evaluate the need for a review and if so determined to integrate the associated tasks, timelines into its workload planning process. When I read this what caused me concern is that in the first sentence it, it says that we shouldn't be altering without number one, good cause and to ensure that we have adequate council, agency capacity, and then in the next sentence it says in order to ensure that we're gonna consider public interest requests for allocation reviews, and I had a difficult time understanding how considering public interest or public interest requests assured that it was number one for good cause and that we had adequate council and agency capacity to do it. So it is because that, of that concern that I am proposing the modification that you see on the screen that's contained in my motion that again for allocations that are not already specified and an FMP or CSP which are periodic or required by court order that the Council will consider public interests before it undertakes a review, and then taking public interest into account we will evaluate the need for the review, and if the need is identified, then look at the associated tasks and establish the timeline and incorporate it into our workload planning process. I

thought that, that language assured that we would have that deliberation about good cause and adequate resources in making the decision as to whether to proceed with an allocation process. So that's the reason I'm proposing that modification of the language. I don't have any other modifications to, to propose and am suggesting that the Council adopt COP 27 as presented with that modification.

Marc Gorelnik [00:06:04] Questions for maker of the motion? I have one. Would a public interest request in and of itself become an adequate trigger?

Phil Anderson [00:06:25] Yes it could be and if you go to the table that is, is in the COP you can see where a public interest request it could be a trigger, but so we have allocations that are as it says already specified and that we're going to consider public interest requests before we undertake a, undertakes a review... so yeah a public, a public interest could advance a review and a review of a particular allocation, but we would do that with deliberation by looking at it and determining that there is good cause for us to review it and that we have adequate resources to do so.

Marc Gorelnik [00:07:28] So a public request could trigger a review but would not necessarily cause an allocation change to be made.

Phil Anderson [00:07:37] Correct, and the, the first thing that we would be doing is looking at if we have a request we're gonna be looking for good cause and we're gonna be looking for capacity to carry that out, to carry such a review out.

Marc Gorelnik [00:07:53] Any other questions for maker of the motion? Chuck.

Chuck Tracy [00:07:57] Thank you maybe just a follow up. Just to be clear the public interest requests would be for a review... not for a, not to reallocate, so that's the first step, and then the review would be evaluated for need as in the new language, and if the need identified then the Council would proceed.

Marc Gorelnik [00:08:25] Is there discussion on the motion? Jim.

Jim Seger [00:08:33] Thank you Mr. Chairman. Just on that last clarification. Then the review would be evaluated for need. It would be the request for review would be evaluated. The request would come in and then we would evaluate that request as to whether it was substantial good cause, there was good cause behind it and then if there was good cause then a review would, would happen? Is that....okay I just want to make sure I had it right. Thank you.

Marc Gorelnik [00:09:08] Discussion on the motion? Kelly.

Kelly Ames [00:09:15] Thank you Chair Gorelnik. A follow up I thought I had this all straight in my head and I, and I just want to make sure before we take the final vote. So again it's my understanding that the Council Operating Procedure specifies how we go about meeting the NMFS allocation policy directive and what our plan is for identifying these triggers, but I want to confirm that if under future workload planning a large group of individuals came in and requested an allocation review and allocation change, that again this process you just described where we would evaluate it for good cause, we would evaluate our capacity to take it on and then we could proceed if that's the direction the Council wanted to go. Is my understanding correct?

Marc Gorelnik [00:10:04] Phil.

Phil Anderson [00:10:05] Yes.

Kelly Ames [00:10:05] Thank you.

Marc Gorelnik [00:10:09] Further discussion or questions? Not seeing any I'll call the question. All those in favor of the motion say 'Aye'.

Council [00:10:24] Aye.

Marc Gorelnik [00:10:24] Opposed No? Abstentions? The motion.....did you vote no?

John Ugoretz [00:10:32] No.

Marc Gorelnik [00:10:33] It's unanimous. I saw your hand move and, right so the motion passes unanimously. So we have amended the proposed language for COP 27. Do we still need a motion to adopt COP 27?

Phil Anderson [00:11:05] No.

Chuck Tracy [00:11:06] No.

Marc Gorelnik [00:11:06] No we're done. Jim. Actually let me go to Kelly first.

Jim Seger [00:11:10] Go ahead and scroll to the top.

Phil Anderson [00:11:12] Go to the top....

Jim Seger [00:11:12] There we go.

Marc Gorelnik [00:11:16] Kelly did you raise your hand? Jim.

Jim Seger [00:11:23] Thank you Mr. Vice-Chairman. I think that for a while you couldn't see the top of the motion and I actually had to go check myself but the complete motion includes adopting the draft with its modification.

Marc Gorelnik [00:11:33] Okay very good. So we have taken final action then on this agenda item.

Phil Anderson [00:11:40] Yes.

Marc Gorelnik [00:11:41] Is there any further action on this agenda item? Kelly.

Kelly Ames [00:11:47] Thank you Mr. Chair, Vice-Chair. I did want to thank Jim again for all of his work to prepare the Council Operating Procedure and the Council's response to it in response to the NMFS policy directive and just request that the Council transmit your COP to headquarters so they have that information in making our report to Congress on Council's progress in identifying these allocation triggers.

Marc Gorelnik [00:12:15] Great. All right. Jim are we done?

Jim Seger [00:12:18] Yes Mr. Vice-Chairman.

Marc Gorelnik [00:12:20] All right.

5. Phased in Approaches to Changing Catch Limits - Scoping

Marc Gorelnik [00:00:00] That will bring us to Council discussion and action and I'm going to turn to John to remind us of our job here.

John DeVore [00:00:12] Okay. Thank you Mr. Vice-Chair. This is initial scoping so given that we have, a, a couple of potential approaches that do require an FMP amendment, it's particularly important for the Council to decide whether they're interested at this stage of considering an FMP amendment to bring those approaches into our, well both our groundfish and CPS FMP's, since it does potentially affect both, and some guidance on, on the timing of this and I would urge the Council to consider how any of this process, if it goes forward, would affect the 21-22 biennial specifications process, and make sure we're in sync with that, which of course was part of the guidance of the National Marine Fisheries Service gave on, on this so, and even though this is initial scoping it would probably be helpful to get some guidance on the criteria for implementing one of these phase-in approaches if that's where the Council wants to go, although you know you certainly going to want some more information I suspect on that as we go forward before you would lock in criteria that would be memorialized in our FMP's, so at this stage it's really deciding whether the, especially approaches five and six in NMFS Report 1 are something you're interested in pursuing in either the groundfish or CPS FMP's.

Marc Gorelnik [00:02:06] All right. Thank you John. Well there's a lot to chew on here and we may want to resolve this via motion and if so we may want to after some period of discussion take a short break and then, and then come back to consider a motion so I'm going to open the floor to discussion. I'm not seeing any....oh Rich.

Rich Lincoln [00:02:30] Thanks Vice-Chair. Maybe before we get into some of the substantive discussion about ideas that we might move forward I had a, I guess listening to the NMFS reports earlier I had a just a bit of a process question in my mind as there was this discussion of the Council's opportunity to potentially build in some flexibility mechanisms into its plans and then there was the report on the NS1 guideline process and what I may just not have been listening clearly but what I was I guess wanting to understand is how well the timing of those, of the Council's process might be with the finalization of the NS1 guidelines to know how much certainty we have when we go through the process that would be consistent with the guidelines in the end?

Marc Gorelnik [00:03:35] Aja.

Aja Szumylo [00:03:36] Thank you Mr. Vice-Chair, Mr. Lincoln. So my understanding is....so the National Standard 1 guidelines revisions were put into place in 2016. The, the guidance that they're talking about is technical guidance, a technical memorandum to help instruct councils in adding these provisions to the FMP. We... you know... so... we have been consulting with our, our counterparts at headquarters as this has been going on all along to get guidance from them and we'll definitely check in with them to make sure that what we're doing is consistent with the guidance that they're developing but I don't think that we need to wait for that guidance in a technical memorandum to come out before we move forward with anything. I'd have to ask Mr. Hastie about when they're planning on finalizing it but I did see a call for comments on it a couple weeks back so I think they're fairly close to finalizing the guidance. It might even be before we, we end up going forward with our work but I'll get back to you on a specific date for finalization.

Marc Gorelnik [00:04:37] Michele.

Michele Culver [00:04:39] Thanks. So I guess I had a similar a question. I saw at the end of Dr. Hastie's presentation that there was a reference to providing a presentation, similar presentation to the CCC at their upcoming November meeting and so I did have kind of a similar thought as to what the rollout was going to be on that technical guidance following the CCC meeting and in terms of communication to our SSC and their expectations?

James Hastie [00:05:21] Mr. Vice-Chair. I don't know much more than was in the slide deck that Dan Holland prepared but it did indicate that the work group was planning on providing draft reports to the SSCs this summer. Obviously that doesn't fit in with the Council process as well as some other timing might especially in terms of the SSC having an opportunity to review that as a whole which would likely not happen until September to provide comments back. My, I don't know this for sure but my supposition is that, that will be a draft version of the three reports and the comments that are received at least by October then would be reviewed and might potentially change elements of the document or add to the document that would then, or documents that would be shared with those participating in the CCC meeting in November, and I wouldn't be able to check on whether that's correct or not probably until Monday but I'm happy to get back to you if I've mischaracterized that. I can check with people on Monday.

Marc Gorelnik [00:07:01] All right. Further discussion or I guess we have a chicken and egg problem there. Further discussion on.....Maggie.

Maggie Sommer [00:07:11] Thanks Vice-Chair. You know in general I think what I have been looking for is the flexibility to make exceptions to our default approach in very limited situations where there is appropriate justification in order to mitigate the socioeconomic impacts of sharp declines and catch limits and you know I will say after going through the NMFS report originally and giving this quite a bit of thought and discussion at this meeting, it seems to me that if we have the ability to make those exceptions on a case by case approach that probably provides the necessary flexibility. I will say that I have had many rather confusing discussions about whether in order to take a case by case approach we need to have an FMP amendment so that we are not going outside the bounds of what's specified in our, in our FMP, so I will still be looking to the National Marine Fisheries Service for some clarity on that because it does I think influence my thinking on what this Council might want to continue pursuing in order to achieve some flexibility should we desire that and I should add I don't, I know that they may need to consult with, with others and I don't mean to put Michele on the spot for a response right now. In addition I want to speak specifically to our Oregon black rockfish stock. This is, it's the most important stock for our recreational fishery and our commercial nearshore fishery. We can't operate those fisheries without it. Preserving its health and productivity is our, our primary goal and we do not want to do anything that jeopardizes that, given that at the same time it is fully attained. It is constraining for our fisheries and facing further reductions does result in some, some painful situations for our fisheries particularly on the recreational side and so I have been, I have given this quite a bit of thought and some discussion with constituents and I do think that proposing you know for example what I did in the ODFW Report just maintaining stable catch limits for the upcoming two years is a very limited period of time for which we would deviate from the default. It is overall as I noted a total difference in potential catch of 33 metric tons, not a huge amount and we do think that is only slightly less conservative than the default approach and still does not pose a conservation risk to that stock otherwise it is not something we would be comfortable proposing at all, so I just wanted to make sure everybody is aware we have given quite a bit of thought to this stock and our, our approach to it. Thanks.

Marc Gorelnik [00:10:55] Thanks Maggie. Further.... Michele.

Michele Culver [00:11:00] Thank you. I appreciate the, the discussions and the presentations that the thought that went into the NMFS Report and the ODF and W Report. I have to say that I think the, the Council has had pretty extensive discussions in coming up with our general ABC approach and understanding sigma and P star and there are a lot of questions and issues for me coming out of the approaches that are succinctly described in the NMFS report that seem to be embedded within, that it's, it's difficult for me to look at this at the 30,000 foot level and not understand the, the details relative to those issues in terms of taking the next step beyond scoping because I do think that those details are, are important, so I, I think that should the Council decide that we want to take the next step now that we have had some input relative to the scope then I think that warrants some further Council discussion and deliberations. I have some further thoughts to offer for the Council's consideration, not for decisions or finality at this meeting but more for thoughts and considerations should the Council decide it wants to move forward, thinking ahead of, of what we may want to consider for the September and November Council meetings in light of embarking upon a new spex process and I guess first of all say that my, my thoughts and considerations for this agenda item even though it's under administrative have been pretty much focused on groundfish and I do certainly support the CPS recommendations that we've received and considering those at a different time.

Marc Gorelnik [00:14:13] Brad.

Brad Pettinger [00:14:20] Thank you Mr. Vice-Chair. This, the groundfish fishery got in a bad place and overfished status of a number species not because we didn't have a P star or a higher sigma. It got there because we had bad inputs coming into the system and management advice using that input was wrong ultimately. I look at the approaches laid out by Aja and number one there's more assessments. More assessments will cost more money. Money is tight we're already down to two boats, which means we do more assessments with less robust data, that's not really an option in my mind. Catch assumptions, you know looking at that as far as looking that would certainly help. It looks to me like a patch on trying to figure a way around this and I think we have to look back as far as what this Council, when we said our tolerance for risk was at, what were we comfortable with and we come up with a P star of point four five given the sigma is in place and realistically I'm not saying we need to go to point four nine but this Council has a history of making a very, a very precautionary in what they do and why would we want to limit the options before us. I would say if point four nine is an issue to people make the top point four seven if you really want to have some constraints on what you could do but I think that we're just trying to do a lot of machinations to get some place from where we're at right now and I would encourage at least approach six, modify the P star as an option would certainly be involved in moving forward.

Marc Gorelnik [00:16:18] Thanks Brad. Michele.

Michele Culver [00:16:21] Thank, thanks I just say I am, I don't disagree. I have to say that I've struggled a bit with the differences between four, five and six because there's two pieces to the ABC control rule. There's the sigma and there's the P star so you can raise P star or you can redo sigma, there's two different ways to get to the end result and so I've really struggled with do we really need six if we have five and, and vice versa and it, I don't, I don't think so. I think the Council could hopefully if narrow it down if we want to move forward but I do think that kind of what's described as just different ways to get to the same outcome.

Brad Pettinger [00:17:23] Thank you Mr. Vice-Chair and I agree with that but as you're looking forward what is the workload associated not with modifying what we're going to do but once that's in place what's going to be more efficient for this Council to get to where we want to be? That's....

Marc Gorelnik [00:17:36] Well we have the category set forth through, the suggested method set forth in the NMFS report but as you point out there's overlap, so further discussion? Do we want to take a.....oh Pete I'm sorry.

Pete Hassemer [00:18:02] Thank you Mr. Vice-Chair. I guess my comments come maybe from the 30,000 foot level not looking at any of the detail in the various approaches there and as we walk through this I have a concern and I hope I can convert that to sort of a constructive comment as we go forward. We're scoping the benefits of phased in approaches, as I look at this once an assessment is done and the harvest spec are set, OFL and ABC, as time passes they only go in one direction and they decline so at the start you know there's a reasonable or a fair balance in thinking about NS1 that's very bold and it's etched in our minds we always consider that but the balance between OY and preventing overfishing when the, when the assessment is done there's a balance between those two and as time passes if it is not updated the management moves to, is weighted towards preventing overfishing and we, in my mind we tend to move away from achieving or being able to achieve optimum yield. So as we, as we craft and think about the phased in approaches it seems to me the thinking on this is only in that direction of declining abundance and is there an opportunity if stocks are increasing, this Council has a good record of rebuilding stocks or some stocks because of their biological characteristics, go through wide fluctuations as abundances increase, can you move or what's the process to go in the other direction. May not be a good example but I think Oregon for their black rockfish example the opportunity there is to freeze the catch at a level and not in some interim, find out if there's ways to increase it so as we go through this process and think about phased in approaches as stocks might decline is there also an opportunity to open the doorway if we're thinking about FMP amendments now that there is a mechanism to provide flexibility that as a stock status improves between assessments, and there wouldn't be hard data to do that but a way to allow increases in catches without going through an emergency action or an FMP or something like that so as we think about mechanisms to manage reductions in ABCs is there also an opportunity to have a mechanism to consider increases in the same way, and that as we approach this whatever approach we take that it doesn't lock us in to some unintended consequences, and you know maybe the flexibility in the P star would be one way that would allow that, but just as we move forward that, that could become part of our thinking, it may not be necessary because we look, our process sets harvest specifications on a biennial process and so every two years we can come and look at that but again, as the staleness of the assessments comes into play that affects what we're able to do so our thinking isn't just foc....I, I want to make sure our thinking isn't just focused on declines but where's the opportunity to increase also. Thank you.

Marc Gorelnik [00:22:08] Thanks Pete. Further discussion? Bob.

Bob Dooley [00:22:17] Thank you Mr. Vice-Chair. I just wanted to thank National Marine Fisheries Service and various advisory panels and management teams for the great advice here in illuminating this and being able to look at it. I've been looking at this since the, you know, the announcement of the sigma change and how, how that might affect us going forward and then also reflecting on the budget items and that we heard last meeting and you know lessening of, of surveys and I, I'm concerned about that. I agree with what Brad said. I agree with what Pete was saying. A lot of good comments around the table. I, I think, I look at this as tools in the toolbox and number six seems to have a preconceived notion that it's going to give us a tool that we're not responsible enough to handle and I don't see evidence of this Council ever being irresponsible and doing the wrong thing in recent years and I think that we've, we've done a good job and I think that we can be trusted with tools but I look at flex, flexibility as being paramount. We don't know what's coming in the staleness of our assessments. We tend to analyze things far beyond just the, and what we, what we hear from our panels and what we hear from the agency, it seems like there's a lot of concern here that we, or

we conserve our stocks and we do the right thing and far above that we can serve our fishermen and communities and we need to think of that going forward and I, I want to really thank Pete for bring up the upside of this. There, you know we, this is all...even the averaging and lessening the effect of the, of a decrease due to sigma over time doesn't necessarily address the fact that other evidence might come forward like we're hearing in a lot of fisheries and public comments that might persuade us that we're doing the wrong thing by just following a prescriptive basis. So I think I would I, I'm for more tools in the toolbox but I, I definitely appreciate all the input. Thank you.

Marc Gorelnik [00:25:04] Thanks Bob. Maggie.

Maggie Sommer [00:25:06] Thanks Vice-Chair. I wanted to respond to Pete's comments because it relates directly to the example I brought to this Council. You know considering stock status improvements between assessments I think is something we, we certainly think about. We often hear anecdotal information and requests to consider that, but we, we do have a very high standard for determining when an improvement has occurred and that's a new stock assessment and I think there's, I think there's a lot of value in that, a good reason for that. There are, are really is the opportunity to take into consideration new data streams as well as a number of other factors that might that, that play into stock status in addition to just what people might bring to us or what we might bring here with a more limited view and it, you know, I offered some indications based on ODFW's survey last year that we, that suggests to us that are, the black rockfish stock of Oregon is larger than the last assessment produced but I did not bring data from that assessment. I don't expect this Council to consider that when it's not something that has yet gone through a formal review and evaluation process when it can be really thoroughly examined and tested and confirmed that it's appropriate so I you know I guess I did want to acknowledge what you said but I would be very cautious about contemplating catch limit increases that are not based on, you know, a stock assessment that gives us a full picture of the stock. Thanks.

Marc Gorelnik [00:27:19] Rich.

Rich Lincoln [00:27:20] Thanks Vice-Chair and I don't want to prolong the discussion but I just wanted to maybe draw a connection between Bob and Maggie's comments and some of the other discussion that we've heard. I mean, I think the idea of the Council having tools in its tool box, I mean it's a good concept and I also think that part of the reason this Council has had such a great track record with its management performance is that we've had some good policy guidance as well and that in some cases that has been, included some pretty formulated kind of policy guidance with the, you know with this P star thing at forty-five, point four five being an example so when Maggie started off this discussion about seeing this idea about phase-in being that she envisioned it being used in kind of exceptional circumstances with some really good deliberate discipline, as these ideas move forward for me and thinking about toolbox flexibility, that idea of having some, the Council articulate some really clear kind of policy guidance or criteria about how they would think about applying this is really important to me and I think it's a really important thing for the Council to be thinking about in terms of making sure that as we use flexibility in the future that we really use it in a smart way and there's a lot of things going on out there in the environment that we don't always understand so it is a little bit about trying to be careful that we can distinguish between the noise and what might be really happening and that's where uncertainty comes in and that's, you know there's a reason that some of the, this idea about sigma changes came up, I mean we're thinking that they've inserted a, perhaps a lot of extra precaution in the system maybe more than we feel is needed but there is the rationale for it so we're really trying to figure out where that right balance and discipline is I think so I hope as we move, perhaps move forward with thinking about some amendments that we're really, really clear about building in some of that kind of framework thinking.

Marc Gorelnik [00:00:00] Thanks Rich. I'm not seeing any more hands. Do we want to take a short break? Lunch break? Well we can do that. I have 11:49. Can we be back at one o'clock? So why don't we take a break and we will resume this agenda item at one o'clock sharp. (lunch break) All right. John why don't you refresh our recollection of where we left this.

John DeVore [00:00:42] Yes thank you Mr. Vice-Chair. You have had some discussion which gets to some of your thoughts regarding some of these new phase in approaches. In my mind I haven't, we haven't received formal guidance or a motion to indicate you know whether collectively you want to pursue an FMP amendment or just what you would like to do to further this process or to get new tools into the FMP tool box.

Marc Gorelnik [00:01:21] All right. Thanks for that and I think that over lunch some folks were working on an effort to move this along. So I'll look for someone around the table to either offer further discussion, a comment or a motion. Maggie.

Maggie Sommer [00:01:43] Thanks Vice-Chair. Just a comment. Really appreciate again all the information provided and all the discussion we had earlier. You know I do think that we want flexibility available to us and we want to be cautious in how we use it. What seems to me to be a key piece of information that will help us think about this and what the best approach is, is to know whether we have the flexibility to deviate from what's currently in our FMP without making an amendment to it or not, so that will be as I mentioned before some important information to learn and I do also want to recognize the comments made earlier about this Council's history of being conservative and precautionary and I, I think that we certainly intend to continue that in terms of thinking about some sideboards and some criteria to put around some of these potential approaches, I think that's, that's a good step and I will look forward to some further scoping on that and I know we will all be mindful of the risk associated with that of just creating more boxes that we might be trying to find a way out of in the future, so some, some challenging work to figure out what the best approach here is but we think we are well set up to at least take the next step on that process.

Marc Gorelnik [00:03:35] Thanks for that Maggie. Phil.

Phil Anderson [00:03:40] Yeah. Thanks Mr. Vice-Chair. I agree with, with that I also found Rich Lincoln's comments particularly valuable. I mean having flexibility is, is good but having flexibility without any sideboards, guidelines or criteria in my mind is not good and so if we're going to be exploring new tools to give us some flexibility in certain circumstances I think it's important for us to also have some prescribed sideboards and or criteria around which we make decisions. I think that's an important piece.

Marc Gorelnik [00:04:22] Thanks.

Phil Anderson [00:04:22] The other....

Marc Gorelnik [00:04:23] Go, go ahead.

Phil Anderson [00:04:26] The other piece is particularly in approach four where it identifies that the guideline, National Standard guidelines allow the SSC to recommend an ABC that deviates from the ABC control rule. I think if, I think we need to do a little homework there. There was some discussion around what the FMP allows us to do. What Magnuson allows us to do. What the appropriate role of the SSC is in terms of setting ABCs and I think that when we, as we advance this and if we're gonna and, and as I understand it at least the current opinion is that approach four doesn't

take a plan amendment. There's some verbiage in the amen....in the groundfish amendment right now that makes me question that but so I think having, having some opportunity to flesh some of these out and assure that, that we're certain of what our options are within without a plan amendment and we understand what flexibility we currently have versus what we might want to add through this process would be important. Okay I'm done now.

Marc Gorelnik [00:05:51] Thanks Phil. Before I go to Michele who I think has a motion, I wanted to welcome Sheila to the table because I failed to do that at the morning break when you joined us so welcome. Michele.

Michele Culver [00:06:09] Thank you. I have a motion to offer for the Council. I move that the Council take the following actions for groundfish stocks. One, further explore approaches four, which is the case by case phase-in, five, the phase-in, and six, adjust maximum P star as described in agenda item D5.a, NMFS Report 1 as alternative approaches to the default acceptable biological catch or ABC control rule for groundfish stocks. Two, consider using criteria to determine which groundfish stocks are eligible for deviation from the default ABC control rule. Suggested criteria could include, A, stock status or depletion, consider whether to have different approaches for healthy stocks. Stocks, for example stocks with depletion levels that are greater than or equal to B 40. Stocks in the precautionary zone, for example rockfish stocks between B 25 and B 40 and overfished stocks and or for stocks with a status trend that has continually declined over time. B, the stock category, so consider whether to have different eligibility for Category 1 and Category 2 stocks. C, stock complexes, consider whether and how to apply alternative approaches to stocks managed as part of a complex, and D, attainment, consider whether to have a minimum average level of attainment of annual catch limits. Three, consider placing a limit on the frequency of using alternative approaches such as deviation from the default ABC control rule cannot apply to a specific stock for two consecutive biennial cycles, so in other words the full application of the default ABC control rule would occur in year three. Four, consider the following additional process steps. A, rerun the 10 year projections based on the most recent stock assessment for stocks with proposed alternative approaches to assess the risk of overfishing and evaluate the effect on stock status. B, require sufficient time for deviations from the default ABC control rule be evaluated relative to Council criteria, risk of overfishing and 10 year effect on stock status, and C, provide specificity on the calculation method, so for example the sigma and P star calculation and the values, for example if the sigma phase in is used in combination with maximum P star of point four five what the sigma values are used for review and approval by the SSC prior to Council final adoption. Five, for the 2021-2022 biennial cycle include the following steps in the Council process. A, In September of 2019 the Council would consider approving items one through four that's listed above for public review and identify a preliminary list of stocks to apply the alternative approaches to. In November of 2019 the Council would select a preliminary preferred alternative for items one through four and the list of stocks, and in April 2020 the SSC would provide their ABC recommendations for the stocks identified in the PPA and the Council would select a final preferred alternative for items one through four and the list of stocks. And then finally number six, direct the SSC to review, discuss and provide recommendations on items one through five above at the September 2019 meeting.

Marc Gorelnik [00:11:05] Michele does the motion on the screen accurately reflect...does the language on the screen accurately reflect your motion?

Michele Culver [00:11:14] Yes.

Marc Gorelnik [00:11:15] Is there a second? Seconded by Rich Lincoln. Please speak for your motion.

Michele Culver [00:11:21] Yes thank you. Appreciate the questions and discussion that we've had so far and relative to the NMFS Report and the different approaches described there and which ones perhaps could be done absent an FMP amendment and which ones would require an FMP amendment? Sounds like we're going to get additional guidance on that question so the intent here is to further explore the three approaches I think that we are sure do....well there are three approaches one, two, and three in the NMFS Report that we are sure do not require an FMP amendment so those remain and then this is to further explore approaches four, five, and six which may require an FMP amendment relative to approach four and then would definitely for approaches five and six. Item number two is for the Council to consider using some criteria to determine which groundfish stocks are eligible to use one of these alternative approaches so to not follow the, the default ABC control rule, so the intent is that the sigma and the P star selection by the Council is the control rule that would remain in effect for the groundfish stocks and then should there be requests to use a different method that the Council consider having some criteria to determine which stocks would be eligible to use an alternative method. The criteria that I have listed here are some suggestions. I'm not proposing that the Council adopt all of these criteria but these are just some initial thoughts on what criteria could look at or could be and the intent is for the Council and our advisory bodies and the SSC to consider all of these items and perhaps provide some recommendations back to the Council on which of these they may recommend the Council keep as criteria and which ones perhaps are already addressed or covered by other criteria or other means. On item three I'll say it, it wasn't entirely clear to me in the presentations and discussion about whether or not the full application of the default ABC control rule would need to occur in year three and I think that's one of the items we would be anticipating receiving clarification on, but thought that something for the Council to consider is whether or not we wanted to have some sort of a control rule in place like that for our application of these alternative approaches. In the additional process steps, these are intended to help move the Council's process along relative to alternative sigma approaches as well as in I guess concurrent with the 2021 and 2022 biennial cycle so the intent of this is to describe what some of the additional process steps may be including the 10 year projection, so for each of the stocks that we may want to apply the alternative approach to, ensure that there's adequate time for the stat team to rerun a 10 year projection as to what the effect may be on that stock by selecting higher values and perhaps carrying that higher value forward for the initial two years of the, of the 10 year period. Item four B is to ensure that we have sufficient time to do an internal analysis by the Councils SSC, GMT and GAP and Council discussion relative to the criteria, the risk of overfishing and the 10 year effect on the stock status. Item four C is a because the different approaches and the presentations that we received would suggest that there are different ways to potentially accomplish the same outcome and that when we look at calculating ABC we can do that through adjustments to the sigma or a phase in of the sigma or we could do that through adjustments to the P star, so item four C is to provide some specificity as to what is the calculation method and the values that the Council would be using for a particular stock so that would I think help the Councils SSC and advisory bodies weigh in on the, the methodology and the result given that there would be multiple combinations of calculations that could be done to achieve the same outcome. Of Item five is just based on the presentation we received from NMFS and again doing this concurrent with the 2021, 2022 biennial cycle and when those different steps would need to occur in order for the Council to move forward through our spex process, so if you'll recall the Councils spex process and our Council operating procedures begins in September. We have meetings September, November, April and then final action in June and typically the spex decisions occur in September and November and the management measure decisions occur in April and June, so this would provide an early signal on our preliminary preferred alternative relative to stocks that would be deviating from the ABC control rule, doing that in November and then providing time for the SSC to review what the calculations and ABCs would be for those different stocks over the winter period and provide their recommendations back to the Council in April which would then facilitate our selection of the appropriate management measures

for the fisheries. And then finally Item six is to specifically provide direction to the SSC to review the criteria and the process steps that we've outlined here and provide their feedback to the Council at our September 2019 meeting that could help us make our decisions on these items through that September, November timeframe.

Marc Gorelnik [00:20:10] Thanks Michele. Are there questions of Michele on her motion? Discussion? Seems like a pretty.....Phil.

Phil Anderson [00:20:32] I have a question. I think it's of Aja. So in looking at the, the proposed schedule that's under number five where it has at the September meeting consider approving the one through five or excuse me one through four for public review, that seems awfully ambitious to me but maybe I'm over, I'm not understanding what needs to be done to prepare us to be in a position where we can move that forward but I'm also thinking that Michele and I may, and so maybe there's a question for Michele too that you're trying to get this setup so that we might be able to use it in the next spex cycle? So I guess two questions.

Aja Szumylo [00:21:32] Thank you Mr. Chair and Vice-Chair. You know I think the intention to use it in this specification cycle in the upcoming 21, 22 specifications cycle and I think the idea is in September to give some indication for what stocks would be eligible for these approaches. I agree that this is ambitious so I, and as I indicated earlier I need to sit down and really think out the cadence of what needs to happen timing wise to make the amendment happen concurrent with the specification cycle. There, you know there are few more timing steps like a notice of availability, drafting FMP language that have to go off at certain times relative to spex to make sure that we hit January 1 but thinking through it before this meeting I thought that this seemed like a reasonable, reasonable timeline to get us okay. Maybe John can help me with when, when the SSC, when the SSC process for setting ABCs comes into play relative to that schedule or I'll remind the Council of that so that we know when that indication of criteria is helpful for them and their process.

Marc Gorelnik [00:22:43] John.

John DeVore [00:22:45] So typically the ABCs are, well the sigmas are already recommended. The OFLs are decide... or recommended by the SSC in September and November and often times for at least most of our stocks, especially those that are, the Council decides are still going to be managed under default harvest control rules, you have final decisions made by November. Often times we'll have alternative ACLs coming out of the November meeting and we don't finalize those till April. I don't see this is all that much different than that, you know I mean here we'll have alternative ABCs, you're not quite sure on the P star choice and that's not uncommon in our biennial spex process once you identify a select list of stocks where you're considering a departure from the default harvest control rules so my critical look at the schedule there is that it, it conforms I think fairly well with our, our spex process.

Marc Gorelnik [00:23:55] Further.....Marci.

Marci Yaremko [00:23:58] Thank you Mr. Vice-Chair. Thank you Michele. A question on the list of stocks and the timeline. We would be in September identifying a preliminary list of stocks but then up in Item two we are to be considering using criteria to determine which stocks are eligible for deviation so, and then those criteria, you identified some possible criteria for consideration, are these two items supposed to be, how can we identify the list of stocks without looking at the criteria first or is this all coming together for September that we then make this preliminary determination? How, how do two and five work together?

Marc Gorelnik [00:24:57] Michele.

Michele Culver [00:24:59] Yes thank you. So the, the intent is that the Council would receive their recommendations back from the SSC in September relative to the criteria and would determine in September after we get the SSCs advice on which criteria we may want to select for public review so it's basically a range of alternatives in September and so concurrent with that through advice that we receive from the GMT and GAP and members of the public and management entities would identify a preliminary list of stocks that we would want the Council to consider applying this alternative approach to. Whether or not that preliminary list of stocks actually meets the criteria is you'll see in Item four B on the motion is that the intent there is that the Council would have time built in through this process that those stocks would be evaluated relative to the Councils criteria, their risk of overfishing and the 10 year effect on the stock status, so by identifying the preliminary list of stocks that would be a signal to the stat teams and whomever to run the 10 year projections using for those preliminary stocks we would get feedback from the SSC. We would get feedback from the GMT is, was my thinking on whether or not the Council criteria are met and what the 10 year effect is on the stock status and that would likely all come together through the remainder of the process, so in November and April depending on when we have stock information available to us which is coming in September and November.

Marc Gorelnik [00:27:48] Further questions or discussion? Marci follow up.

Marci Yaremko [00:27:50] Thank you. Follow up on that so I know we aren't talking about agenda planning here but what is your thought for September and this agenda item? Are we talking, I mean this description is, it sounds like a lot of work to be done between now and September and a lot of pretty heavy lifting on the part of the Council just to make some preliminary selection so I mean is this a four hour agenda item, a two hour agenda item? I'm just trying to gauge the extent of the activities here that we're specifying for September.

Michele Culver [00:00:01] I'm not prepared to answer that question. Thank you.

Marc Gorelnik [00:00:08] Chuck.

Chuck Tracy [00:00:09] Thanks well I don't know if I've got an answer to that question either. I agree that it does look like at least in terms of Council floor time it does look like a fairly weighty agenda item. We'll have to probably talk it over with staff and see what, see what we might come up with and probably have an estimate for you by the end of the week of what it will involve but again it's not going to be a one hour deal I don't think.

Marc Gorelnik [00:00:44] I have a question. The list of potential stocks would include stocks suggested by stakeholders and so could we end up with an excessive list of stocks to be run through the process here that would overtax, you know take more time than we would have through this, through this process? I mean is there any limit on the number of stocks we can look at? Michele.

Michele Culver [00:01:21] Thanks. Well the facetious answer would be there is a limit on the number of stocks that are in the FMP but it's over a hundred so, but there is a, it's finite. So yes and I that I think that through the preliminary discussion we had prior to our lunch break I think that is what was part of the discussion and the Council weighing having flexibility and tools in the toolbox but at the same time potentially considering some criteria as to being fairly selective perhaps on when we want to use those tools so that's the purpose of the criteria and I guess I don't know that there is a lot more to prepare for September between now and September other than perhaps stimulation of

some thinking of these items but certainly if items, if stocks are identified by the GAP or stakeholders we may be able to get at least a preliminary feedback from the GMT as to which of those may or may not meet some of these criteria.

Marc Gorelnik [00:03:05] Okay. John.

John DeVore [00:03:07] Yeah my observation on this on number of stocks that you would consider you know as part of this Falls decision making process is really analogous to the number of stocks that you're considering a departure from the default harvest control rule. In the extreme if every actively managed stock were up for a change in the default harvest control rule, it would be almost impossible for the GMT to do analysis of management measures that would go along with that so it's sort of the same effect of limit in my mind as, as the number of stocks that you would depart from a default harvest control rule. You know it's really the ones that are going to make the most difference in the next management cycle that you want to focus on and so I don't really view it as all that different from that kind of effective limit.

Marc Gorelnik [00:04:03] So you think the list is sort of self-limiting in a sense.

John DeVore [00:04:06] Yeah and certainly the GMT and the GAP would as part of the process would make their recommendations and I'm sure the GMT since they take on a lot of this workload would be very certain to provide caution if, if it looks like the list is too large.

Marc Gorelnik [00:04:25] All right thanks for that John. Further questions or discussions? Maggie.

Maggie Sommer [00:04:29] Thanks Vice-Chair I have a question and a comment. I'm sorry to belabor the timeline but in the 20, 21 and 22 biennial spex cycle preparing for spex for those years it was my understanding from some of the presentations earlier that we would want to ask for projections using any alternative ABCs to happen prior to the September Council meeting so that we would have that information there. Is that a necessary or advantageous timeline?

Marc Gorelnik [00:05:08] John.

John DeVore [00:05:10] Well I think it would be, it would be hard for us to speculate on a complete list, but you know clearly there's a few stocks that have been mentioned a number of times here in this discussion already and I would expect that you know the GMT would request some alternative projections for Oregon black rockfish for instance at least as an example to provide in September, and I do know that they're going to have the help from the Northwest Science Center, Dr. Chantel Wetzel will be attending the GMT meeting in September but you know there are other resources available there that might be able to provide an alternative set of projections for at least a limited number of stocks if not just one to provide an example that might be helpful for the Council and the GMT and the GAP and everyone else to focus on their recommendations in September. I would hesitate to ask the folks just to come up with an exhaustive list at this stage and we should probably wait until after you start to identify the list of stocks in September and November that would undergo this kind of consideration.

Marc Gorelnik [00:06:30] Michele.

Michele Culver [00:06:33] Thanks. So just a question perhaps for, for Aja that it seems like the Council at some point perhaps would need to make a decision on whether or not to bifurcate this FMP amendment or this approach from the spex themselves to ensure a January 1, 2021 delivery on

the spex. Can you comment on that?

Marc Gorelnik [00:07:19] Aja.

Aja Szumylo [00:07:20] Thank you Mr. Vice-Chair, Miss Culver. That, yeah that's a wise, that's a very wise idea. I, So and again it would depend somewhat on whether the Council intends to invoke some of the criteria that it's intending to build into, into the FMP based on this motion in this current spex cycle. You know there might be a point where we realize we have all the tools available to address every situation that we need and we don't need to go this route anymore. I think knowing that you know looking at the schedule here knowing that probably by September, November or I guess November, September's our first cut at it, but knowing that by November would be a good point because that gives us, you know, the rest of the year and the rest of the spex cycle up until the June meeting to make that decision. After that point it, yeah it would be challenging to start diverting courses. I think more, yeah more in the direction of deciding to include those elements, like if we got into March and April and suddenly decided that we needed to pull these things back in that would be really challenging at that point we couldn't do it anymore. So the rest of the cycle, the rest of the rulemaking, the cadence for that, that sets up an amendment for the upcoming year, happens after the April meeting so it wouldn't throw us at that point if we decided to keep all the things in and we're developing them on the right timeline then but, but yeah in terms of pulling them out November would be a good, good point to say we don't want to pursue this for this year, we'd like to divert the amendment process for some other year and would like to proceed with spex just as a spex package.

Marc Gorelnik [00:09:13] Further comments? Questions? Thought I saw a hand go up over here. Maggie.

Maggie Sommer [00:09:24] Thanks Vice-Chair. I note that in our FMP as it currently exists it specifies the default harvest control rules but then allow, you know it says they will be the default unless an SSC recommended method is adopted by the Council during the biennial specifications process and I am thinking about that in the context of the motion and specifically item four C, the request to provide specificity on the calculation method and values and I am, I would not want to overly constrain ourselves at this point in scoping so that if in response to this item we might receive input from the SSC that there is an approach that they might consider appropriate that does not rely on the sigma P star approach. I would want to make sure there is the latitude for that to occur. I'm not sure if an amendment to the.....oh we haven't voted. I'll stop now.

Marc Gorelnik [00:11:01] Michele.

Michele Culver [00:11:02] Thanks so if you scroll up to the top of the motion, the item number one is basically moving approaches four, five and six forward and we're asking the SSC to provide their feedback on that item in September so presumably the SSC could at that point say you know doing a case by case with a different approach from sigma or P star or something like that could be part of that feedback.

Marc Gorelnik [00:11:44] Further discussion? Marci.

Marci Yaremko [00:11:46] Thank you Mr. Vice-Chair, thank you Mr. Vice-Chair and thank you all for the discussion and the thinking through how this is all going to work. I'm, I'm not very comfortable. It's because I don't know how this, I don't have a good feel for how this is gonna play out and I think there are a lot of questions that we know NMFS is going to continue to explore in the near term. There've been a ton of great questions in the hallways, in the team rooms, public comment.

I very much agree with the intent and the spirit of the action here. I think we are doing good work. I'm, I think I would like to hear more before we put more on the plate for us to make even preliminary decisions about. That said I, I recognize that there a lot of people that know much more about this topic and have done much deeper thinking and on this but I think I would feel better waiting and, and in that case because I do trust my colleagues and I, I know that they have a vision of where this will go and how. I'm, I think I'm going to just abstain from the motion. Thank you.

Marc Gorelnik [00:13:33] Phil.

Phil Anderson [00:13:40] I'm going to support the motion with some reservations. I'm concerned about the timeline but perhaps that'll get flushed out between now and September and if we are finding that the schedule that we're trying to meet under the terms of the motion is, is more than we can do we'll have a better idea at that point in time whether we need to bifurcate or whether we've already, or whether we always, already thinking that's the way to go in terms of separating this from the spex process. I was a little concerned about the discussion around the number of stocks that we're considering. My, my understanding or my thinking in all of this was that these, we're looking for some flexibility in some, well I'll call extraordinary circumstances, and you can, we've all got our definition of extraordinary and I think the, the Oregon black rockfish is a good example of that given the significant change that was brought about by the change in sigma values and I mean I'm, I'm glad I'm not trying to deal with that in terms of the reduction and the number of black rockfish they have to work with and the dependence that their fishery has on black rockfish and some of the, I'll call it anecdotal things that they're seeing but that in my mind meets the definition of an extraordinary circumstance where we were looking at again scoping this approach for phased in changes to catch limits and so I, I mean to think that there is gonna be five, even five or six or seven that we're doing at one time, that's not what I'm envisioning. I'm envisioning where we have, again and we'll all define extraordinary through our own lens but it is, it is an exception to the rule. It is an exception to what we do throughout our normal course of business. It's an exception to how, when we do apply the default polices that we already have and we do have a little bit of wiggle room already in our FMP that Maggie just referenced. It's, it looks pretty tight to me because depending on the SSC to recommend a method that's different than the default harvest policy so, but so I have some reservations. I'm going to support it. Let's take the next step. I do think we have situations which, which are, presents some real significant management challenges that warrants us looking at the various approaches that have been identified and that will be analyzed, put out for public review and ultimately come back to the Council for a decision.

Marc Gorelnik [00:17:07] Any further discussion on the motion? Louis.

Louis Zimm [00:17:13] Thank you Mr. Vice-Chair. Like Phil I have some reservations mostly based on my lack of facility with the subject which is very complex and where I really appreciate Michele putting this together for us. I think it's very thoughtful and complete and what, even though I had the reservations I have even more reservations allowing timelines to slip because we are facing June of 2020 and our final spex submittal to National Marine Fisheries Service is going to come along, come around very quickly so I think that Michele has given us a method and a way to go to try to figure out what stocks, which would have to be very few, that we can apply to this but also because of the complete way she's done this it allows us to step by step think about the many things that we have to do now in response to this new system so I will be supporting it. Thank you.

Marc Gorelnik [00:18:44] Any further discussion? I'm not seeing any I'll call the question. All those in favor of the motion say 'Aye'.

Council [00:18:52] Aye.

Marc Gorelnik [00:18:53] Opposed No? Abstentions? Marci Yaremko abstains. Motion passes with one abstention. John, well let me first before we go to John, let me go to Maggie.

Maggie Sommer [00:19:13] Thanks Vice-Chair Gorelnik. Just a final comment. You know I brought Oregon black rockfish up quite a bit under this agenda item based on the discussion here. I am thinking it might be appropriate under the I.6 Groundfish Harvest Specifications Planning agenda item to make a request for projections over the summer but between now and then I will consult with Council staff and others. Didn't want to leave that hanging. Thank you.

Marc Gorelnik [00:19:49] Any further discussion around the table on this agenda item? Okay now John how are we doing?

John DeVore [00:20:01] Thank you Mr. Vice-Chair, Council members you've provided, had a very good discussion. You've covered all the elements that were brought to your attention under this agenda item and gave direction and a, and a potential timeline depending on what you decide in your next steps and I believe that you have completed this agenda item by providing all the detail in that very thoughtful motion. I thank you for that. That was the kind of detail I was hoping to see.

Marc Gorelnik [00:20:38] All right. I believe that concludes our business on agenda item D.5 Phased in Approaches to Changing Catch Limits.

6. Electronic Monitoring Program Procedural Directive

Marc Gorelnik [00:00:00] All right so that concludes public comment and all the reports I have on my list so Brett Wiedoff that brings us back to our task at hand to review the procedural directive and develop recommendations to NMFS. I noticed there were some recommendations in the GEMPAC report and Brett Alger is here if we have any further questions during our discussion. So let me open the floor and see what folks have to say and what sort of recommendations we'd like to make to the National Marine Fisheries Service. It's late in the day but we can't go home until we finish this. Maggie.

Maggie Sommer [00:00:52] Thanks Vice-Chair Gorelnik. Thank you for the presentation. I wonder if we might respond to the concern raised in the GEMPAC Report about potential misalignment of the proposed timelines for data storage and the procedural directive and the final rule for EM and whiting and fixed gear fisheries.

Brett Alger [00:01:14] Yeah I'll just make a really quick comment and then I'll probably ask maybe Ryan or Melissa if they would like to add but right now any EM footage collected throughout the country is stored indefinitely and the, I think you all are maybe the first folks maybe behind Atlantic HMS to sort of at least have established regulatory requirement on the books which is also then run in parallel with this procedural directive that is also going to offer up a national level requirement. I don't know what the ability and capability is from this, this body to you know make an adjustment or make a change to a regulation but I think it's safe to say that in some future moment or time that you will have to consider changing the number three to something else.

Marc Gorelnik [00:02:11] Ryan.

Ryan Wulff [00:02:15] Well Brett did offer us to expand. I think that's correct. You know I think what we would have to do is another rulemaking to make changes to align the regulations with the national policy when that's complete. It would just be a reg amendment though, so it would require Council recommendation most likely and a rule after that but we would have time to do that.

Marc Gorelnik [00:02:47] Bob.

Bob Dooley [00:02:49] Thank you Mr. Vice-Chair. I just have a couple comments. We just received the final rule the first day of the Council meeting and really haven't had time to digest that yet at all. We've gone through it a bit. I see some potential adjustments. I see the timeline how it's been laid out and understand that. I really appreciate the ability to work together and understand all this stuff and, and be able to, to hopefully meet our goals at the end. I know it's going to be a tall mountain for some of us to get through but I think we can, I think we can do it for sure but I do appreciate working with you and being able to have an open, open dialogue to keep this moving forward and I particularly enjoy working on the EM Committee on the national part of it. I'm learning from other areas so I know that our, our regions put a lot of effort into this. The Council's put a lot of effort into it. There's a lot to be done and it's an aggressive timeline to meet 2021 I think so I am looking forward to increased cooperation and working together and I appreciate it. The, I know that if those future procedural directives come forward and they're in conflict with our rule a rule has to change so once again we'll be in a dilemma there possibly, but hopefully we can anticipate that and work through it and have enough time to change that rule so that it doesn't affect the final outcome of implementation so, but thanks Brett. Appreciate it so much.

Marc Gorelnik [00:04:48] Thanks for that Bob. Corey.

Corey Niles [00:04:51] Yeah thank you, just a general comment. I'm not our agency's EM expert so I'm coming in out and, and so dangerous because of it but I do, I do want to commend our region and Melissa Hooper's staff and Brett as you said earlier it was it's been an enormous effort a lot of hard work out here so I want that to be the, the general take away from what I'm saying here. But maybe Brett can help me out, but I'm kind of wondering what we heard at the beginning of this meeting in terms from a, from a major sector of our groundfish fisheries is that they weren't comfortable about the rule going into place without some of these larger issues going into effect, so I'm kind of, in one issue they're worried in short that the cost of what they're paying now which has been a great cost savings is now going to reach the level of what it costs to have a human observer, and some of that has to do with the third-party review which, which is now done by Pacific States and will no longer be able to and there's other issues I'm not getting but, so...Brett can you connect, connect the dots here on how come this issue is not being raised in the context of this, of this procedural directive and then apologies for if I'm connecting the wrong dots here, but on those major issues about cost...how do they relate to, to what we're, this procedural directive and what we're doing here?

Brett Wiedoff [00:06:18] Okay that's, that's challenging to answer to be honest. It's, as far as cost goes, I think the cost procedural directive is out there now so we've, we've got the lines in the sand right and I think the industry understood all along as we develop this that they would be paying for this EM program out of pocket. I think that's clear now and now the next step is if there are certain issues that need to be dealt with before 2021 we'd bring them back to the GEMPAC I think in September and talk about them, just really line them out because I mostly have heard verbal issues and not real lined out discussed issues, and if we can handle those in maybe the following spring, maybe March, April kind of thing, if we're going to revise the, the storage procedural piece or the three-year term piece and revise that maybe that could be a, a separate rulemaking trained to help handle some of those overarching framework issues, and we have the bottom trawl rule coming out we think here, as noted in the NMFS report, in August and finalize that in hopefully October. I don't know if there's opportunity there but we would look at in September if there's any opportunities for any issues that are brought forward in the GEMPAC in September to maybe handle those in the guidelines review that we're gonna do here in September, November or maybe handle those issues in the vessel monitoring plans without doing some rulemaking, so it's gotta be real clear about what those issues might be. We've heard about some of the issues with sorting and inefficiencies in the bottom trawl fishery. We've heard those in the past couple of meetings and we're trying to work on how to handle those, hopefully handle those in vessel monitoring plans or guidelines or through the proposed rule that's coming out and maybe we'll get comments on that as well so and then handle them in the final rule, but if there's bigger ticket items that we've got to come back and talk about and make you know new Council action on I guess that will just happen if it happens you know. As far as the third-party review, I think that's been laid out pretty clear that the industry has to go out and find a contractor. I know there's a lot of concern about the details which are forthcoming in the guidelines and they should be pretty detailed about what you're going to need to do to comply with an application process for EM providers and also the applicants who will want to use EM, so there's a lot of work that I think will be done in September, November to talk about those things so hopefully that'll clarify some things as well. On the industry side and what their concerns are. I do request that GEMPAC members reach out to their industry members and bring forward real clear issues laid out what my true concerns are. Lisa Damrosch has done that. I've heard from Paul Quella, so like I said there's still some work to be done. Hopefully that helps and answer that question as I think forward down and opportunities to make change between now and 2021.

Corey Niles [00:09:34] Hey Brett thank you and sorry yeah, sorry to put you in a tough spot but that was very helpful in laying out how we're, how we're moving forward so I very much appreciate that.

Marc Gorelnik [00:09:46] Bob.

Bob Dooley [00:09:47] Thank you Mr. Vice-Chair. I also wanted to acknowledge Brett and Melissa and the gang there too, all the work you guys have done on this as well and I look forward to working together to climb this big mountain we have to climb and get over the hump. I, I know that there's a lot of uncertainty because we don't have all the pieces and I think that's probably part of why people haven't been so vocal or so engaged up to now. But now we at least we have a rule to chew on and I'm interested in understanding when the vessel monitoring plans and all of those things that are, that are noted in the final rule are anticipated to be here like the plan for the service providers and how, how they set up their business and what their responsibilities are. I think those are all really important and the more time we give to that the better chance of success. I do note in the final rule that it says a provider has to have his application in by June of next year to be able to have it on the road by January 1st of 21. So the timeline is shrinking and I'm, you know I, but I have a lot of confidence I think we've got good people working on it so thank you.

Marc Gorelnik [00:11:19] Well we have guidelines on the agenda at the next meeting. Maggie do you have something?

Maggie Sommer [00:11:26] I do. Thanks Mr. Vice-Chair. You know thinking about our stakeholder engagement we did not see a lot of substance in you know either the GEMPAC or the GAP report that we received at this meeting. I, my own sense is that there is some residual frustration that the very significant concerns about the cost of third party review rather than Pacific States being an option. The workload and timeline cost in terms of NMFSs staff if we have to, if they have to revisit a regulation based on changes you know I think those are, those remain at the forefront of the stakeholders minds and I know they are really looking for some, some more engagement and responsiveness and, and hopefully some, some continued collaboration and some way to tune the, the details of these procedural directives and this program as it goes forward to work better to meet the needs and reduce costs both financial and in terms of workload and timing. Thanks.

Marc Gorelnik [00:12:59] Brad.

Brad Pettinger [00:13:00] Thank you Mr. Vice-Chair. See if I can get through this without my voice here. Currently Pacific States is doing the review which is a no audit situation where the agency doesn't have to spend any money to audit those services and my understanding that the agency has numbers for what that audit cost would be once we go to an outside third-party, and given that Pacific States can I believe review 100 percent of the West Coast groundfish fishery two hundred fifty thousand dollars which seems obviously the most cost effective way to do it but we're gonna have to go and find a unique way to get around that for the industry to pay for that, and so I'm, I've spoken with Pacific States folks about how we might do that. It could take some congressional action potentially. If we could get that in place where the industry is paying for that and we're funding, funneling money through National Marine Fisheries Service to cover those costs and use industry dollars. I'm curious if the agency will credit us for what the potential auditing cost would be that you'd know those cost as far as, so we can recoup that through cost recovery because if we have to go with an outside party and it's not Pacific States, you will incur that cost, and so I think that would be as far as the cost to the fishery and the savings to the agency that we, I'm kind of curious where the agency might come in on that because those numbers are known and it'd be nice to at least industry to get some credit for, for trying to solve this the most cost effective way for both parties.

Marc Gorelnik [00:15:07] Brett can you respond to that?

Brett Alger [00:15:10] Yeah there's a lot baked in there Brad. I think I can comment on some of it maybe not all of it. Stepping back from the big picture standpoint I think why the Pac States review issue is hitting you guys is because we've basically, we're taking a position that we expect that the primary video review costs in most cases, in most cases it'd fall on the fishing industry, and we've taken the position that who you contract to do the video review, you know whatever company, it could be Archipelago, Saltwater, it could be some new company we don't even know about. There's a separate function that the agency wants to ensure that who you're contracting with is doing the appropriate job. I think what we're being cautious of is the idea that if we are paying for the industry video review in one particular region that sets a precedent that all the other EM programs around the country are going to raise their hand and say that you know you're paying for the program on the West Coast we want it paid for too, and that bill gets a lot of commas and zeros in it pretty quickly when you think about all the EM programs. So why we've, you know sort of, bifurcated the structure and the cost is to sort of again stand up programs for long term sustainable success. The industry in your case can go out and contract with somebody but we can't tell you who that is, right? We can give you a list of four approved providers, or eight, or two, and then you can go and contract them but we can't actually say that is the person that you're in contract with. So that sort of plays a role in this where Pacific States could choose to sign up to be a video review provider in your region, from my understanding they're not. How that all plays then into cost recovery and fees recouped within your region to support the program, I'm not going to touch that one. I'm not, I'm not a cost recovery expert and I would probably defer to the regional folks on that one.

Brad Pettinger [00:17:24] Well I guess I can certainly appreciate where the agency is coming from because I think it's a very unique situation here on the West Coast. It's certainly not the standard around the country. So I appreciate where you're at, I just hate being punished for being good stewards and working with folks and getting those costs down being lumped with everybody else but I'm thinking if industry goes out and spends the effort, the time, the money, get the legislation through, to get Pacific States to do our stuff at a low rate and it's saving the agency money, I'd like to see that acknowledged as far as the cost recovery. I think it's only fair.

Brett Alger [00:18:10] Yeah and I don't know, you know I don't know in your existing cost recovery program like all of the pieces that are getting funded through that now and perhaps what would get funded in the future through cost recovery. I'm not necessarily sure what you're referencing in terms of some future change to that structure...is that sort of what you're referencing?

Brad Pettinger [00:18:29] No what I'm saying is that if we go to the third party, Saltwater, the agency will have to audit that information that's gonna cost you X number of dollars which I believe you've, my understanding is the numbers are known or at least a pretty good estimate of what that is. So I'm saying if we go to Pacific...go to Congress get the legislation in place, spend a bunch of money to get it done and use Pacific States by funneling money through legislation through NMFS to pay them, you're going to save money in that deal because you won't have to pay any audit costs because we're using Pacific States which that means that there's no audit....

Marc Gorelnik [00:19:13] Let me let me interrupt here. This is great discretion, discussion, and a good opportunity to vent one's frustrations perhaps but what we have before us, our assignment here is to develop recommendations on the procedural directive so I'd like to constrain our discussion to that because if we go further afield we'll be ordering in dinner probably so, and I would like to see around the table if there are any recommendations we can provide to NMFS because that's what we're, that's what we're tasked to do here. We didn't get a lot of help from GEMPAC or the GAP that's for sure.

Marc Gorelnik [00:20:04] Brett.

Brett Wiedoff [00:20:07] Maybe I can expand on the GEMPAC report a little as far as the discussion there. I think most of the members there just wanted to see that the draft, an actual document. At this point there wasn't much to go on except for just the, the general framework and that's okay, I think it's still good to wet our palates about what's coming and then start to think about it in more detail in September. If it's, if it's available for us and I think that was sort of the flavor around the table with the GEMPAC and just identifying that there may be some misalignment in the, in the timelines of the West Coast versus the national policy and that's all I think they really kind of focused on, okay let's see what happens when the final rule comes out and just go from there. So as far as the GAPs discussions I think they're in the same boat. I tried to get them to recall what's the direct....what's the action here and so I think they felt the GEMPAC said enough at this point and, and left the discussion pretty much just to what you saw in the report so....

Marc Gorelnik [00:21:16] Do we need more time or do we need to see how things develop particularly through the September meeting before we can provide some meaningful recommendations? Is that I'm hearing or around the table here? Would that be acceptable to the National Marine Fisheries Service if we delayed our recommendations until we've had more time to consider the directive and see how it plays out?

Brett Alger [00:21:41] The short answer is yes. I think as Brett just pointed out it's sort of unfair to expect you're going to have a lot of comments on storage and retention without having something in front of you and so yeah, once we're able to provide that and you can vet it and then provide you know concrete information that would be helpful. If you wanted you, know right now to sort of say, you know, think about these things as you draft your directive you know around storage, around costs, around access, ownership other kind of tangentially related issues that could be helpful to sort of get us to start thinking about it but if you, you know entirely punt to September I think that's fine too.

Marc Gorelnik [00:22:19] I think that's where we're at after having some time to discuss this around the table. I mean you, a lot of valuable comments have been shared with you but I'm just not sure that they are directly responsive to our action item here but we'll be staying with electronic monitoring and as, as Brett mentioned we have it on the agenda in September under groundfish. Bob.

Bob Dooley [00:22:47] Thank you Mr. Vice-Chair. If I just had one comment at all I would, and I'd, just my opinion is those two timelines for video data storage and how long they would be? You see a year plus a little bit and then another year or a year plus a little bit and another five years in the case of the other data, it seems like we could get rid of the little bit and you got plenty of storage and just make it a two years and you know the because that other one would be six years and rather than, I mean a little bit could be absorbed into it. I don't think there's a big difference between twelve months and nine months if that's the difference but just a, just a thought. Just looking to save dollars.

Marc Gorelnik [00:23:36] Phil.

Phil Anderson [00:23:39] Well I get out, I'll get out on thin ice in terms of my knowledge about all this pretty fast but and I don't know whether this would play into the procedural directive and recommendation or not so with that caveat. The number one concern I hear is about the cost of the third-party review and how that's going to change when Pacific states no longer performs that function and that currently electronic monitoring is saving the industry a lot of money over having human observers on their boats and that if they lose the savings that is associated with having the

Pacific States Marine Fisheries Commission do the third party review and they have to contract with an entity that is much more expensive than the savings that they're currently, well I don't know about enjoying, but receiving from going to EM are for the most part gonna be lost and I don't know if that fits in to, how that fits in to what has been doing, being done relative to the procedural directive but that's the number one concern that I hear from people that that are here on the West Coast using EM in terms of what lies ahead.

Marc Gorelnik [00:25:30] Dave.

Dave Hanson [00:25:30] Yeah I think the committee was, as soon as we heard that okay you just had something approved and now it's gonna have to be redone again kind of put a wet blanket over the whole proceedings. That plus the discussion about the third-party issue and as long as that's sitting there I think it's going to keep being the ten thousand pound gorilla and everything else just kind of gets ignored until the third-party thing is, is resolved and I guess I want to make it plain. I, I thought I heard Pacific States didn't want to or didn't, wasn't going to. I think we've been very clear all long as to the desire to continue to be involved in the program under certain standards and we have not gotten there. We have a plan that talks about third-party and bidding and the commission has made it clear we're not going there. We're not in the business of making bids and competing with private industry. We're a dedicated funded entity and that's what we're trying to maintain.

Marc Gorelnik [00:26:49] Brett how are we doing?

Brett Wiedoff [00:26:52] Thank you Vice-Chair. Good discussions. Good fodder and lots of thing to think about for prepping for September and again I want the industry to, to bring forward their thoughts and ideas about how they, what they think of the final rule and parse things out as best we can to see where, where tweaks and changes might need to be made in the future so it's not a perfect program. We didn't expect it to be perfect right out of the gate but you know we'll, we'll work with what we, we have right now I think it's important. I think we've had a, met what we wanted to do here. I don't see or hear any real recommendations or no motions so I, I think Brett will take what he heard back and think about it with Sam and we'll see what the draft looks like hopefully in September.

Marc Gorelnik [00:27:55] Do you have any final comments for us Brett?

Brett Alger [00:28:01] Electronic monitoring is really complicated and to Brett's point I mean I, I hear your frustrations, your concerns, your comments. Sam is here, I mean we, we're, we're you know trying to work through all of this.

Marc Gorelnik [00:28:21] Anything else around the table before we conclude this agenda item and hopefully adjourned for the day? I'm not seeing anything so I will declare this agenda item complete and I will joyfully hand the gavel over to Chair Anderson.

7. Fiscal Matters

Phil Anderson [00:00:00] Okay thank you very much. Herb.

Herb Pollard [00:00:04] Thank you Chair Anderson I have a motion to adopt if...

Phil Anderson [00:00:08] Okay just one moment please. Are there any management entity comments on the Budget Committee's report? Do we have any public comment? No. Okay now that takes us to Council action. Mr. Pollard.

Herb Pollard [00:00:23] I have a motion to adopt the report and recommendations of the Budget Committee. I sent it to Sandra if she got it. I move that the Council adopt the Budget Committee recommendations as presented in an agenda item D.7.a, Supplemental Budget Committee Report. The same four bullets that Patricia just read, recommend a calendar year 2019 operational budget of five million two hundred three thousand six hundred seventy three dollars as presented in the Executive Directors Report. Recommend the draft project narrative and budget for the 20-24 grant period as presented but ask the Council staff to modify the language in the narrative to reflect actions that are taken during this Council meeting. Three, to recommend the staff proposed draft project for the no cost extension and include any items that come before the Council between now and extension submission, and four, recommend having a November Budget Committee meeting but have a September meeting only if necessary as identified in the Executive Directors Report.

Phil Anderson [00:01:39] Thank you very much Herb. The language on the screen accurately reflects your motion?

Herb Pollard [00:01:43] It does.

Phil Anderson [00:01:44] Seconded by Pete Hassemer. Speak to your motion as you wish.

Herb Pollard [00:01:51] We've read the report. There was no discussion or questions on the report. The recommendations are, are very straightforward to and agree with the Executive Directors Report on, on budget situations so I think this is the appropriate move forward.

Phil Anderson [00:02:21] Thank you very much. Is there discussion on the motion? All those in favor say aye.

Council [00:02:27] Aye.

Phil Anderson [00:02:27] Opposed No? Abstentions? Motion carries unanimously.

Phil Anderson [00:02:34] Patricia how are we doing?

Patricia Crouse [00:02:36] This completes what the Council needs to do.

Phil Anderson [00:02:39] Thank you very much. That completes our agenda item D.7 on Fiscal Matters.

8. Approval of Council Meeting Record

Phil Anderson [00:00:00] Takes us to our next item which is consideration approval of the Council meeting record. You have in your briefing material the draft meeting record for both the 248th session of the Council which was our March meeting and the 249th, the April Council meeting to consider so I would entertain a motion on those two meeting record, draft meeting records. Herb.

Herb Pollard [00:00:42] Thank you Chair Anderson. I didn't get this one typed up but I move that the Council will approve the Council meeting records as laid out in agenda item D.8 Situation Summary for the March 2019 and April 2019 Council meeting records.

Phil Anderson [00:01:04] Thank you very much. Language on the screen accurately reflects your motion?

Herb Pollard [00:01:10] Yes.

Phil Anderson [00:01:11] Seconded by Pete Hassemer. Discussion? All those in favor say aye.

Council [00:01:20] Aye.

Phil Anderson [00:01:20] Opposed No? Abstentions? Motion carries. Thank you very much. I believe that completes our business on D.8.

9. Membership Appointments and Council Operating Procedures

Phil Anderson [00:00:00] Thanks Mike. Any questions? Thank you. Any comments from management entities? Any public comment? Takes us to our Council action. Let's first deal with the Chair and Vice-Chair. Pete Hassemer.

Pete Hassemer [00:00:18] Thank you Mr. Chair and not to preclude any Council discussion on this to maybe just to foreshadow right now when the Council is ready I, I would like to make a motion related to the matters before us on this issue today.

Phil Anderson [00:00:34] Okay any discussion? Okay well there you go Pete. Back to you.

Pete Hassemer [00:00:43] Thank you Mr. Chair. I would like to move the Council suspend the provision of Council Operating Procedure One that states that the Chair may not serve more than two consecutive one year terms and that Mr. Phil Anderson serve as Council Chair and Mr. Marc Gorelnik serve as Council Vice-Chair for the 2019-2020 term.

Phil Anderson [00:01:10] Thank you I think. We have the motion on the screen is there a second? Seconded by Herb Pollard. Any discussion? Speak your motion as you wish Pete.

Pete Hassemer [00:01:24] Thank you Mr. Chair. Just for clarity this term extends from August 11th of this year through August 10th of next year. On the matter of what COP 1 states COP 1 allows and in the terminology of COP 1 renewal of appointments for additional one year terms but it limits the Chair to not serving more than two consecutive terms and I believe, as Mr. Burner stated, the current Chair Mr. Anderson has, is completing his second term there. On the matter of why I would propose suspending that I think we, we understand all Council members here are prepared to move into leadership but looking where we've been over the last two years and the discussion of our workload coming up over the next year I think this Council would be extremely well served by continuing the leadership of these two individuals and that's why I'm proposing that we renew the appointments of both of them for the Chair and the Vice-Chair positions.

Phil Anderson [00:02:38] Thank you. Further discussion on this motion? Maggie Sommer.

Maggie Sommer [00:02:44] Thanks, thanks Mr. Chair. Thank you for the motion Pete. I do support it and you know I'd just note that there has, this Council has had a little bit of discussion in the past. I think most recently when Dorothy Lowman was Chair that we may wish to consider allowing three consecutive one year terms instead of two just given the length of time it takes to develop the expertise and knowledge that really makes for effectiveness as Chair and Vice-Chair positions and I'm not proposing we do that right now but just reminding us that at some point we may want to give that some, come back to that and give it some more thought.

Phil Anderson [00:03:31] Thanks Maggie. Further discussion on the motion? All those in favor say aye.

Council [00:03:38] Aye.

Phil Anderson [00:03:39] Opposed No? Abstentions? Motion carries. Marc and I thank you very much for your confidence in us. We'll do our very best to serve the Council. That takes us to the vacant position on the Highly Migratory Species Management Team for the Oregon Department of Fish and Wildlife and Maggie Sommer.

Maggie Sommer [00:04:10] Thanks Mr. Chair. I move the Council appoint Ms. Jessica Watson to the vacant Oregon Department of Fish and Wildlife position on the Highly Migratory Species Management Team.

Phil Anderson [00:04:19] And is there a second? Second Christa Svensson. Speak to your motion as you wish.

Maggie Sommer [00:04:29] Thanks Mr. Chair. Ms. Watson has been with ODFW for several years now in a research capacity. She brings a fairly extensive experience to this role although not specifically with highly migratory species but I have the utmost confidence in her ability to develop that knowledge. I'll note she attended this meeting and was able to sit in on several days of the HMS Management Team and really picked up quite quickly on the discussions there. I also want to recognize her, her very strong communication skills. She does collaborate quite a bit with our commercial fishing industry particular our nearshore fleet as well as our recreational fishers in Oregon in her current capacity and I look forward to her bringing those skills as well to this role. Thanks.

Phil Anderson [00:05:23] Thank you very much. Any discussion? All those in favor say aye.

Council [00:05:32] Aye.

Phil Anderson [00:05:32] Opposed No? Abstentions? Motion carries unanimously. Based on our discussion around the table and the recommendation from Oregon Department of Fish and Wildlife I would be appointing Jessica Watson to the Ad Hoc Ecosystem Work Group. Relative to the appointment of the Pacific Council's representative to the Council Coordination Committees Council member on outgoing, excuse me ongoing Development Subcommittee. I would, pleased to appoint Bob Dooley as our representative on that group, and based on our discussion relative to the Pacific Council's representative on the Western and Central Pacific, I, my recommendation would be that we ask, retain Dorothy Lowman's services for one more year and have Christa Svensson shadow her in that role so we can have a smooth transition. Is there any objections to that approach? Is there any comment to that approach? Christa.

Christa Svensson [00:06:50] I would like to make a comment.

Phil Anderson [00:06:53] Yes.

Christa Svensson [00:06:53] I would like to say thank you for giving me the opportunity to shadow Miss Dorothy Lowman. I think she has done a tremendous job both in bringing concerns from this Council to the international level but also in developing relationships and those relationships take time, so having that transition go smoothly and having the ability to work with her in making those connections I think will be very important for all of us in the future.

Phil Anderson [00:07:23] Thanks Christa. Okay Mike is there any other business we need to do under this agenda item?

Mike Burner [00:07:33] No thank you Chair Anderson. I look forward to working with you and Mr. Gorelnik on the gavel for another year. We will get Miss Jessica Watson fully integrated into the Highly Migratory Species Management Team position as well as the position on the Ad Hoc Ecosystem Work Group representing Oregon, and I'd be happy to work with Christa and or Bob as they embark on their new endeavors so thank you. We're all done.

Phil Anderson [00:07:56] All right. Thanks very much.

10.Future Council Meeting Agenda and Workload Planning

Phil Anderson [00:00:00] That completes public comment on this agenda item. Takes us to our discussion and deliberations on our future Council meeting agenda and workload planning and I'm gonna turn the mic over to our Executive Director Chuck Tracy to walk us through this.

Chuck Tracy [00:00:22] Thank you Mr. Chair, Council members, so I think I'm going to start.... we've kind of had a review of what the changes have been through the week based on the new Attachments 3 and 4. Haven't really gone into Attachment 5, but again draw to your attention these are the items that have come up over the course of the week that the Council needs to address. So I guess keeping that in mind I'm just going to start with September and we'll, we'll go from there. So right now you see the candidate agenda items, the box there. It's got a number of items that potentially could move up into the, into the, week's, week's meeting. Again there's also some items here in Attachment 5. We've had a number of requests from the advisory panels and management teams as well, but right now just with what's on the schedule we've got about five and a quarter hours of time remaining to fill. We've got 10 hours of items in the box and there's a number of other items on Attachment 5. So maybe I'll just stop right there and see what the Council has any discussion about. Maybe we'll just start with what's in the box and see if there's anything there the Council wants to move up or move out. We, I guess I will mention the review of the annual management cycle for salmon. We typically have done this in November. I think there was a request that we start the process a little, the planning process a little earlier this year, so we, we have tentatively put something in here for September. We have had a discussion amongst the, with the National Marine Fisheries Service and the co-managers about potentially you know moving this salmon schedule from a May 1 implementation to sometime later May 15th I believe, that would take an amend...Fishery Management Plan amendment, that's down the road a bit but that, I mean that's not something that could be in place for 2020. We don't find ourselves in quite as, quite as tough a jam in 2020 as we did this year with the, just because the April meetings a little earlier, but anyway that, that's what that item is about. The NMFS strategic plan, again this is and they have adopted their, their overall plan and so this is an item that would deal with the, this region's plan, so they plan to have geographic....they call them geographic plans for each region so this would be an opportunity to, to weigh in on that. For Groundfish Midwater Trawl EFP for 2020 again this is extending that until the, well extending that for 2020. ESA salmon mitigations preliminary preferred alternative. The SaMTAAC, sablefish, gear switching and area management agenda item there's been some recommendations on that over the course of the week and then we also had a consideration of the U.S. Coast Guard Report on recreational fishery incident responses, so I'll stop there and just see if there's any topics that people want to embark on here. Ryan.

Ryan Wulff [00:04:38] Thank you. Thanks Chuck. Just since some of those are NMFS items you actually covered most of what I wanted to at least get out there initially but just to expand a little yeah for, for the review of the annual management cycle that is pretty important for NMFS to at least start that discussion and I think Chuck covered it well that it may require an FMP amendment. We recognize that we won't be able to get that in time for 2020 but both NMFS at a regional and at a headquarters level for some time has expressed kind of the challenge that we have with the current cycle. We do have a potential way for we'd like to start the discussion on. I think September would be helpful at very least definitely by November and it would probably need an hour. Regarding the strategic plan I did confirm that we will have an almost complete draft ready by the September meeting. I'm not sure it will take a full hour for us to present that. If you wanted to have that at 30 minutes to save some time I think that's possible as well. In addition to facilitate this discussion I do think the combination of HMS 1 and 2, I 1 and 2 there will probably not take a full three hours, there may be a 30 minutes you could save there. I would, from what I expect to come over the next couple

months we probably need two and a half hours for those items combined, and then just since I have the floor I'll finish at least where NMFS is for the groundfish items we would support the recommendation, I think it's the GMT to move the EFP mid-water trawl into the inseason and then yes we would need or we would really support putting the ESA salmon mitigation measures PPA on the agenda for September and I'll stop there see if there's any further questions or comments.

Chuck Tracy [00:06:49] Phil.

Phil Anderson [00:06:49] So I have just a few reactions. The first is that I thought we pushed our capabilities and capacity this week to the limit. I mean we went till almost six or there or after every day except one. So just if we were going to try to do any more than we did at this meeting I think it would be we, we're probably won't be doing our best work, so just that observation. I would, I, we did have an offline meeting with the states and National Marine Fisheries Service on the annual management cycle for salmon this week. I do believe it's we, we should have a couple of meetings to talk about it September and November so that, or I'm not sure what we can do if anything for, well I'm not sure what we can do for 2020 but that we'll leave that aside but I do think we ought to have some time to talk about that. I think my suggestion would be to put it on the last day under the other administrative kind of items and as a possibility if there isn't room in the schedule in the previous five days. I do think the ESA salmon mitigation measures we're, we're under a tight timeline for the biological opinion about all that and we have the workgroup ongoing so I think, I don't know whether we need three hours or not it's not my, I'm not a very good judge in that so. The gear switching, the SaMTAAC isn't meeting again until October so I don't think that is, would be right for September, and my general sense about the enforcement, the U.S. Coast Guard is, is we could wait until November to get that. The seasons won't necessarily be over by, by the September meeting and maybe there'll be some additional data to, to bring forward in their report if it would, if we waited until November for that, so those are some of my thoughts on the items that are in the box.

Chuck Tracy [00:09:25] Louis.

Louis Zimm [00:09:27] Thank you Mr. Tracy. I do respect Phil's caution. I have felt like my brain has been stretched about as far as it can go as you know as you get older you can't quite stretch as far as you used to, at least the skin that's for sure. So I'm, I have some reservations about highly migratory species number four, the deep-set buoy gear authorization and I think we've set out a pretty good plan to further inform it and I am, especially on the crowding situation I would like to see more data on the crowding problem which I don't think was addressed enough previously so that I think we could consider gaining some hours by not trying to move that through so quickly and I'd like to see what other people feel about that.

Chuck Tracy [00:10:36] John.

John Ugoretz [00:10:37] Thank you. I think I disagree. I think the Council has had quite significant information and review over this fishery. I think that the range of alternatives includes options that allow for rationalizing the implementation of the fishery to address potential crowding and I think that the team has actually already analyzed that information that they have provided us with details on potential for crowding and that when we discussed this on the floor this week NMFS was made aware that we would like to see some additional information about potential crowding in the draft NEPA document. So I think it's high time that we move forward with this fishery, if something new comes up in September we can make a determination at that time as to whether we're not ready to choose a final preferred alternative but I don't think we need to move it.

Chuck Tracy [00:11:49] Christa.

Christa Svensson [00:11:49] Thank you Mr. Tracy and I agree completely with Mr. Ugoretz. I think we have spent a lot of time and thought in terms of how to proceed with this fishery. I think in listening to the testimony yesterday there are concerns about crowding but I also think that the gear is doing what it ought to be. I know some folks are maybe a little disappointed in terms of what they may have caught, but I would like to remind everyone on the Council and in the public that we should also be thinking about what they didn't catch. You know I would have maybe a different viewpoint if they had gone out and started catching a lot of other bycatch and we did not see that which was my original concern, and I believe September and November when we did have one interaction, so you know we have not continued to see that and I am very encouraged by the potential opportunity that is there for those that choose to participate in what appears to be an upcoming fishery.

Chuck Tracy [00:12:54] Other comments on that suggestion? Okay, well uh, I guess in terms of the items in the box we had a suggestion that we review the annual salmon management schedule, include that for an hour on day last. I haven't heard any objections to that. Is that the will of the Council then? Okay, how about the NFMS strategic plan for 30 minutes? Any objection to moving that up? Okay, we've had a suggestion that the midwater trawl EFP be included in the inseason management agenda item. We've got two hours for that already. I would think that, that is probably adequate. I don't think we need to add any more time to accommodate that. ESA salmon mitigation measures preliminary preferred given the time constraints I believe that's.....I haven't heard any objection to moving that up, and then the SaMTAAC business to delay that till November and the Coast Guard report on recreational fishery and incidents also delay that to November. So that's what I've got so far. If I'm doing the math correctly that's about three, four and a half, that's four and a half hours. We have five and a quarter, maybe five and three quarters if we reduce the HMS NMFS report to half an hour, so three, four and a half so that's uh we still have about an hour and a quarter left. Corey.

Corey Niles [00:15:08] Thanks Chuck and sorry I didn't mean to interrupt your flow there and thank you that recap was useful but I, and apologies, I kind of got lost in the conversation but if it hasn't brought up already I believe the other GMT recommendation that has, we want to think about is are the combination of the cowcod and the short belly items....

Chuck Tracy [00:15:28] That's right where I was going so that so yeah, so we need to you know address the items on Attachment 5 here that, that have implications for September. I was just kind of going through that. So if you look at Attachment 5 item, under new items tentatively schedule number 3 is the phased-in approach. So just so you know that, that was added to the spex agenda item and the time increased for that from, from our first estimate of time, so that one has been incorporated. In the new items yet to be scheduled, there is a possibility of initiating the development of a rebuilding plan for pacific sardine so that's something to consider there, and then yes I believe the other, the cowcod and short belly items whether separate or combined are competing for some of that last space and then you know the other priority items that were in the groundfish workload, I think the non-trawl RCA's or the recommendation was for something later in the year at a glance, I think that was March. So then we have the mothership sector utilization and Emley-Platt business and the trawl non-trawl Amendment 21 allocations yet to be scheduled so I think those are the other items competing for September time so interested to hear what the Council has to say about those. Maggie.

Maggie Sommer [00:17:24] Thanks I just note that the GAP also recommended taking up the short belly and cowcod item in September and I would support seeing if we can find time for that on our

September agenda.

Chuck Tracy [00:17:42] Ryan.

Ryan Wulff [00:17:43] Yeah. Thank you. I omitted that actually in my opening remarks. I should have said that as well, so NMFS definitely would support the short belly, cowcod discussion. I've talked with some of our folks I think by moving salmon forward I think you could probably do that in two hours versus three. At least that's our recommendation. Regarding the NMFS items here in Attachment 5, I don't think it's priority to have a presentation on our website. If we're for time that can be at any point in time or wrapped into other things pretty easily, and then for the sardine rebuilding I don't see any other CPS items for September so November would be fine for that.

Chuck Tracy [00:18:44] Marci.

Marci Yaremko [00:18:45] Thank you Mr. Chair. Yeah I just want to echo support for both the recommendations of the GMT and the GAP to schedule consideration of these items that would apply for the 2020 year, so it'd be a mid-biennium consideration using a process for September and November as described in the GMT and GAP reports and that I certainly support pairing these two items together for expediency if, if that is the approach that appears most judicious, so if it saves us on time great, and what, I would also like to speak further on the concept of our recommendations or lack of recommendations regarding NMFS consideration of an EFP for cowcod for 2019 but I'm happy to do that at whatever time is appropriate.

Chuck Tracy [00:19:49] Okay, let's try and get some more of this agenda business taken care of so I did want to follow up, Ryan you made some comment about changing another I think it was a salmon item from three hours to two or something? So I'm not sure I quite caught....

Ryan Wulff [00:20:08] Yeah Chuck it's in the shaded....

Chuck Tracy [00:20:11] Oh the groundfish....

Ryan Wulff [00:20:12] Yeah the groundfish...

Chuck Tracy [00:20:13] Groundfish salmon. Yeah that's okay.

Ryan Wulff [00:20:15] The groundfish ESA salmon mitigation measures PPA. I'm going to keep it at that but that is our recommendation.

Chuck Tracy [00:20:25] I love your optimism. Okay so I think that gives us about maybe two, two and a half hours or something like that for the short belly cowcod issue. So does that sound about right? I guess I'll ask folks... Good. Okay Corey.

Corey Niles [00:20:46] Yeah thanks Chuck, and you said something about, something was added to the spex to make it longer and some of us missed that could you repeat what, what that was?

Chuck Tracy [00:20:59] Yes that was the, the phased-in approach to ABC's. Rich.

Rich Lincoln [00:21:11] Yeah I was just on the plus side I was going to, just looking at September I was going to offer up maybe a little bit of time savings. We talked a little, there's a climate and communities update that's got two hours on there right now and I, you know we talked a little bit

about kind of the schedule today and I think the focus of what we need to do probably in September in terms of moving the initiative along is the work kind of in the periphery of the main Council meeting and the outreach to the advisory bodies and teams so you know I think having an hour there is, should be plenty for kind of refreshing an update and provide, provide some time for the Council just to understand kind of like what's next? How are we flushing this thing out? Provide a little time for some discussions.

Chuck Tracy [00:22:01] Okay. We make that adjustment then I think we've got an hour left to schedule. So was there anything else on the Attachment 5 or that we heard from the advisory bodies that the Council would want to move into that vacancy? Maggie.

Maggie Sommer [00:22:32] Thanks Chuck. I am interested in seeing a schedule of the groundfish items that we have identified as a priority, those four items the GAP referred to them in their report. I am grateful for the recommendation to schedule the non-trawl RCA for next March and I'll support that when we get to talking about the year at a glance. As for the others I don't know if trying to get to them as soon as September is appropriate but maybe just pose the question. Is there any, do we want to think about the linkage between the timing of addressing those and the timing of our next spex cycle and trying to do those on a somewhat concurrent cycle and if other Council members have thoughts on that or if it would be useful to hear from the GMT if we might want to, I know we haven't asked them to discuss that so it's maybe unfair to just pop that question by surprise.

Chuck Tracy [00:23:50] Corey.

Corey Niles [00:23:52] Yeah maybe give them some more time to think. I had a similar thought about.....I'm struggling with this. I'm kind of wondering why the spex item is five hours long and struggling in that we're trying to have the streamlined spex processed and it's five hours long and yet we have these other very much related items that we could...the cowcod, I know cowcod and short belly are looking at faster timelines as Marci said but I'm not convinced that short belly issue wouldn't be more thoroughly considered by, in the spex and you know Maggie raises that. I have that same question of what, how do you sequence these things in terms of people and our time so I think it's a good question and I don't have an answer. Yeah but I would also, if Maggie's still interested in hearing the team's thoughts I would be as well.

Chuck Tracy [00:24:46] Pete.

Pete Hassemer [00:24:46] Thanks Chuck and I just want to agree with that also I think with what Maggie said. Those four items we have as priority, I'm certainly very interested in moving that and I haven't thought about alignment with the spex cycle or anything. I just wanted to highlight it when we get to the year at a glance discussion I would look at that more than just considering the tightness of the September meeting. It would be wonderful if we could get at any one of those but we're limited in September so when we come back to year at a glance we should really focus on those.

Chuck Tracy [00:25:28] Yeah just, just reviewing my notes from the GMT report I think they recommended picking up one of those starting in June of 2020. One of the, one of the three, the mothership, Emley-Platt or Amendment 21, I think that's what I heard.

Pete Hassemer [00:25:47] Non-trawl.

Chuck Tracy [00:25:47] Non-trawl.

Pete Hassemer [00:25:47] RCA.

Maggie Sommer [00:25:49] In March.

Chuck Tracy [00:25:55] March. So, well what I heard.....well and again I'm just reading from my notes not their report but that March of 2020 would be the non-trawl RCA and that June of 20 would be one of the other three. Marci.

Marci Yaremko [00:26:15] Thank you Chuck. Just a follow up on Maggie's question and this discussion. I think I understand why we need more time at the September meeting for the spex agenda item with the considerations that we agreed to regarding the flexibility in the application of the harvest control rules. We also have a lot of weighty thinking to do on the related questions associated with the outcomes from the stock assessment so I have no concern with the scope of what we're taking on under that item. In response to Maggie's question, I think the GMT did contemplate the spex process and acknowledged that we have traditionally taken on considerations for RCA adjustments in the spex process. Following from the NMFS report that we received back in March, March? Maybe earlier regarding their recommendation for the timeline for the RCA agenda item, I think the plan was to have it sequentially follow very close to spex but not in the same package so that we could accommodate RCA line adjustments kind of in its own analysis a separate process outside of spex but it would closely follow along and I believe that's what the GMT contemplated in its advice to us about scheduling the RCA line adjustments for March and I, I find that to be the priority among the priorities and I think that's what we're hearing from others that, that RCA line adjustment is the one that might afford the most relief to the greatest number of individuals so I'm comfortable with the GMT's advice on this. I think it's a good plan. Thanks.

Chuck Tracy [00:00:05] So we've kind of started wandering out of September and into, into more distant Council meetings, I guess I'd like to make sure we wrap September up and see Mike's got his hand up. Mike what do you got for us?

Mike Burner [00:00:23] Thank you Mr. Tracy, Mr. Chair. Staff reminding me too I know September's full but in the past in an assessment cycle in groundfish we've also scheduled an evening session in September to provide an opportunity for folks to ask more detailed questions of the assessments, not necessarily advocating for such a thing, but if the Council has any feedback and whether or not you think such a session would be valuable to September we'd be all ears. Thank you.

Chuck Tracy [00:00:49] Corey.

Corey Niles [00:00:51] Well thanks Mike for bringing that up, it triggered a thought in, I was maybe gonna go back to Maggie's point I think Maggie was trying to fit something in but let me try it. The stock assessment I'm still struggling why, why we're scheduling the spex item for five hours long and one thing we've lost in streamlining things in the spex is that presentation of the stock assessments like we get for the other fishery management plans which you know we got the macro one this time, so, so if not, if not during the regular Council schedule, an evening session I know that's been appreciated by a lot of people, I would someday hope we can fit it back into our regular course of, course of business and I don't again I can, and sorry to be, to be skeptical here but can you, can you again explain why that, that item, that spex item is, we believe it's going to take five hours?

Chuck Tracy [00:01:47] So we, we looked at how long these items take in the past and I think the last two years ago I think it would, it took just shy of three hours and we look at, I mean Kit does this wonderful job of putting together all of our time estimates or actually the actual time for each

Council meeting. We can go back and look at that so we, we based our estimates on that to the extent we can so, so that was, that's about, that's the three hours and then with the addition of the phased-in approach that added two more to that agenda item which is what we had estimated that would cut.... do as a standalone item. Yeah Corey.

Corey Niles [00:02:38] So and I guess I'm going to fall back to what....and Maggie excuse me if I'm going on a different train of thought than you have but I thought you were trying to fit in, if there were time to fit in one more of the priority issues and so to me the question of how you sequence these things and Marci plan sounds fine but it's kind of why not just get a first meeting under way of kind of the scoping and then the question is who's gonna do the work and over how long? If we start in September maybe it still finishes it on a slower track. So I'm kind of struggling with this, the way we're doing the spex here and I lost my train of thought there but maybe there was, if there were time there could be something... and the way we've had, this is where I was going to go, thanks brain for coming back on line, but the way when you package things together sometimes you put more, we used to put more into the spex which makes you more disciplined to talk about them in a more disciplined fashion, so I think if you put a few items into that five hours we could actually get, we could get more done, so I'm just hoping this, this, that's the thought of we could fit in a cowcod discussion and we used to be able to do the cowcod and the short belly all as part of the spex and now we're taking five hours to do less so maybe just expressing some concerns here and I'll go back to Maggie to see if, if she still have, if I understood the idea right of maybe getting one more of the priority items going.

Chuck Tracy [00:04:04] Maggie.

Corey Niles [00:04:05] In September.

Maggie Sommer [00:04:06] Thanks. I certainly struggle with the idea of having to wait until June 2020 to take on another one of those items that we identified several meetings ago as a priority. Whether there's time in September I mean I don't see any of these items probably fitting into one hour which is, I wasn't tracking the math but it didn't sound like we might have much if, if any additional time in September. I will say on the, the, the timeline for the spex and management measures item in September and the length of that time and thinking about the, our discussion of the changing harvest limit phase-in from my perspective, I think we were looking for a little bit more process information and what the, the requirements and steps for that would be in the implication in that...having that information we may find that we think that adding the FMP amendment approaches in with spex would be too big, would make, would potentially delay spex. I mean we may want to follow a separate path and instead pursue alternative ABC, ABC's for example for black rockfish as I've expressed interest in under our current FMP which allows us to do that. I don't know how to make, you know how to help us with that today. I think we just arrive in September and here are the information we received back on those potential FMP amendment approaches and have a discussion then. So that's how I'm thinking about those items.

Chuck Tracy [00:06:11] So maybe just as a thought. I mean would it help to break that back out. Keep it a standalone item that would kind of be a scoping and then in September decide if it should be integrated with the spex or kept separate?

Phil Anderson [00:06:35] That makes sense to me.

Chuck Tracy [00:06:42] Okay. All right. What else? Maggie did you have?

Maggie Sommer [00:06:50] Thanks. Not raising my hand but I do have one more thing.

Chuck Tracy [00:06:55] I knew you did.

Maggie Sommer [00:06:56] When the GMT gave us their report I brought up the salmon VMS ping rate issue and the GMT had said they could bring back their scoping of that under new management measures and I would be interested in seeing that happen. I don't know if that means that we would need to look at a separate agenda item or we just request the GMT to include that so if there's any thoughts on that around the table that, I would find that helpful.

Chuck Tracy [00:07:35] I think there was some talk about that. Where did my notes go on that? Well I'll, I'll need to poke around here a little bit look if anybody might....Marci you want to tackle this one?

Marci Yaremko [00:07:50] Sure. Thank you Chuck. I just had a few thoughts on that. My interpretation of what the GMT would be bringing back to us is the type of initial scoping that they did in completing the documents that we've been considering under this agenda item so they're kind of, I'm not going to call it quick brush look but their initial analysis of workload, of what would be involved from you know a rule perspective and such, I wasn't considering it to mean scoping in the sense that we'd have a draft NEPA analysis to look at or an exhaustive discussion of you know possible ranges of alternatives so that was my impression.

Chuck Tracy [00:08:45] Ryan.

Ryan Wulff [00:08:46] Yeah thank you Chuck. I agree with Marci and I think they could bring this back under H.2 under the workload management measure update as it exists in there and then you could still talk about it then.

Chuck Tracy [00:09:03] Okay. Oh Maggie, yeah.

Maggie Sommer [00:09:04] Thank you for the clarification and help. I would appreciate that and note that the EC also addressed this in a report earlier this week and they brought up the geo-fence concept and I would hope that's included in the discussions and the GMT's consideration. Thanks.

Chuck Tracy [00:09:25] Okay thank you. Any more discussion about September? Ryan.

Ryan Wulff [00:09:32] Can you just....I've lost track of the math, where you are.

Chuck Tracy [00:09:37] Yeah well I think, I think there's still an hour although I, you know we've shaved off some time too and I do have some, you know I'm not sure that we want to pack every hour like we did at this meeting because something usually goes over it but anyway go ahead.

Ryan Wulff [00:10:01] Okay well to the extent there is I don't know if we'll need a full extra hour but maybe at least half of that. I was gonna wait and see if there were other things that folks wanted to raise but if there is a little bit of time left we did hear from Brett Alger that a draft of the data storage report would be available prior to that meeting. You only have one hour for EM, the guidelines review now and if it is possible you could extend that a little bit and we could wrap that under that agenda item or have a separate EM right after it.

Chuck Tracy [00:10:32] Okay we can do that. I guess if we extend that I'd say that we're pretty

much done with September. I think we're, I think we're pretty close to 8 hour days every day. You know if we happen to be a three and a half hour day on day last I think we could probably live with that. Okay very good, so then we need to think about looking a little farther out for you know starting in November, so November's, we've got seven point seven days in that right now yeah so, so there's some work to be done there. We have postponed the gear switching sablefish SaMTAAC business until November that there's a placeholder there so that doesn't affect the time estimate. We also potentially pushed out the Coast Guard report on recreational fishery incident response so I don't think that is reflected in here. Although we do have a tri-state enforcement report already so I'm not sure what the time estimate is on, for that but we might be able to tack that on there but there's a lot of, there's a several shaded items and again seven point seven days is a lot. If there is anything people would like to address at this point that would be helpful. We do have you know in under groundfish we have remaining stock assessments and rebuilding analyses so I'm not sure if we'll be, if that's a necessary item I guess it will depend on what occurs over the course of the summer. ESA salmon mitigation measures again that detected a sense of urgency on the part of the Council getting that in, in September so I'm not sure if that November final action is as equally urgent or not. We've got drift gillnet hard caps re, revisitation and final action on deep-set buoy gear FMP language and then the commercial directed fishery business for the halibut. So those are our shaded items. Maybe let's start with the, ESA salmon mitigation measures final action that need to stick in November. Ryan.

Ryan Wulff [00:13:27] NMFS would strongly prefer to keep that in November at the moment.

Chuck Tracy [00:13:36] Okay. Is there anything shaded or not that we can deal with in November otherwise it will, that box on the quick reference is going to be pretty big and those numbers at the bottom are going to be even bigger. John.

John Ugoretz [00:14:07] Thanks. We had discussed the revisitation of hard caps at a previous meeting and I've already expressed my views that the California regulations on drift gillnet are changing and we've had legislation that is altering that fishery that in January of 2020 we will have a much better feeling for how many participants in that fishery are, are planning to exit and that, having a discussion of hard caps in that fishery prior to that date is not really necessary or timely so that in my view could easily come off of November.

Chuck Tracy [00:14:54] So that would come off or get pushed out, just eliminated or?

John Ugoretz [00:15:01] It could sit somewhere later. I've, I've you know always said that we should wait until we know what's going on in January so March would work or later.

Chuck Tracy [00:15:12] Any objections to that? Okay thank you. Anything else we can do in November? Ryan and then Phil.

Ryan Wulff [00:15:26] I'll defer to Phil.

Phil Anderson [00:15:26] I just want to make sure what you were asking if there is any objections to, to objections to pushing it out or objections to taking it off?

Chuck Tracy [00:15:37] I believe John's last suggestion was pushing it out to a more distant meeting. So that's, that was my question if there was any confusion. Corey.

Corey Niles [00:15:50] How distant I guess the question would be? What meeting are we talking about pushing it too?

Chuck Tracy [00:16:00] Well I guess the next HMS meeting would be March so that, probably there and then we can push it out in November if we, if we need to. Phil.

Phil Anderson [00:16:24] Well I don't want to get into the debate of the substance of the issue but the hard, the hard caps that we recommended to NMFS were in my mind were not connected to the amount of gear that's out there but that's not, that was not a primary consideration so I don't, well I you know if there isn't any gear then I guess that's a different story. If there's only, there's a quarter of what there is maybe but I'm just, there isn't as tight a connection between how much gear there is and hard caps in my mind that John is putting forward so.....

Chuck Tracy [00:17:24] Okay but I guess in terms of keeping it on the agenda we're gonna push it out to March? Okay. What else do we have? Brad.

Brad Pettinger [00:17:41] Well actually I just got to better understand these tables. I think it'd be nice if what's shaded actually had hours next to it so you really know what you're talking about, what you're gaining or a timeframe so for future it'd be nice. I don't know if you can do that, I mean but it would be kind of give us a better understanding about what you can move around to what, get you where you want to be.

Chuck Tracy [00:18:05] Yeah these are spreadsheets and there actually is an hour column there that we hide for the display just so it doesn't get so tiny I guess. But that, and that's what goes into the calculation for the number of days so we've got that if you want to know something specific you can ask and Mike could get that off the spreadsheet. Ryan.

Ryan Wulff [00:18:28] Yeah looking at the SaMTAAC informational report from this meeting there's a recommendation that the gear switching sablefish ROA be moved to March and then in November it'd just be an update? In the FPA it has TBD but after September so just noting that and we would support that.

Chuck Tracy [00:19:03] Right so basically that whole suite of SaMTAAC business would just get pushed over an hour or pushed over a meeting.

Phil Anderson [00:19:12] Yeah I think that's what was indicated in our updated schedule that we had in our report this time so we're not, we've got more work to do before we're ready to bring a recommendation to the Council so....

Chuck Tracy [00:19:27] Mm hmm. Yeah. So that will probably drop that time estimate down a little bit. Christa did you have your hand up?

Christa Svensson [00:19:36] No that was going to be my question was would that in fact be the same amount of time for both of those agenda items.

Chuck Tracy [00:19:46] Maggie.

Maggie Sommer [00:19:49] Thanks Chuck. I don't think we've addressed this already but I think we want to put a short belly and cowcod item on the November agenda if we are using the GMT and GAP's recommendations.

Chuck Tracy [00:20:06] Yes that's true.

Maggie Sommer [00:20:09] Sorry to add.

Chuck Tracy [00:20:20] Other thoughts? I mean we also had the recommendation to put the trawl, trawl RCA in March, non-trawl RCA in March. Louis.

Louis Zimm [00:20:50] Thank you Mr. Tracy. I am trying to see where sardine issues fit in here. I see in April that we have management measures final on sardine and then I'm looking to see where we have anything preliminary on that. Can you advise me on that?

Chuck Tracy [00:21:16] That's a, that's our standard process it's a one meeting process where we adopt the stock assessments, set the management measures just very similar to what we did with mackerel here at this meeting.

Louis Zimm [00:21:30] May I continue then? I'm concerned that our situation with sardine and the maximum incidental catch allowance percentage, it needs more, it needs to be brought to light more and I was at first tempted to call for some discussion in September and then I, I saw that CPS and CPSMT were not going to be here to inform us on that so then I thought to myself well fine and had discussions with various folks about moving it to November and now I'm not seeing much time for that and I don't see them meeting in March again so I'm asking for some assistance in, in trying to do something for that, that fleet.

Chuck Tracy [00:22:35] I guess I would point out that you know we are expecting an official notification of the overfished status of sardine and that, that will precipitate the need to develop a rebuilding plan and so that, that's not reflected here in the agenda yet so I don't know if there's any thoughts about how we might go about that process generally. I think National Marine Fisheries Service would like, well maybe I'll just ask Ryan how much lead time they need. We'd have two years from that data notification so I'm not sure if they would, you know if they need to be synced up with the management schedule for those, for sardine but then do you have any thoughts about what it would, what a schedule might look like for a developing rebuilding plan?

Ryan Wulff [00:23:33] Thanks Chuck. Well we would need it, something from the Council within 15 months from when we declare it so I mean I think you can kind of backtrack from there as to how many discussions you want to schedule.

Chuck Tracy [00:23:50] Mm hmm. Well I guess I would suggest that we at least put a placeholder on our agenda someplace perhaps in November or April just to make sure that we have something that we can work from. Phil.

Phil Anderson [00:24:18] Well we're.....unless I missed something we're nowhere close to five and a half days.

Chuck Tracy [00:24:42] No we are not.

Phil Anderson [00:24:45] And so as to not to let the conversation get too stale, what about pushing the scoping for shallow set long line out? I mean that is going, that is obviously is going to be a very controversial topic with lots of public input in and, and I don't frankly see anything urgent about having the scoping session from my perspective.

Chuck Tracy [00:25:32] Christa.

Christa Svensson [00:25:34] Thank you Mr. Tracy. I might, under normal circumstances agree in terms of urgency however this is an unshaded item. This was on the agenda to speak to at this meeting and at that point it was also an unshaded item and we made the decision to push this off to November and I spoke last time really about a couple of our national standards in terms of what I think we're giving up in terms of optimum yield and in terms of our communities and I think it is a big time commitment. You know I think we had almost three hours of public testimony at the beginning of this week. We've heard more today and I am going to take a few minutes to talk about some of those issues, particularly in light of hearing Mr. Rudie's comment today about future fishermen and about possibly changing the terminology that we're using around this fishery. So I'll begin by saying as always I'm encouraged by our process which gives equal opportunity to scuba diving vegetarians, marketing associations and executive directors from all of our fishery management plans. Each of us is passionate about U.S. fish stocks and everyone who came in front of us in public comment in particular I believe was suffering. But with regard to HMS pelagic fisheries we're going to continue to suffer if we're not willing to have a conversation around this topic and particularly I believe without pausing to reframe and think about reframing how we talk about these fisheries. And so to the first point I'd like to talk about the fact that we continue to call this swordfish. I hear this continuously. We're talking about a swordfish fishery when the reality is we should probably be talking out, about a pelagic fishery and a market species pelagic fishery so that we do not alienate our friends in the recreational industry. With regard to items like marlin which are part of the Bill Fish Act so that, so that we are very clearly speaking about market species. We don't refer to the groundfish fishery as the dover fishery or the sablefish fishery or the petrale or rockfish fishery with the exception of hake which I believe is the mid water trawl fishery. Equally we don't talk about salmon seining as the sockeye fishery or the pink salmon seine fishery. So I really wonder why we're choosing the most iconic species within the complex to make this a more emotional issue, which leads me to my second point and that is I believe the pelagic long line is both a politically and emotionally charged description of what we're trying to accomplish. At least many of us in the HMS field in terms of creating a new fishery and I, I will admit I liked Mr. Rudie's comment about having connected hook and line gear. I don't know that, that's the answer and I certainly do not want anyone to think that I am trying to create a positive euphemism or marketing campaign with regard to what we're talking about here. I'm talking about creating a cleaner fishery that I hope will address Mr. Niles comment earlier today with regard to what could we be adding to the bycatch. I believe we have an opportunity with scoping and with the science behind EFP's to create better gear, to create cleaner fisheries that we can export as leaders to fisheries in Hawaii and beyond. And so I'm going to speak for a moment about EFP's. I believe what is at the core of our EFP and scoping process is science research and development of technology. So the call to stop or prohibit EFP's is really a call to stop science and that includes the best available science. As one of our public commenters testified during his open comment 'The good thing about science is that it's true whether you believe it or not' and unfortunately the proper authorship of that quote goes to Neil DeGrass Tyson. So I will add a second quote that can be rightfully attributed to Aldous Huxley 'You shall know the truth and the truth shall make you mad'. It is not my intent to make anyone angry and I only mention this because I believe it demonstrates that Council members listen to the public whether we agree with their opinions or not and that it helps us create better fisheries, stronger fisheries and it does influence our opinion by what we hear. It also helps explain my belief that denying EFP's which bring both science and research into our decision making process that, that is madness and it really effectively prevents us from accessing cutting edge changes in technology that have increased.....excuse me efficiency, it's reduced bycatch and it just helped us with safety at sea. To me the request to stop scoping, it's similarly chilling. Scoping is not a guarantee and I want to remind everyone about that. It's not a guarantee that we are going to authorize a fishery but it does give us an opportunity to discuss how we'd like to build future more responsible American fisheries and I'd like to pause for a moment to thank the folks that did come this week that talked to us. I'd like to isolate out Anna Weinstein and

Audubon California as well as I believe his name is, he's the one from Hawaii Fresh. He spoke to us last in public comment. Both of them came with the courage to talk about what the challenges were but also to provide us with solutions. You know I continue to hear that pelagic fisheries we can't make them cleaner and I would argue that we on the Council through our process we have continuously demonstrated that, that is not the case. You know we've had the trawl fishery totally dirty can't be done and yet we've done it. It was MSE certified over five years ago for sustainability. We're working on authorizing Amendment 28 for essential fish habitat which again supposedly couldn't be done, so I'm asking for this Council to give us the time to focus on an issue and I, I understand it is a big ask but I am imploring you please help us to create a fishery that we can be proud of, that we can take that technology and help others so that we are not really outsourcing the suffering and the exploitation of labor of our oceans, of the animals within those oceans and that use those, and with that I, like I say I feel pretty strongly about keeping scoping on the November agenda and I realize there is a difference of opinion amongst a number of people.

Chuck Tracy [00:04:14] Corey.

Corey Niles [00:04:15] Yeah thanks Chuck and thanks Christa for those, those words and yeah, yeah I'm, I'm thinking maybe we should be....excuse me, be better prepared to have this discussion in at the next meeting. Like Mr. Anderson I think it's going to take a lot of time. I don't think it's going to move fast. What I'm most interested in is how we move the discussion. I think we know the general concerns from, from...I'm not going to say both sides, I'm gonna say all sides of the issue, so I think, I don't want to, you know, I know NMFS is under a great workload now but I don't know how Ryan we can come back in September with a better plan for how, what we mean by scoping and are we just going to hear like lots of different views on it or I see this as coming down to the protected species issue and we've done this over 10 years ago and I don't know how the situation for leatherback turtles have only gotten worse and so to me, to me what I'm thinking is going to ultimately decide what this Council does are the protected species issues and so I'm kind of interested in how we can zero in on, on those issues and use our time most wisely and again I'll start out with I'm not prepared to do this now and maybe we could come better prepared to have, have a targeted discussion on the November meeting at the September, time for doing this very thing.

Chuck Tracy [00:05:51] Marc.

Marc Gorelnik [00:05:51] Thanks Chuck. I want to say that I agree with Christa to a point that we shouldn't be closing our eyes to potential new opportunities and I wouldn't want to see this agenda item booted from meeting to meeting to meeting as a way of avoiding the issue. On the other hand our November meeting is oversubscribed and so and this is an item that's going to take considerable amount of time so I don't know where we are right now with November in terms of days of agenda items, but I, I wouldn't oppose moving this but not as a way of avoiding the issue merely as a way of trying to get the agenda time in November to a reasonable level.

Chuck Tracy [00:06:59] Louis.

Louis Zimm [00:07:01] Thank you Mr. Tracy. I just wanted to say that I'm very, I'm very torn by this. I, these are two fisheries that, that affect Southern California and my culture. These are two fisheries that we, we depend on to maintain that culture. It's, it's almost a conflict between the old and the new, like the cat food ad so I really appreciate the deliberate thought on this. I really import, I really feel that scoping this long line or connected hook fishery is, is, is very important. I'm not sure if we're gonna be able to come up with an answer for my heavy concern about the ability of the CPS fleet to maintain their industry in the face of this 20 percent thing so both these are, are very difficult

and perhaps a suggestion to discuss it more in September when we could be informed better is maybe a good one. This is very difficult for me. Thank you.

Chuck Tracy [00:08:43] Phil.

Phil Anderson [00:08:45] Yeah I appreciate the conversation and everyone's perspectives. I think it's been talked about in the hallways somewhat and I wanted to have a little bit of a discussion here around the table so I appreciate, appreciate people's willingness to do that. I don't think we should make a decision one way or the other I think it is, as Christa points out, it's not shaded and it's there but I thought it was worthwhile to at least talk about a little bit. There are a couple of things on here that I think could be handled under informational reports like, I mean I'm, I always like the Tri-state Enforcement Report, it's usually pretty entertaining but perhaps it could be an informational report. Same thing with the CCC meeting update, you know a few remarks under your Executive Directors Report I think could cover that you...that's probably not going to save a whole heck of a lot of time anyway. The, I think the, the, the..... I don't know what I call it a black box or what, but the whole business around our spex process that's up there, I assume there's a significant amount of time that you've got set aside for that. Maybe a closer scrutiny on that when we get to September to truly understand what, how much time you've got set aside for that. Given particularly just remembering back to our previous processes, we're really about setting the OFL, ABC's, ACL's, hit that and the management measure pieces generally at a fairly high level particularly with the rec, on the rec side because of the state processes that are going on over the course of the winter, so if, if we're, if that if, if that follows true to form as it has in the past cycles then I'd be interested in just in September taking a look at the time allotment for that. That's, that's about all I have to offer on November.

Chuck Tracy [00:11:02] Maggie.

Maggie Sommer [00:11:03] Thanks. Just, just a follow up on that again that we have the phased-in harvest spex PPA in November and I think in September we'll have a chance to take a look at what that would entail and decide whether we feel it is necessary to continue with it on this timeline or we have an opportunity to move at least the FMP amendment parts of that to a slower timeline. I also have a separate question? Back to the, the GAP Report mentioned that NMFS anticipates extending the current EM EFP's through December 2020 and the Council may need to add the extension issue to the September and November meeting. Why is that, I would think that might just, is that an inseason item not needing its own standalone agenda item with additional time? I'm getting, I'm seeing a nod. Thanks.

Phil Anderson [00:12:12] There is one other, as long as I'm bringing up subjects that aren't necessarily popular. This one may even be worse. If we leave essentially everything on here for the November meeting and in a couple of these items you know are real, I don't know, I don't mean any disrespect when I call 'em wild cards, I just mean the amount of time that they may take is hard to estimate and we could underestimate it I think easily. I would also..... and given that we are in a very unique situation financially to the good that we may want to entertain lengthening the meeting in September, or excuse me in November to accommodate the really heavy workload that we're trying to take on. I know that's not popular. It's not something I relish even saying but I also don't want to get us into the position where we are behind all the time and it, this week I was staring at this clock more this week than I can remember doing and having to do in the past just to try to, and so was Marc trying to keep us on, you know at least on schedule or close to it and with, with the number of items on November and if we don't make any significant changes to it and trying to cram that into five and a half days I just think is gonna be very, very difficult so.....

Chuck Tracy [00:14:05] I don't know if there's any hotel constraints but we'll check with our staff and see if that's possible. Any other thoughts? Ryan.

Ryan Wulff [00:14:21] Thank you. I can, I wanted to wait until the discussion was concluded. So I'd like to touch on a few things that have been said. I appreciate the remarks made by Christa. I do think it was good Phil that you raised it and then we had some discussion here. To Corey's point NMFS has been ready to present on this related to all of those issues. We advocated for that for actually for this meeting here in June so there's no issue with us and we have been on the record preferring to have that discussion for all the reasons that have been outlined by others here. I also wanted to echo what Phil said when he kind of went through on the groundfish side I completely agree with all of those points. In addition there's an EFP discussion probably could also be looped into the spex process, so I think there will be a better understanding and handle of that once we see what happens in September and what we're really looking at for the groundfish workload. Also just to facilitate that discussion I, we don't currently have anything really in line for the NMFS report in either CPS or salmon for November. Methodology review may not have been as well for CPS so there's a number of other issues too that I do think will potentially get us some savings as well as of course once we see the hour shift from the gear switching and some, and the hard caps and some of the other things that we've moved. So I'll stop there, when it comes to an extra day I will defer to the Council meeting but NMFS will be here. Either way I can guarantee you that. Thanks.

Chuck Tracy [00:16:23] Anything else for us. Corey.

Corey Niles [00:16:27] Yeah thanks I don't, I don't want, I want to get back to the.....thanks Ryan for letting me know you all have been preparing and I'm just kind of wondering and maybe this is for off line for folks but if there's a, I don't want us, use the term scoping, scoping but if we could in September kind of hear a short plan for this is how we tend to narrow the issues on the, on the long line issue that, that might be, I think that would be helpful to see, so do you have a better idea of what we're talking about scoping means? I kind of tend to fear it's wide open and we're going to.....

Chuck Tracy [00:17:04] Okay Pete.

Pete Hassemer [00:17:04] Thanks Chuck and if the discussion on November is continuing I don't want to, want to derail that but I do want to talk about the future month's meetings on our calendar also when appropriate.

Chuck Tracy [00:17:21] Yep. Yeah now is good.

Pete Hassemer [00:17:23] So I'm still very interested in these, these four priority items we have, they're referenced in the GAP Report, they are referenced in the GMT report. They're, they're in the Attachment 5 as new items but they're, they're not really new they've been there for a while. I can't remember which advisory body, the GMT or GAP, one of them moved, said we should move the non-trawl RCA into March and I agree with that. I would like to see on the future agenda we take the mothership utilization issue for now fit that into our April meeting and I, I could go on about why I select that one has a higher priority, I'll save that now for the sake of time but just say that on all four of these items it, it's time we recognize them, get them on the year at a glance so as we go through this we, we don't keep shifting these shaded items to the right and then lose that discussion space to look at what our, our workload priorities. They, they show up in the GAP Report I think they use the word 'Limbo' for those. The GMT matrix shows them as unscheduled and there are our priorities so if we start fitting them on there now then we can build them into our discussion as we look at the larger schedule and, and maybe I'll just finish by saying in terms of which do we take next, I would love to

get to all of them. There are a couple that are before us because of successes we have either completion or near completion of an EFP or because of some regulations we put in place that showed some positive movements in stocks increases that it builds more opportunity but regarding the mothership utilization based on all the testimony we've heard at prior meetings, there's a problem there and on a couple of fronts and I think we should look at the problems that exist first and then get to the others. They're all very important but addressing that so I would like to see it on the year at a glance and then we build that into our discussion and I don't think April is too early, maybe just to wrap up, because we heard that some things in the mothership whiting fishery this year could be different, it could operate slightly different than it has in prior years and April is a good time after the completion of the 2019 fishery to review what happened and see what we need to do. Thanks.

Chuck Tracy [00:20:32] So I'll just mention the non-trawl RCA, the GMT recommended scheduling that for March and they recommended scheduling one of the other three beginning in June but you're recommending putting the whiting mothership utilization issue in April.

Pete Hassemer [00:20:51] Yes.

Chuck Tracy [00:20:53] Any objections to that or further discussion? Marc and then.....

Marc Gorelnik [00:20:55] Yes that's fine I just have another request.

Chuck Tracy [00:20:58] Maggie is that.....

Maggie Sommer [00:21:00] I just wanted to support that. Thanks for bringing that up... was looking at April too. That would be my, my, my choice as well. I also I guess would just express a desire to in September look for an opportunity to put one of the other priority items on the June agenda and we might be able to get, you know get some information to help us choose which one to try and address then. Thanks.

Chuck Tracy [00:21:32] Just to make sure there's any further discussion on that particular item?
Bob.

Bob Dooley [00:21:36] Thanks Chuck. I'm, I'm supportive of those items and I appreciate Pete's comments on them. My concern here is that when we discuss relaxing the F, the RCA non-trawl that I think ahead of that discussion we ought to think about we've got the RCA that's been closed for I guess about 18 years. It opens up next year for the, in January for the trawl sector. We don't know the ramifications of, or what those results might produce. We, I'm really concerned about that one of the potential restricting things that could hinder any discussion of, of opening up the RCA's for non-trawl is accountability. We worked, I mean the success of rebuilding the stocks and the success of bycatch control and the confidence that those numbers are accurate and there's not a lot of uncertainty around them and there's in the trawl sector, because we have a strict accountability measures, right now they're not in place for the non-trawl and it's not that I'm suggesting that we got to put 100 percent observer coverage on non-trawl, but we ought to have that discussion of how we're going to assure what's being taken out of these areas and that some of the species that we're working very hard to rebuild and have rebuilt and are in rebuilding continue down those roads and I, I hate to, if we were to pass and allow the, the RCA to be open to other sectors non-trawl and not have accountability measures, I don't know how we assure that, that we're not, I guess the quote is 'If you do what you always did you get what you always had' something like that 'you get which I always got' and I am afraid that, that uncertainty could really hurt us so I would like to, you know I would like to have that discussion first because if, if, if the Council's ultimate decision on allowing entrance into the RCA is

predicated on accountability and full accountability which maybe observers do we have the, is, does the industry have the wherewithal to even do that? Are we giving a fish a bicycle? You know is it like you can't use it so you go through all this work to make a regulation and it's not usable but that's a discussion and a step but I think it's an important step to put before we jump off the ledge and go down the regulate, regulatory path and I just bring that up just so it's, we understand where we're going before we embark on that and I think it's an important thing to, message to send industry as well that they understand what, what the, what the goals and the desires are of the Council. So I'll leave it at that.

Chuck Tracy [00:25:06] Marc.

Marc Gorelnik [00:25:07] Thank you Chuck. I'd like to speak to the, those additional priority items the Groundfish Management Team has identified. This discussion about adding one of those to, to June. I think they're all worthy. I would love to see the Emley-Platt EFP moved into regulations but I'm going to speak in favor of adding the Amendment 21 item and that's because we have some constraints in the recreational fishery in California that are unnecessary from a conservation perspective and cannot be dealt with in the biennial cycle unfortunately because of Amendment 21 so the only way to change those allocations is through revisiting Amendment 21. I think we're really talking about one stock in Amendment 21 so I would like to see that added to the June agenda as recommended by the GMT.

Chuck Tracy [00:26:17] Any thoughts about that? Any objection to that? Okay. Christa. Oh sorry.

Marc Gorelnik [00:26:30] I was going to say if we could add the Emley-Platt as well that would be great but it depends upon how much time we have.

Chuck Tracy [00:26:40] Christa.

Christa Svensson [00:26:41] Thank you. I know I don't typically weigh in on a lot of groundfish stuff and I don't have a specific meeting necessarily in time but I do think that I probably am the one that is appropriate for raising the petrale issue that we heard about earlier this week from Mr. Kevin Dunn. I think I saw him out in the audience a little earlier today and I, I do not want to jump the queue. I think we have a lot of really important issues that have been identified by people that know far more about how groundfish works in this Council than I do but I do want to express my interest in having an expeditious if possible, and I realize that's also a big ask probably, method of kind of working through this process. I've heard some discussion about well does it need to be in federal reg. Can we do it at the state level? Can we just bring the 'guts' for lack of a better term in along with the fish and I don't know what the answer is but I, I would like to speak for just a moment about the importance of this type of project where both processors and fishermen are working together to create higher value for our products and I also would like to say that I do believe that there's a market out there. I sold fresh round petrale for about eight years when I worked at Bornstein Seafoods. One of the challenges in the summer and where we actually saw a drop in sales was the fact that those bellies turn green and or just blow up and so that, that made it difficult to sell that product and so this type of project would do a lot to help us on the domestic market, but it is also a product form that I had numerous, numerous requests for in the export market because that is a market form that is more common in many of the countries that I sold to although I won't speak for others. So I think it's an incredible opportunity to lift the value of our fisheries and again I don't know that it's necessarily an agenda specific item but I did want to capture that in our comments today about how do we make that happen for our fishermen that are working together with our processors.

Chuck Tracy [00:00:02] Maggie.

Maggie Sommer [00:00:03] Thanks. Maybe a suggestion on that might be to ask the GMT to include a broad-brush scoping of it or a response to it under their new management measures update since it came up under new management measures, that agenda item at this meeting, it might be a good way to get input from the GMT and including their NMFS representative on process and steps that would, you know we could take to accomplish this efficiently. I know our state representative can, on the GMT can provide some input on our state process for adopting conversion factors and how that would interact and we may get some, also any other appropriate recommendations such as many interest in an SSC review or anything else but that might be a good first step forward. I do acknowledge the, the point you made about not wanting to jump the queue. Again I would like to think this is a relatively easy lift but it would be good to, to hear back just a little bit of thought from the GMT on that. Thanks.

Chuck Tracy [00:01:15] Corey.

Corey Niles [00:01:17] Yeah, yeah thanks Chuck and I'm...we're it were in support of discussing that I'm just kind of, I was gonna back up a level and we're all getting used to our new groundfish priority process and I think Maggie's suggestion is the right way that I think it's envisioned to work. I don't, I don't see utility in talking about June at this point unless it's going to help mobilize peoples and any resources to get ready for that far out. So I'm, just this is a thought maybe we should just schedule a blank time for groundfish whatever the priorities selected and then get into this level of detail closer to the date unless there's gonna be an advantage for planning workload at this time because again I'm just struggling with our new workload process supposed to save us time here and I don't, now we're getting into talking about far out June and it's been going for two hours and I think we have a couple bigger issues that were maybe being discussed or maybe I'm misunderstanding what we have left, but yes it does just, and it's a real question I don't, I haven't seen this how this process is gonna work most efficiently but I think Maggie's suggestion about having the team scope that issue together with all the other items is the way that it's mostly envisioned to work and again to Christa I think it's, it's an idea that's, that people are very interested in.

Chuck Tracy [00:02:45] Marci.

Marci Yaremko [00:02:46] Thank you Mr. Chair. I support Maggie's thoughts with regard to the GMT's quick brush analysis and including that item on our list under our new workload alternatives. Also like to echo the idea of maybe Gorelnik's idea of go ahead and schedule the remaining three priority items on the year at a glance for June. I think our GAP and the GMT kind of have encouraged us to go ahead and schedule them, we have prioritized them so I think it's appropriate to put them there recognizing that we may need to make adjustments into the future. It is a long way off but I do think it's important for us to go ahead and signal that we intend to take them up in the near term.

Chuck Tracy [00:03:35] Ryan.

Ryan Wulff [00:03:35] Thank you Chuck. Yeah and I appreciated Maggie's suggestion. I think we can support that and it sounds like there's been some additional support around the table. I'm also happy, I'm not going to object to putting a placeholder in June. I don't think, I mean we've previously recommended the non-trawl RCA for June. I still think even if you put that for March that's potentially aggressive. I'm very concerned about GMT, Council and NMFS staff and their level of workload but for the purpose of this discussion I think we will hear from them in their reports and

meetings and this will come up, but a placeholder in June is fine but just want to note I don't see any potential way we could take on all three in June but for the purposes of getting them on the year at a glance and I think that's fine and we can continue to revisit as we go forward.

Chuck Tracy [00:04:37] Just to be clear so we're talking about putting all three in June. Pete had earlier suggested that one go in April and then two go in.....so are we talking about one in April, two in June? One in March, one in April, two in June of the four? Is that what we've got? Okay. Yes. Brad.

Brad Pettinger [00:04:58] Chuck I'm not sure if the task is with the GMT as far as scoping? Was this for petrale or just for looking at maybe looking at all the species that there's been conversions done. Is it easier just do it all at one time so we don't have to revisit this and so if that's scoping you can include what if there's any change or between those tasks.

Chuck Tracy [00:05:20] Seeing head nods on that. Anything else? I think we're probably about as done as we can be on looking further out. We'll obviously have some more work to do in September regarding November but I think we've, I think we're getting pretty, about as far as we can. Rich.

Rich Lincoln [00:05:45] Yeah just a really small thing Chuck thanks. The climate community's initiative there's a final report there I think identified for March according to the schedule that we talked to we should just probably shift that till June.

Chuck Tracy [00:06:00] Yeah I think, I think that's appropriate if the Council's in agreement with that? If there's any other business about the agenda let's deal with it quickly and I think we have one other assignment at least. Ryan go ahead.

Ryan Wulff [00:06:17] Just to be clear in case I wasn't earlier I'm not going to object to you putting some of these items on in March and April but if they are before June I would need them to be shaded for us to revisit because I'm strongly concerned about workload for NMFS, Council and GMT staffs, so just to be clear I'm happy to have them there, I'm not going to oppose it but I would prefer them to be shaded if they are before June.

Chuck Tracy [00:06:44] Okay. Phil.

Phil Anderson [00:06:46] I was just going to echo that I.....we're losing a really big part of our GMT and we don't have anybody identified to replace her and we're talking about some major workload here so I'm very concerned.

Chuck Tracy [00:07:13] The one, one other recommendation we received under this was from the state members of the Enforcement Consultants requesting the Council send a letter on the JEA, the letters, the letter is an attachment to their report. I think there's two letters that essentially sending the same letter we sent a couple of years ago with just updated numbers for 2019 and the letter would go to Wilbur Ross so any thoughts about that? Any direction to staff on that assignment?

Phil Anderson [00:07:51] I've, I've had an opportunity to take a look at it and it is consistent with the input that we provided the secretary last year and I'm at least I'm supportive of sending it. I look around the table and see if there's any objections to sending that letter that supports funding for the JEA? Okay.

Chuck Tracy [00:08:24] Okay. Well I think, I think I am about done here. I know Marci had

requested a little time I don't know if we're ready for that.

Phil Anderson [00:08:36] Yeah so just on the....I wanted to make sure we're all wrapped up on the future workload piece in terms of the agendas and are looking at a, at the September agenda. Okay. Marci.

Marci Yaremko [00:08:53] Thank you so much and I know we're running late but I'd just like to take a second to return to the discussion yesterday surrounding the issuance of an EFP to relieve members of the California Groundfish Collective from their vessel caps for cowcod as requested under open comment during this meeting. Under Agenda Item I-2 which is our new agenda item to consider groundfish workload and new management measures, both the GMT and the GAP discussed this open comment and offered their advice to us so quickly reading from the supplemental GMT report, during scoping discussions of this item the GMT was unable to identify a solution for 2019. For 2020 and beyond the GMT recommends the applicants develop a full EFP application that would provide an exemption to the annual vessel limit for cowcod for vessels in the EFP. The applicant should follow the procedures and Council Operating Procedure 19 to develop their full application. However because the members of CGC are seeking immediate relief, the GMT discussed whether or not there was a solution outside the biennial harvest spex process. The GMT sees two pathways for the Council to consider action on this item. Regardless of the pathway, review of the application and Council approval requires a two meeting process. And from the GAP, their supplemental report under Agenda Item I-2, during GAP discussion of the issue, the proposal did not seem to fit well into the criteria for a new EFP or to an existing electronic monitoring EFP. While we recognize that the cowcod vessel limit may be constraining, the GAP recommends that the broader issue of vessel limits be added to the workload prioritization list. The Community Advisory Board previously prioritized vessel limits but it didn't rise to the level of the few action items that were forwarded given the high number of items coming out of the five year review process. So while there was overwhelming sympathy around our table to find and prioritize a solution to Mr. Fitz and the CGC's problem under Agenda Item I-2, there were general concerns expressed that maybe an EFP to the five vessels in the collective wasn't in fact the right solution. A suggestion was made instead consider changes to the cowcod specifications such as the ACT or the harvest guideline. The outcome from this discussion appeared to be a plan forward to heighten the priority on this item such that we might agenda-ize the item in workload planning for the September and November meetings which we've done. Now under this agenda item in the GMT report today the GMT offers us this advice, raising or eliminating the cowcod annual catch target could provide the fastest means with potentially the lowest workload to raise annual vessel caps in the individual fishing quota fishery that are constraining individual vessels, therefore the GMT recommends the Council schedule an agenda item in both September and November that would jointly consider a new ACL for short belly and would raise or eliminate the ACT for cowcod. Under the inseason agenda item yesterday where cowcod vessel limits weren't a topic of consideration by the GMT or the GAP, there were remarks made that the Council would not oppose or members of the Council individually would not oppose NMFS's issuance of an EFP to the collective for 2019 recognizing that there was no immediate solution possible for 2019. Chair Anderson was also correct in his comments that there is no solution possible and at the same time I did not hear advice from the GMT or the GAP that the Council should just pass on providing recommendations to NMFS on this item regarding a potential EFP for 2019. The decision does affect others in our Council process. While it may not affect the non IFQ sectors, NMFS issuance of an EFP in 2019 to the collective might not impact those other sectors but it does have an impact on the remainder of the IQ sector and I heard that loud and clear from some members of our Council process yesterday after we broke from the, for the evening. I believe it's our responsibility to give the other 62 holders of cowcod quota and the other interests in the IQ sector an opportunity to comment us on their thoughts regarding this proposal and I believe it's appropriate for NMFS to seek Council input

on issuance of an EFP that is entirely related to the content this Council has spent the last 15 years in the trenches on, developing, implementing and modifying the West Coast groundfish IQ program as we rebuild our groundfish stocks, fisheries and fishing communities. The Council and its advisors have spent countless days and very long nights and millions upon millions of dollars over these 15 years combing over every detail of the rationalization program and we have made numerous and highly specific recommendations on every element of the program including EFP's for the IQ sector. Foundational to it all has been our Council and its commitment to using our venue as the public process by which we develop our recommendations to NMFS. There are more than five active IQ vessels south of forty ten. There aren't a lot of them but there are some and they will not have any opportunity to participate in a 2019 EFP as they are not a member in the collective. There have been five vessels who have landed cowcod this year and only two are in the collective. The under, other individuals affected by cowcod vessel limits have not had any chance to provide us input on the concept and how it might affect their operations under the IQ program since we haven't agenda-ized the matter or sought public input. We heard yesterday from NMFS that there would still be the opportunity for public and affected agencies to offer comments on the EFP via a notice and comment rulemaking. While I can't speak to discussions that might have gone on in this matter the statement might suggest that NMFS may be planning to issue the EFP which also suggests an application has been in development. I am extremely compelled by the testimony Mr. Fish, Fitz and Miss Damrosch. I have a special sensitivity for vessels and businesses and south of the forty ten trying their best to stay alive under the burdens of the IQ program. I also believe the Council must prioritize a solution as soon as possible and that this means this item would jump in the queue ahead of others on our new workload list and be agenda-ized for September. That said I don't believe the situation is so dire that we abrogate our responsibilities and our commitment to abide by our COP's, especially when we have clear advice from the GMT on a pathway forward to raise annual vessel caps for cowcod that would not involve issuing an EFP to select individuals. As I understand the facts presented to us Mr. Fitz has utilized a little over half of the pounds available within his cowcod vessel cap and another collective member has utilized about a third and they're both afraid of a lightning type....lightning strike type tow that would put them over their limit and bring an end to fishing operations this year. While it's hard for me to say this given my sensitivity to the needs of our struggling California fishing communities, without more information I'm not really clear how the situation is substantially different from other IQ participants who are not in the collective where there are very few pounds issued under these caps. All of our IQ vessels must make informed decisions every day on whether or how to minimize risk when fishing to avoid exceeding their limits. That's one of the fundamental principles our program was built upon. So with that if I may I'd like to offer a motion to the Council? I move the Council recommend that NMFS not issue an EFP to the California Groundfish Collective for 2019 as the Council and its advisors have not had an opportunity to review and comment on the application pursuant to COP 19.

Phil Anderson [00:18:25] Okay we have a motion that's on the screen. Marci does the language on the screen accurately reflect your motion?

Marci Yaremko [00:18:36] Yes it does. Thank you.

Phil Anderson [00:18:37] And is there a second? Marc Gorelnik seconds the motion. I know you had a lot of discussion prior to making your motion but if you'd like to further speak to it?

Marci Yaremko [00:18:53] No thank you.

Phil Anderson [00:18:54] Okay discussion on the motion? Ryan Wulff.

Ryan Wulff [00:18:59] Thank you Chair and I appreciate the comments by Marci. Before there's discussion I think there's some important clarifications from NMFS that could facilitate this. First the EFP regulations state that if the regional administrator or director determines that any application warrants further consideration we do have to publish it or notice and comment, so I see part of this motion talks about not having an opportunity to review and comment so that NMFS was planning based on this discussion to put out a federal register notice and solicit public comment and Marci actually spoke to that a little bit so, so there would be an opportunity. If NMFS based on that comment decides not to issue it, we have to explain why. So that's something else to keep in mind. You know that the reason those regulations and the way they are written is why I think Aja explained when this was discussed the other day that other regions and councils don't necessarily do this process where Council comments on or they utilize the notice and public comment and that's how they submit their comments and we've set up our process here especially as it relates to this issue to tie to specifications, but just to be clear in this case there is no change to the specification numbers, so happy to move forward as the Council sees fit I just wanted you to understand a little bit more about the EFP process, NMFS regulations and what would happen based on the fact, and to confirm that we have received an application, so we have to make a decision on whether it's warranted and move forward regardless. Thank you.

Phil Anderson [00:20:58] Thanks Ryan. Further discussion on the motion? Bob Dooley.

Bob Dooley [00:21:07] Thank you Mr. Chairman. This, this issue came to us before, earlier, I think we got it last year. I think we heard it in the CAB. We discussed it all through this meeting, open comment and on the thing formerly known as the omnibus and all that, the workload planning and now we're here. We had a lot of testimony for this. I totally agree with what Phil had said yesterday in his comments that we, people have expressed a desire to get something done but there's not much in our toolbox to do it and this was the only option that, that I could see at the end of the day that could do it and I am very moved by their testimony that and I know them. They're from our community. I see what, what's, what the repercussions would be. I understand that it is highly, it's highly different than what we would normally do but it has been done before, EFP's have been issued without the Council involved. I see this as a, as a fix that's short term to work into conjunction with what we just planned to do with adjusting the, agenda-izing for the next meeting to deal with this as well as short bellies. I am, I'm really worried that we're gonna put the two trawlers, the only two trawlers that are active south of San Francisco all the way to Morrow Bay, the only two out of business, the only two of the only groundfish that's coming into our port and dampen that and I, and I know people don't realize or think that, that's what could happen in a couple months and that there is a buffer but speaking to those fishermen personally on a you know nearly weekly basis when I'm home I see what they what, what their issue is. I've been on their boats. I've seen their plotters, where they've searched, where they've been and what they've brought into the dock. I, I think this is unusual. I think we don't want to set a precedent. I think it all, I agree with all the concerns that Marci has but this is what we're, if all we're to do is follow the rules, you don't need us, you don't need this Council. We have an obligation to think about communities and fishermen as well as the fish. This is not a biological issue. This is about adjustments that we need to make to a program that we built. This issue of vessel limits and how they affect this fishery has been on the table for a long time since the implementation. I believe our fleets aren't as we envisioned on day one. The vessel limits are not working. We've heard that from many different sources. They are constraining our fisheries and from a California perspective with some of the species that are peculiar to our area, they're very constraining. I think that it didn't rise to the right level in the CAB. I think it didn't get to the level that we could address but it was there and it was part of the, it was part of the discussion and people, it was, it was a grave concern in the CAB. I was a member of the CAB at that time but it just, we can only do so much. I think this will surface in the future that we need to deal with vessel limits. The

fleet is not the same size as anticipated when we made this decision back in the trawl rationalization program, Amendment 21, 20 and I believe that it's going to come up again but we need to have as I said earlier when we need, we need to think outside the box sometimes not always just constrained by the rules. We have to consider these other issues. I don't think we're going to break the system by doing this. I think it's very strategic. I think NMFS has heard the concerns of the, of our advisory panels, of the public on the precedent that this might set and I think that the EFP could be fashioned in a way to eliminate this being a precedent without a lot of Council thought. So I will leave it there but I'm, I'm very supportive going forward with the EFP and I'm not supportive of this, of this motion.

Phil Anderson [00:26:56] Thanks Bob. Marc Gorelnik.

Marc Gorelnik [00:26:58] I'll be very brief. My concern here is fairness. I think if there are other operators who need the same relief or anticipate needing the same relief in 2019 I trust that they will follow on with their own EFP applications and that NMFS will respond to those as expeditiously as they are to the EFP we're discussing so that there is fairness across the board. I think this does, may create additional work. It may, may not make create additional work for NMFS but I think that this is what is, this is going to be the consequence of moving forward on the EFP. I am sympathetic to the folks in Half Moon Bay. I understand they have a challenge but you know I just want to make sure that we're being fair to the fishery at large and not favoring any particular operator.

Phil Anderson [00:00:03] Further discussion. Brad Pettinger and then Corey.

Brad Pettinger [00:00:11] Thank you Chair Anderson. I think just really good comments Marci on this, this subject. There's this discussion about, yesterday I believe, about the vessel cap and what's the smallest one and this is the smallest by a few pounds over yelloweye and people in their mind might be thinking well we'll solve a problem for the rest of the trawlers because the yelloweye cap is similar but yelloweye live in very rough ground and you have to be in rough ground to catch them. That's not necessarily the case with cowcod. I do have concern over what an EFP, with this EFP of what that vessel cap might be. I think that if, if they just decide to go forward with this I would recommend that the, that vessel cap would be, would be with the modified, potentially modified ACL for 2020 would be. I would hate to give people an expectation of the whole bunch this year and next year if we went to a, when to a modified ACL that it was, they'd be right back where they're at. I think we need to put a whatever number would come out for vessel cap of the EFP, it would be similar to what a 2020 cap would be under the modified ACL. If an EFP is issued I hope that it would not preclude a modified ACL for next year because we're talking about two boats here. The issue of the modified EFP for just a couple boats is not going to solve the problem if more vessels want to fish down in California which is what we would like to see and so I think that the trick here is long term is get the ACL higher and for 2020 so I'd hope that whatever happens that the ACL would be raised potentially with the action I think we've talked about maybe moving forward with. I will, I'm struggling with this because of the issues that Marci had or that she brought, brought forward and I have heard some people say that well they didn't deserve, it's their business decision. They didn't have to invest this money to you know that's a decision they had to make but their decision wasn't they didn't have a market, I mean they didn't have a fishery. They're basically creating one out of whatever they can borrow and get going here, so I will probably oppose it but I struggle with that for the rationale that Marci put forward.

Phil Anderson [00:03:05] Corey.

Corey Niles [00:03:07] Yeah thanks Mr. Chair and first I appreciate what Ryan says and the

obligation NMFS and authority they have to issue EFP's and I always appreciate them coming to the Council even though they don't have to so thank you for that and for those considerations and reminding us of those. I think that the GMT was doing was reminding us about our, our normal process of using EFP's. I agree this is an extraordinary use of an EFP and I'm thinking that as Marc and Marci said and Bob and Brad they're, the way you weight these factors of fairness and process versus the extraordinary circumstances it is tough and reasonable people will disagree and I'm gonna support the motion out of, out of deference to my sister agency in, in, in their weighing of these factors for their communities but I think it's very reasonable to, to, for people to weigh these differences and again I'm thanking NMFS for being so respectful of the Council's opinion in how they issue EFP's.

Phil Anderson [00:04:16] Maggie.

Maggie Sommer [00:04:17] Thanks Mr. Chair and maybe a question for Marci. Given Ryan's comments about the public notice and comment process I'm assuming that you don't feel like that is an, an adequate way to get input and feedback from constituents and the Council and I, I guess would be interested if that assumption's correct and if you have anything to elaborate on that?

Phil Anderson [00:04:55] Marci.

Marci Yaremko [00:04:57] Thank you Maggie for the question. First of all we wouldn't be receiving that comment. The Council would not be receiving the comments from the individuals that submit them, so in terms of us hearing their concerns we're not a party to that communication, so that's one concern. I think the other concern is there are a number of folks that hold quota share south of forty ten that are potentially impacted by this decision that may want to be in on an EFP that are not part of the collective that I don't believe by submitting a comment under the notice and comment process I don't believe them submitting comments saying 'hey we want in' would be able to be accommodated in that review by NMFS before issuance. I can't confirm that for sure but I believe you know the EFP will be issued to the collective. So in that sense as my understanding is we are talking five vessels that are members of the collective. It wouldn't be available as an opportunity for others to declare that they are to apply to participate in our normal EFP process when NMFS puts out a notice they call for applicants to participate, so I don't believe that's part of what's being considered here. I don't think that time is available for that. Maybe it is but I'm just reflecting on what the normal process is.

Phil Anderson [00:06:50] Further discussion on the motion? Bob.

Bob Dooley [00:06:56] Thank you Mr. Chair. Just a clarification a little bit. We heard yesterday the testimony of Lisa Damrosch about how many pounds of the thousand pounds, a thousand eighty I believe there were caught to date was attributable to those two boats and I believe she said all but 180. I believe the other 180 pounds to this year are pretty much accounted for by one fisherman in San Francisco who I've talked to. I talked to him prior to coming to the meeting. It wasn't not in this context of whether an EFP is delivered or not but he was, he wasn't, he fishes a little differently, he doesn't, he's not having the same results. Doesn't target necessarily the same target species that, that the collective's boats are targeting, but I believe he, he we're, we're not seeing anyone else on the coast that is, that has that number of pounds that are even close to it. He'd be in single digits that are, that are that and I think these, these fish are peculiar to right now to our area and I think that there is a problem so we've heard that loud and clear but I wanted to make sure that, that people don't get the wrong impression that this is something that might affect the whole coast. Now it could, I wouldn't say it wouldn't. We didn't think short belly would either but at this time for this short period of time for this year right now what we're seeing on the coast is this is a very area specific problem.

Phil Anderson [00:08:38] Christa.

Christa Svensson [00:08:40] Thank you Mr. Chairman. I feel like I'm really torn on this whole issue. I do worry about the EFP runabout. I am absolutely cognizant of Mr. Dooley's concerns particularly living in a small coastal community working in another one and working for a company that has had a groundfish plant in Northern California that went from five vessels down to zero so I do think that there is an issue there. I do question are we allowing just a deluge for our friends at NOAA long term, but the question that I really am wondering about is, and this is you know my HMS life coloring things, what kind of timeframe really is this EFP process? I mean are we going through all of this today to find out that this won't be issued until January when we'd be into a new year and a new situation potentially?

Phil Anderson [00:09:45] Ryan you want to take that?

Ryan Wulff [00:09:46] Yeah thank you for the question. I mean I don't have a specific number of days. Obviously we would, we have to evaluate the application but we recognize this would be something for 2019. We have identified someone to potentially work on it. Not making any decision which way or another will not affect any of our other workload for 2020 but we would have to go out for notice and public comment and then after that could issue it as you know once we have those comments and discussion so it would be something we would probably prioritize for putting out quickly based on the, if we felt it was warranted and based on the fact that it's for this year but I can't speak to the exact specifics of how quickly. We definitely would not take us even if we wanted to put it forward into 2020, so that's....there is an option to be able to get this done from a workload perspective and also a notice and comment perspective within 2019.

Phil Anderson [00:10:54] Marci.

Marci Yaremko [00:10:54] Thank you Mr. Vice, or Mr. Chair. Just wanted to maybe respond a little to Bob's remarks about these individuals coming forward with the problem and I guess I'm, part of my difficulty here is there are 62 other holders of cowcod shares. I don't know and from what I understand those quota pounds range anywhere from under one pound to nine hundred-ish so I don't know how their operations are currently affected by these very limiting quota pounds. If they're electing not to fish because they are unwilling to take the risk or if they've changed their fishing strategies so that they have less risk and those are the types of comments and input that I would like to have before a decision is made on a recommendation on EFP and if there's interest from those other individuals in the same special treatment.

Phil Anderson [00:12:10] I have a question for Ryan. So if you received an EFP application and you worked it through your process but you didn't make a decision on whether to award it or not until after the September Council meeting, so if you had your, can you do your public notice and comment on, on your process. Do the front end work. Bring that back to the Council in September and if we recommended that it be approved, how long from that point would it take to actually provide relief to those that it would affect?

Ryan Wulff [00:13:10] I think there's options along with that. I mean really it's up to NMFS when we receive an application for how long it takes us to evaluate it for the time period we choose to set for public comment and then the amount of time it takes us to evaluate the comments and then make a decision. You know given that I have already mentioned that if this is something we were looking at for 2019 we would be working on a, we would be trying to go on a relatively expedited schedule but I think you could do something along those lines and once we have gotten to that last stage of

evaluating comments it's not a long process to issue the permit or not. If we do not we do have to justify and explain why.

Phil Anderson [00:14:09] I was just, I was just trying to think if there was a way to accommodate the various concerns that have been raised understanding that there is basically three months between now and the time that you could potentially implement the EFP on October 1 let's just say, but at the same time address the concerns that's been raised around the table and still maybe provide some relief to the participants in the event that they bumped up against their cap. Ryan.

Ryan Wulff [00:14:46] Thank you. So yes so you would, if two, two options would potentially be available to you. If, if, or we could do from a NMFS perspective in issuing or issuing, not issuing this EFP, two options, you could schedule the comment period to overlap with the September Council meeting or you could bring the comments that we've received and NMFS evaluation of those comments back to the Council in September prior to making the final determination. So either one would be a potential option.

Phil Anderson [00:15:25] Okay thanks. Bob.

Bob Dooley [00:15:28] Thank you Phil and I neglected to acknowledge Brad's idea of the maybe putting a limit on this EFP to correspond with what would become in the proposed agenda-izing of, of the future action for 2020 that would be I guess the default new vessel cap from the, from the increasing the ACL for in the future and I think that's a really good idea because then it does limit what how much an individual vessel within that EFP could use and it's no, and it's in line with what their future will be in 2020 should we end up going down that road of what is anticipated. I think that's a good, a good point. The other thing I'd like to point out and I, and in testimony they're not asking for one quota pound more. They have that inside their own, those, that collaborative collective so they're not looking to disadvantage anyone else by taking quota pounds away and you know they're not.....so I think that may be offer a lot more assurance from others that they're not getting a free pass to just take all, all they can but I think it might accommodate what they need.

Phil Anderson [00:16:56] Marci.

Marci Yaremko [00:16:57] Thank you Mr. Chair. The comments or suggestions provided by Mr. Pettinger and Mr. Dooley to me are exemplary of why the Council should be considering this item and providing its recommendations to NMFS. These are good thoughts that might inform us on recommendations that would help shape future terms and conditions for such an EFP. So as I understand you know where we're at right now unless we provide a recommendation to NMFS on this EFP then NMFS will complete its own review and develop its terms and conditions without our input so this is, again it's exactly why I think this is an important matter that we take up and that we not short change our existing Council process and our COP.

Phil Anderson [00:18:10] Maggie.

Maggie Sommer [00:18:11] Thanks Mr. Chair. A question in looking back at the open comment letter on EFP I didn't see a term, a timeframe for which the EFP would be active?

Phil Anderson [00:18:29] Ryan.

Ryan Wulff [00:18:30] We don't know. I have not evaluated the application yet.

Phil Anderson [00:18:47] Maggie.

Maggie Sommer [00:18:48] Thanks Mr. Chair. I guess I'd say I also find this one challenging. I think some very good points have been raised about process, about potential impacts. Although the EFP would not be asking for more cowcod, it certainly could change the dynamics of cowcod quota pound availability to non collective harvesters. You know I appreciate the point about fairness. I do want us to be able to be responsive to those who do come forward to us and bring a request and information on what the problems are and a potential solution and I am not comfortable with a response in, in general that well if we can't do it for everybody aren't going to do it for you. At the same time I recognize the potential for precedent and for this leading to potential future similar requests so I, you know it's a, it's a very challenging one for me. I am very sympathetic to the situation for the trawl sector south of forty ten in particular and I, in my mind that was really something that was a very important feature of this situation as I thought about it yesterday during public testimony and, and in many conversations since then. Thanks you know I do appreciate the opportunity for public comment on a NMFS proposed EFP that Mr. Wulff raised. I do realize that does, that would not have comment coming to this Council and for us to be able to consider that comment. It does in my mind provide opportunity for the public to be made aware of the proposal and the potential impacts assuming they are appropriately characterized. Overall I, I really struggle with this and I think I would you know at this point I would be inclined to support this motion if it we go ahead with a vote on this motion as it stands. I appreciate the, the final thing I wanted to say, I appreciate the thinking about alternative ways to work this into our, our process and provide an opportunity for Council specific comment. I don't, I don't see that we have time on our September agenda to do that but if there are, if Chuck or Phil have thoughts that there might be then I would like to hear those.

Phil Anderson [00:22:25] We could.... this is a little tongue in cheek, we could use the same hour and a half we are in our September meeting that we're using right now on this one.

Brad Pettinger [00:22:40] Thank you Mr. Chair. I think one of the things Marci asked was you know what are the other, how does it affect the other quota holders. This is an IFQ fishery and so if they would go over the cap that they would potentially get and they don't have the quota pounds they still have to buy it from somebody and it has to be a willing seller, so unless they blew out the entire ACL, which unless that happened which is pretty remote, they still have to go out the marketplace and get it. So in that sense it doesn't really affect the other quota holders because they own it and they could do and sell it to who they want.

Phil Anderson [00:23:31] Okay Further discussion on the motion? Ryan.

Ryan Wulff [00:23:37] Thank you. I'd like to make a last point here before we go to this. If we do go to a vote NMFS will be voting no against this motion even for just the simple reason that there will be an opportunity to notice and comment and that would not be an adequate justification for NMFS to deny an EFP because there was no notice and comment by the Council. Number two I find it a little concerning and interesting that we're talking about notice and comment when no notice and comment was given to the public. We would discuss this under workload planning, and number three just to clarify while I appreciate Marci's comments regarding terms and conditions and NMFS does appreciate Council input, we do routinely if not almost always developed those with our own authority and expertise so that is not unusual, and then finally regardless of the outcome of this we will evaluate the application we received per our regulations and we will report out where we are in that process in September. Thank you.

Phil Anderson [00:24:45] Thanks. Any further discussion on the motion? We'll try a voice vote. All

those in favor say 'aye'.

Council [00:24:57] Aye.

Phil Anderson [00:24:59] All those opposed?

Council [00:25:01] No.

Phil Anderson [00:25:02] Roll call please.

Chuck Tracy [00:25:06] Thank you Mr. Chair. Craig I'll be working from voting sheet number one. Council members as I call your name please answer yes or no. Brad Pettinger.

Brad Pettinger [00:25:19] No.

Chuck Tracy [00:25:21] Rich Lincoln.

Rich Lincoln [00:25:22] No.

Chuck Tracy [00:25:24] Bob Dooley.

Bob Dooley [00:25:25] No.

Chuck Tracy [00:25:26] Louis Zimm.

Louis Zimm [00:25:30] No.

Chuck Tracy [00:25:32] Marci Yaremko.

Marci Yaremko [00:25:30] Yes.

Chuck Tracy [00:25:31] Corey Niles.

Corey Niles [00:25:33] Yes.

Chuck Tracy [00:25:34] Joe Oatman.

Joe Oatman [00:25:39] Yes.

Chuck Tracy [00:25:40] Ryan Wulff.

Ryan Wulff [00:25:40] No.

Chuck Tracy [00:25:41] Christa Svensson.

Christa Svensson [00:25:48] No.

Chuck Tracy [00:25:48] Marc Gorelnik.

Marc Gorelnik [00:25:49] Yes.

Chuck Tracy [00:25:51] Herb Pollard.

Herb Pollard [00:25:52] No.

Chuck Tracy [00:25:55] Maggie Sommer.

Maggie Sommer [00:25:55] Yes.

Chuck Tracy [00:25:55] Pete Hassemer.

Pete Hassemer [00:26:02] No.

Chuck Tracy [00:26:06] Mr. Chairman there are eight no votes and therefore the motion fails.

Phil Anderson [00:26:18] Okay. Is there further business to come before the Council under this agenda item? All right. Before we close out as we all know this is our 250th meeting and it's also Herb Pollard's last meeting as a Council member and I just wanted to take this opportunity to thank Herb for all of his tremendous contributions he has made to us in this Council over his nine year tenure. In addition to his other 45 years of, of Fish and Wildlife career and we wish you the very, very best and we wholeheartedly thank you for everything you've done for us. (applause). You may have the last word including a motion to adjourn.

Herb Pollard [00:27:19] Thank you Phil and thank everybody for the kind words. Yeah June 1, I've told a lot of people June 1 marks 50 years since I went to work for Idaho Fish and Game in 1969 but if I add the graduate assistant and biowade and lab tech and the other things I've been drawing a paycheck pretty continuously for 55 years doing fish stuff and so it's probably, probably time to ride off into the sunset but I, this process is a wonderful process and the people are wonderful people and I move that we adjourn.

Phil Anderson [00:28:08] We have a motion to adjourn. All those in favor say 'Aye'.

Council [00:28:11] Aye.

Phil Anderson [00:28:11] Opposed No? We're done. Thank you.

E. Enforcement

1. Annual U.S. Coast Guard Fishery Enforcement Report

Marc Gorelnik [00:00:00] That brings us to council discussion. Frank.

Frank Lockhart [00:00:07] Just thank you for the report, it's, NMFS works really well with the Coast Guard and we look forward to that and appreciate all the work you guys do, and I just wanted to reiterate the request. It was, I just asked a question under, after the report but I would like to request that the Coast Guard come back with a report and explaining in what detail they, they have based on their investigations what was going on with those safety incidents in the recreational fishery.

Marc Gorelnik [00:00:48] All right. People generally agree with that request? I'm not sure, I don't have the, the tentative agenda in front of me but I'm sure there's probably an enforcement item there somewhere or some other appropriate agenda item to put that under. Further discussion? Michele.

Michele Culver [00:01:11] Thank you Mr. Vice-Chair and thank you Lieutenant Commander McGrew for the report. Just wanted to express on behalf of Washington Department of Fish and Wildlife our appreciation for the Coast Guard and the cooperative relationship that we have with the Coast Guard and our enforcement not only on joint patrols, joint efforts, responses and follow up investigations and just the collaborative nature with which we work with each other so thank you very much.

Marc Gorelnik [00:01:51] Further discussion around the table?

Chuck Tracy [00:01:52] Jim.

Marc Gorelnik [00:01:58] Tim?

Chuck Tracy [00:01:58] Jim.

Marc Gorelnik [00:01:58] Doctor Seger.

Jim Seger [00:02:00] Thank you Mr. Vice-Chairman. For this report I'm wondering whether it would be an information report or if there's a preference for having it as a Council agenda item as something you might talk about at the end of the week under your workload planning or you could address it now.

Marc Gorelnik [00:02:14] I think we'll have to discuss that where it fits in workload planning. Any further discussion? How are we doing?

Jim Seger [00:02:26] I think that complete your action Mr. Vice-Chairman.

Marc Gorelnik [00:02:30] All right great. Well thanks again Scott for the report and I'll briefly express my appreciation for everything the Coast Guard does. I'm down there in district eleven. Fortunately all my encounters are friendly. All right I think that concludes this agenda item, Agenda Item E-1 Enforcement.

F. Coastal Pelagic Species Management

1. National Marine Fisheries Service (NMFS) Report

Marc Gorelnik [00:00:00] That concludes public comment and takes us back to our task here which I believe is just discussion and so I'll open the floor to discussion on the NMFS report. We had a fair amount of discussion during, I guess during the science center presentation but, which was informative. Is there any discussion here? We don't have an action here and so then I'll turn to Kerry and say Kerry did we do what we needed to do?

Kerry Griffin [00:00:36] Yes sir Mr. Vice-Chair. Your task was discussion and it sounds like there's no discussion so I think that concludes your business under this agenda item.

Marc Gorelnik [00:00:45] Thank you very much. I know these, these issues will continue to percolate.

2. Stock Assessment Prioritization Process

Marc Gorelnik [00:00:00] Thank you Chair Anderson. Well we've, we've received our reports from the SSC, the management team, the advisory subpanel which brings us to Council action which is on the screen in front of us to consider an assessment prioritization process for CPS stocks, pardon me, and to consider data available for a potential central stock of northern anchovy stock assessment. So I'll open the floor and see what the wishes of the Council may be for our consideration. Not all at once please. There have been some recommendations made by the management team or suggestions made by the management team, comments to that made by the SSC and we've had some input from the advisory subpanel. I know it's early in the morning. Pete. Thank you.

Pete Hassemer [00:01:16] Thank you Mr. Vice-Chair. Why not start it off since we're considering this item here. I gather my thoughts. I appreciate the work that the management team did in putting together the matrix. As I listened to the discussion and maybe there were more questions that could have been asked especially of the SSC, but when we're considering five different species or, or five groups of fish in and two of those my recollection or understanding is that for jack mackerel it's difficult or we can't do an assessment so prioritization becomes difficult. The squid is the other one that might be removed from that so we're dealing with three species and there are some subpopulations there. It's a relatively small number. The matrix for prioritizing what we do seems complex and as I thought about it there are nine metrics that can be scored there, and four of those rely on expert opinion. The SSC characterized those as qualitative, whether qualitative and subjective are synonyms there, but it leaves some room in there and I think the SSC brought up the point asked whether or not maybe a test was run of the matrix to see, to make sure not the same stock didn't get prioritized as the highest priority in each iteration of that. My other concern was because, because four out of the nine metrics rely on expert opinion, does it really separate out the stocks and create some prioritization, so maybe my consideration of this, the bottom line is the small number of stocks, there's a lot of work to go through in prioritizing. There was a suggestion in the public comment and I think in other parts of the testimony that some type of rotating panel might be a simpler approach. One each year and each of those would be the assessment or the information would be refreshed every five years and you wouldn't have to continually go through this process so in, in listening to the testimony and the information that's what I saw as we're creating a lot of work for maybe something that doesn't demand a lot of work to get the job done. Thank you.

Marc Gorelnik [00:04:31] Thanks Pete. Further comments? I'll note that the AS suggested that this might be helpful as an advisory tool, should not be prescriptive and so it would represent a fair amount of work or some qualitative advice at least under that perspective. Further discussion? Is there any appetite on the Council to provide instructions on this agenda item?

John Netto [00:05:13] One of the recommendations from the management team was to just ensure that you're continually revisiting the stock assessment prioritization on a biennial basis and regardless of the criteria they use that seems like a reasonable approach to me. I think things are going to come up continually. It sort of codifies a valuation of what the priorities might be but I think that to me makes a lot of sense. With regards to the matrix that's used, I agree that using it in a prescriptive sense creates a lot of work but as you're evaluating or if you're using a five year rotation sometimes you can spend a lot of time doing stock assessments on, on, on which isn't really a priority during that time period, so I think during that biennial process you could use that matrix to, to, to visit if your five year rotation is making sense and hopefully that will do it enough lead time that you'll be able to make adjustments as necessary and provide the right guidance.

Marc Gorelnik [00:06:11] Thanks. Michele.

Michele Culver [00:06:17] Thank you Mr. Vice-Chair. I am prepared to offer a motion. It's not able to connect to the internet here this morning so Sandra has that now. Thank you. I would move that the Council adopt the recommendation by the Coastal Pelagic Species Management Team as described in Agenda Item F.2.a, Supplemental CPSMT Report 2 to schedule a CPS stock assessment prioritization process as a biennial November agenda item to begin in November 2020 to select the CPS stock or stocks to be assessed in 2021 and 2022. This process would not use a ranking matrix approach but would include Council deliberations for CPS stock assessments on a biennial cycle with advice provided by the SSC, Council advisory bodies, management agencies and the public relative to data quantity and quality and assessment resources. Two, adopt the following recommendations from the SSC as described in Agenda Item F.2.a, Supplemental SSC Report 1. A: provide flexibility in the process to allow for revisions in the intervening year given new information because CPS are subject to rapid fluctuations in abundance in fisheries catch and, B: consider how selection of stock assessment priorities may affect survey design and potentially compromise the long term integrity and value of resulting abundance indices. And three, in 2020 conduct a model based integrated assessment for the central subpopulation of northern anchovy as the highest priority. If resources are available for a benchmark assessment on pacific sardine in addition to CSNA this would not preclude assessing both stocks in 2020.

Marc Gorelnik [00:08:30] Michele does the language on the screen accurately reflect your motion?

Michele Culver [00:08:34] Yes it does.

Marc Gorelnik [00:08:35] Is there a second? Seconded by Rich Lincoln. Would you like to speak to your motion?

Michele Culver [00:08:38] Yes thank you. I sincerely appreciate all of the thought and work that went into developing the matrix by the CPS Management Team as well as the Southwest Fisheries Science Center and I think there were good discussions this week by the team as well as the SSC. I think we were reminded that we have only a few stocks in this FMP and a lot of them or perhaps half of them, we're not sure of what the data quality and quantity are and which ones may be ripe for an assessment so there was the potential of using the matrix with the scoring approach that most if not all of the stocks could come out with very close scores. That perhaps the matrix would not be as informative as we had hoped. That being said I'm also reminded that through that the groundfish prioritization process we have a lot more stocks but even when we get the scores and the priorities there's still a lot of Council discussion and deliberations about moving stocks around and changing which ones are assessed sooner rather than later and it's, it's not a prescriptive matrix. With regard to the SSC's report I think they pointed out a couple of good things for the, the Council and the team in particular to keep in mind and that is because CPS unlike groundfish are, are very short lived and quick to mature. There's often new information particularly on a biennial cycle that could come to the Council's attention on the off assessment year so I think the Council should try its best to follow that biennial cycle but certainly have flexibility in the process that should new information be brought to bear that the Council has the ability to act upon that and change our stock assessment priorities that we have set for the biennium. I also think that the Council should consider how its selection of stock assessment priorities may affect survey design. We do have the AT survey which the Council has reviewed and discussed more on a stock specific basis so we've talked about it in the context of sardine. Under the next agenda item we'll be talking about it in the context of mackerel. I do think it's worth having a comprehensive consideration of the, the survey and the survey design and how it may or may not fit the different CPS stocks and how our decisions on CPS stock assessment priorities may warrant some survey design changes. Finally with regard to the stock assessments moving forward. I did ask a question yesterday relative to the Southwest Fisheries Science Center and if having the stock

assessment prioritization process the first meeting following the team's recommendation occur in November of 2020, whether that would provide sufficient time for the Southwest Science Center to do a stock assessment for 2021 in particular given the, the timing of that decision and then also the team had pointed out that in 2020 sardine were scheduled for a benchmark assessment and that was also presented to us in the, in the NMFS report and the Science Center report. At the same time the SSC's indicated that there are sufficient data quantity and quality to do another assessment on the central subpopulation of northern anchovy. The last assessment was done in 1994. I do think the Council should have a more recent assessment, a more recent look at the status of the northern anchovy stock and given the SSC's advice that the quantity and quality are such that an integrated model based assessment could be done, I do think that, that should be the Council's highest prior, priority for 2020 again though recognizing that sardine are scheduled already for 2020 so would certainly appreciate some feedback from the science center relative to the readiness and ability to do these assessments next year.

Marc Gorelnik [00:14:34] Thank you Michele. Other questions for makers of the motion? Frank.

Frank Lockhart [00:14:41] Well first of all I would like to support her suggestion of having the science center come up and talk about the readiness but I guess when I was, when you were reading through the motion I was, I saw the start of number 3, I thought it was actually going to be flipped that you know given that we are considering, the Council has already determined sardine to be overfished and we're in the middle of our process to whether formally declare it overfished, would it make more sense to have a benchmark assessment for sardine in 2020 and then in 2021 do an anchovy model based integrated assessment, so, so my question is what, what is the basis for moving anchovy up in priority versus sardine? Could you explain that a little bit more?

Marc Gorelnik [00:15:38] Michele.

Michele Culver [00:15:39] Yes thank you. And so I appreciate the question. I, I do think that the stock assessment that has been done on anchovy is very much outdated and we do have I guess an assessment that was done by the SSC indicating that there's sufficient data and of sufficient quality to do another assessment so I do think that in general the stocks that have been assessed should be on a regular assessment cycle of every five years. I think that's what's provided in the National Standard Guidelines so I'm, I'm looking at a northern anchovy stock that has not had a benchmark assessment since '94 and that we have sufficient data to do an updated assessment and we just completed a sardine assessment and learned that it was overfished. I don't believe that the status of the stock of sardine is going to change significantly between the assessment we were just presented with and another assessment a few months from now but again I'm open to guidance both from National Marine Fisheries Service at the region level relative to whether a sardine assessment would be useful in either confirming the overfished status or providing the Council with updated information on the status and I would be open to information from the Southwest Fisheries Science Center relative to the readiness of doing an anchovy assessment in 2020 and would certainly be willing to consider prioritizing sardine over and anchovy if, if that's the advice that we're given.

Frank Lockhart [00:17:58] Thank you.

Marc Gorelnik [00:00:00] Briana.

Briana Brady [00:00:01] Thank you Mr. Vice-Chair. I wasn't sure if Frank was going to call up Dale but I wanted to comment first please.

Marc Gorelnik [00:00:08] At least right now we're questions for Michele and then we'll move on.

Briana Brady [00:00:14] So given all the reports from the industry regarding sardine it seems that they have record of the abundance of sardine being significant at least within this past month and last month as well. Unfortunately the AT survey doesn't run on a schedule that would capture that so we may end up with a result similar or we may not depending on how that survey goes and it could be positive. Also I would say that anchovy doesn't seem to be in a questionable state right now and during the SSC discussion they actually considered doing a sort of a preassessment workshop to try to attempt how you would do the stock assessment so they could find something that would hopefully work and pass by a star panel that didn't actually come out in their report so I think that I would like to prioritize sardine given that it is overfished, that we do have to do rebuilding plan and then look to CSNA the following year.

Marc Gorelnik [00:01:39] Any further questions for Michele before we move on to discussion and perhaps Frank might want to phone a friend. Frank.

Frank Lockhart [00:01:50] I would, I would like to have the science center come, I guess Dale and well I'll leave it up to Dale to decide and Kristen so....well the question, you've heard the questions and for me the basic question is in, well first of all what is the status of a benchmark assessment for Pacific sardine and then going on from there, what is the status of potentially being able to do a model based integrated assessment for the central subpopulation of northern anchovy?

Dale Sweetnam [00:02:44] Thank you Frank and Vice-Chair. The issue is personnel and ability to do the stock assessments next year. We're not just doing a sardine benchmark assessment. We're doing albacore benchmark assessment and a Pacific bluefin benchmark assessment as well as an update for blue shark. We have staff of four and now five stock assessors. 2020 is booked solid and the work on the sardine assessment has already begun after the macro assessment was finished last month so our priority would be to put the anchovy assessment into 2021 just because next, next year is, we're completely booked.

Marc Gorelnik [00:03:43] Thank you. Frank.

Frank Lockhart [00:03:46] And just one follow up question. The SSC noted or they believe a model-based integrated assessment is possible. What is the status of the data on anchovy to inform that assessment? Is, is the data ready could you, I mean is it ready to go for 2020 or is that going to take longer?

Dale Sweetnam [00:04:12] Yeah we're still working on the nearshore data which the SSC said that we needed to have that nearshore data to get an integrated assessment before anchovy and we're still working on that, the sail drone data getting that completed this year so that will take time. The SSC volunteered to help with the stock assessment in describing several methods of doing an integrated light assessment and not using all the biological information that's needed for integrated stock assessment and we basically asked him to...we took him up on that and tried and schedule a workshop to, to get that process completed sometime this fall but having that ready for 2020 would be probably very difficult.

Frank Lockhart [00:05:13] That's all my questions.

Marc Gorelnik [00:05:18] Michele.

Michele Culver [00:05:20] Thank you. Thanks Dale for coming up and the response. Given that would it be, would it be better for the Council to then set its priorities for 2020, 2021 at this juncture and then for the November 2020 meeting to actually select our assessment priority for 2022 given the timing and the, the preparation needed in advance for an assessment?

Dale Sweetnam [00:05:59] I, yeah I think we'd probably be back on a regular schedule then once we get the anchovy out of the way and back into our normal schedule I think, I have to look at staff so.

Michele Culver [00:06:15] Great thanks.

Marc Gorelnik [00:06:16] That's some helpful information. So further discussion? Is there an amendment? I'm hearing these states aren't going to work. Michele.

Michele Culver [00:06:31] Thanks well not able to amend my own motion but I guess look around what I heard for confirmation is that Pacific sardine would remain a benchmark assessment in 2020. CSNA would be a model integrated assessment in 2021 and then up under number one in November 2020 the Council would select the CPS stocks to be assessed in 2022.

Marc Gorelnik [00:07:07] I think that's right. So you can either withdraw your motion with permission of Rich and then we can change those dates or someone can offer an amendment to change those dates. Frank.

Frank Lockhart [00:07:25] I'm tempted to say what she said but I'll try to do it. I would move to amend the motion. In number one delete 'in 2021'. Yep and in number three, this won't be quite as simple, in number three in 2020 conduct a benchmark assessment on Pacific sardine and in 2021 conduct a model-based integrated assessment for the central subpopulation of northern anchovy. Okay so in number three after the first 'conduct' just copy the, the benchmark assessment on Pacific sardine.

Marc Gorelnik [00:08:53] Thanks Kerry.

Frank Lockhart [00:09:18] Then after the word 'sardine' there and..... all right sorry, and then after the word 'sardine' put 'and' comma, in 2021 conduct a model-based, oh yeah, conduct a model-based.... and then just put a period after the parentheses CSNA and then delete the rest. Yes. Thank you.

Marc Gorelnik [00:10:11] All right Frank let's, let's go up to the first change in paragraph number one. I think you want to include the word 'and'.

Frank Lockhart [00:10:23] Where would that be?

Marc Gorelnik [00:10:27] In 2020 to select the CPS stocks to be assessed.....in 2022 rather than..... I'm just trying to.....

Frank Lockhart [00:10:39] Yeah just the, you're correct, I think it's to be, it should read 'to be assessed in 2022'. So delete that 'and' after the.....yeah right after the 'in 2021', also delete the 'and' and insert the word 'in'. Or that works too.

Marc Gorelnik [00:11:02] Right. All right with those.....and what you're deleting is 2021 and....yep there you go. All right. So in number one does that read correctly Frank? I'm getting some advice. Frank.

Frank Lockhart [00:11:30] Hold on one second.

Marc Gorelnik [00:11:31] Sure enough. Let's get it right. Yes Frank.

Frank Lockhart [00:11:40] I think, I think the words reflect the intent of my motion.

Marc Gorelnik [00:11:44] Very good and then going down to number three look at that because we can't see them both at the same time. Does that reflect accurately your amendment?

Frank Lockhart [00:11:55] Yes that accurately reflects.

Marc Gorelnik [00:11:57] Is there a second? Seconded by Bob Dooley. Do you wish to speak your amendment?

Frank Lockhart [00:12:05] Just very briefly. I think you know there's, there's very good reasons to go.....yeah I think Michele laid out a good case for moving forward with an anchovy assessment and I think for from my point of view that it's just merely a matter of the timing, we're both, were act, we're acting to do both in the next two years and I think that's a, that's a good thing. I think it's just a matter of a difference in priority of sardine versus anchovy and then in addition we heard from the science center that they've actually already started on the sardine assessment, so I think between those two things I think this allows us to move forward and get good information on both stocks within the next two years.

Marc Gorelnik [00:12:53] Great thanks Frank. Are there any questions for Frank or discussion on the amendment? Seeing none I'll call the question. All those in favor say 'Aye'.

Council [00:13:02] Aye.

Marc Gorelnik [00:13:03] Opposed No? Abstentions? The amendment passes unanimously. We're now back to the motion as amended. Is there any further discussion on the motion as amended? Maggie.

Maggie Sommer [00:13:16] Thanks Marc. Just briefly offer support for the motion and appreciate the I think more efficient approach to prioritizing the CPS stocks for assessment than going through a very intensive exercise to use a matrix and probably come out to a same result we will do just using the expert judgment and input as we go through the biennial process here.

Marc Gorelnik [00:13:42] Thanks. Any further discussion on the motion as amended? I'm not seeing any I'll call the question, all those in favor say 'Aye'.

Council [00:13:49] Aye.

Marc Gorelnik [00:13:53] Opposed No? Abstentions? The motion as amended passes unanimously. Kerry. Well let me first ask the Council is there any further business on this agenda item? Any further comments, questions? Now I'll turn to Kerry and say Kerry how are we doing?

Kerry Griffin [00:14:16] Thank you Mr. Vice-Chair. I think that covers the business that you had before you on this agenda item. You made a decision about the stock assessment prioritization process and provided guidance and a motion and you set some priorities for the next couple of years for stock assessments on CPS stocks so if there's no further discussion or action by the Council I think that, that

covers things.

Marc Gorelnik [00:14:45] Chuck.

Chuck Tracy [00:14:46] Thank you Mr. Vice-Chair and Kerry so, I hadn't really thought this through too much, but I assume that there might be some modifications needed to COP 9 in terms of our management schedule but we can follow up with, staff will follow up on that.

Marc Gorelnik [00:15:01] All right thanks Chuck. All right if there's no further business on the Agenda Item F.2 we will move to Pacific mackerel.

3. Pacific Mackerel Assessments, Harvest Specifications and Management Measures – Final Action

Marc Gorelnik [00:00:00] Concludes public comment on Agenda Item F.3 which brings us to Council discussion and action and Kerry do you want to remind us what our job is here.

Kerry Griffin [00:00:13] Yes. Thank you Mr. Vice-Chair. Sandra has put your tasks up on the screen. You need to adopt the Pacific mackerel stock assessment. You need to select a P star value and ABC value, ACL's and perhaps ACT's, and then also adopt incidental catch allowances within the CPS, other CPS fisheries and, and non- CPS fisheries.

Marc Gorelnik [00:00:42] All right thanks for that Kerry. Well let's commence Council discussion and after some discussion if there is a motion we can proceed. Briana.

Briana Brady [00:00:52] Thank you Mr. Vice-Chair. I have a motion when you're ready.

Marc Gorelnik [00:00:55] Well I'm ready unless someone wants to discuss the topic first, and I'm not seeing any hands so once you move forward with your motion.

Briana Brady [00:01:06] I, thank you. I move that the Council approve of the Pacific mackerel stock assessment for U.S. management in 2019-2020 and 2020-2021. Number two, adopt tables 1 and 2 in Supplemental CPSMT Report 1. Number three, if the act is met adopt a 45 percent incidental landing allowance when Pacific mackerel are landed with other CPS with an exception that up to three metric tons of Pacific mackerel per landing could be landed in non-CPS fisheries.

Marc Gorelnik [00:01:42] Does the language on the screen accurately reflect your motion?

Briana Brady [00:01:46] Yes.

Marc Gorelnik [00:01:46] Do I have a second? Seconded by Louis Zimm. Please speak to your motion.

Briana Brady [00:01:54] Thank you Mr. Vice-Chair. We heard from the SSC that they approved the mackerel stock assessment as the best available scientific information for setting management measures for the next two seasons. As far as using a P star of point four five that was recommended by the CPS Management Team and is consistent with previous council action and in terms of the management measures, I believe that providing a 45 percent incidental catch allowance is consistent with what the industry needs on the water and it won't preclude them from fishing other stocks if they were to run into that situation, and the three metric tons is to allow non-CPS fisheries to take small amounts of mackerel if the need were to arise if they were to catch that much mackerel and reach the ACT.

Marc Gorelnik [00:02:57] All right thank you Briana. Are there questions for maker of the motion? Discussion? Oh wait Kerry.

Kerry Griffin [00:03:08] Thank you Mr. Vice-Chair, Ms. Brady. Just a point of clarification, I think it's implied, but I just want to make sure under number three it says if the ACT is met we'll move to a 45 percent incidental landing allowance. The implication is that also if the ACT is met that the directed fishery would be closed. I just want to confirm that that was part and parcel to the motion.

Briana Brady [00:03:36] Yes Thank you.

Kerry Griffin [00:03:36] Thank you.

Marc Gorelnik [00:03:37] All right Chuck.

Chuck Tracy [00:03:37] Thank you also on number three. So the first phrase is referring to CPS, CPS fisheries and then the second phrase is non-CPS fisheries so is it an exception or I guess an exception to, to the 45 percent incidental allowance?

Briana Brady [00:03:57] Yes. Thank you.

Marc Gorelnik [00:04:04] Further questions for Briana? Council discussion on the motion? Louis.

Louis Zimm [00:04:16] Thank you Mr. Vice-Chair and I am prepared to support this motion. I would like us to keep in mind in that last phrase the three metric tons of Pacific mackerel per landing that could be landed in non-CPS fisheries, I would like to see that be tracked and used in future assessments. I think we could gain information especially on adult large mackerels and other things, other distribution parameters that could be informed by these non-CPS fisheries so I'd just like to note that.

Marc Gorelnik [00:05:04] Further discussion? Michele.

Michele Culver [00:05:09] Thanks. Just wanted to voice my support for the motion and did note the high degree of uncertainty that was described in the Supplemental SSC Report 1 and the new assignment of this assessment to a category 2 which I do think accounts for that scientific uncertainty with the new sigma assignment for that category 2 stock. I would also say that I would certainly support having further discussions whether through a workshop either formally or informally relative to how a future mackerel assessment could be improved and whether there's any consideration of revisions to the AT survey that might help better inform a future mackerel assessment, as well as exploration of different models and model approaches that could be used for a mackerel assessment that may use the AT survey in a better way or, or have a better fit with that. I would note that given the Council's previous action under the last agenda item, the suggestions that we had in public comment relative to a mackerel assessment approach would certainly be up for Council consideration through the stock assessment prioritization process for a potential assessment in 2022.

Marc Gorelnik [00:07:01] Okay. Is there general support for Michelle's comments around the table? I'm seeing nodding heads. Any further discussion on the motion? I'm not seeing any I'll call the question, all those in favor say 'aye'.

Council [00:07:17] Aye.

Marc Gorelnik [00:07:19] Opposed No? Abstentions? Motion passes unanimously. Is there further Council discussion or business on this agenda item? Kerry how are we doing?

Kerry Griffin [00:07:38] Thank you Mr. Vice-Chair. I think that was an efficient motion and discussion and you covered everything that you needed to under this agenda item.

Marc Gorelnik [00:07:47] All right. Thank you. That concludes Agenda Item F.3.

4. Review of Management Categories

Marc Gorelnik [00:00:00] Well that concludes public comment on agenda item F.4 which brings us to Council discussion and action and I'll turn back to Kerry to remind us of our job here.

Kerry Griffin [00:00:14] Thank you Mr. Vice-Chair. The Council's tasks are on the screen. They're to consider options for process to revise or remove the management categories for CPS stocks. Consider the process timeline and workload that would be involved in those sorts of changes and then provide further guidance. You have a bit of a plethora of options before you described in the management team report and by the CPSMT and you heard some further public comment on the topic and so those are the decisions that you'll need to discuss and, and take action or provide guidance as necessary.

Marc Gorelnik [00:00:56] Thank you Kerry. We'll look around the table to see who wants to get this discussion kicked off. I know that this is a topic that's going to take some time so I'd like to get started if someone wants to offer some comment or a motion but I think we need some discussion first. Herb.

Herb Pollard [00:01:30] Thank you Vice-Chair. You know the....a lot of the discussion was around, as the, the advisory subpanel said, the perceived confusion, and I spent a lot of my time confused when we get into these topics but I have not had a problem understanding the difference between monitored and managed and in the fishery. There apparently is a need to explain and define the categories. I'm not convinced there's a need to change the way that they're managed but to change the understanding or make it more clear but you know the, to make a management change over semantics and the failure to understand what, how those terms are being used even those terms to me are clearly explained in the FMP and in the way that we have used them, it may be necessary to choose one of those options that makes the process more clearer but I'm not sure there's a, there's a need to change the, the process that we're using in terms of managing these stocks or that we can improve the way they're managing the stocks with the information we have available at this time.

Marc Gorelnik [00:03:02] Thanks Herb. Louis.

Louis Zimm [00:03:08] Thank you Mr. Vice-Chair and I, I just wanted to real quickly thank very much to the folks in the audience from the Audubon and my goodness from the zoo that come here to inform us about the situation about the least tern which I might point out is, is very complicated and trying and I really have to bow to them that, that they've taken on this very difficult endeavor to preserve the least tern in face of all the development we have along this coast notwithstanding that however as a, as a mariner that spends a lot of time offshore, I have some disagreement about the perceived link between the least tern situation and the anchovy and sardine situation. If you look back there have been times when the anchovies have been quite low in abundance and instead sardines were there and if you try to tie the two together it's very difficult but that's, that's a good, good discussion to have perhaps over a glass of wine, very interesting stuff, but the thing that really impressed me here is the amount of work that would be, would be needed to either go to option 2 or 3 or even to go to option 1 just to further define these terms which I believe that the scientists and folks that are on the various MT's and AS's and the SSC and the scientists at the centers understand quite well what we're, we're trying to do and at, at any time when there is a need to assess anchovies because of something going on the Council can, can ask for it. So my worry is that we get involved in this, what is it going to cost us? There are many other things that we need the MT's for and if we pull them off to do what looks like actually much more work than I thought it was gonna be, I thought it was going to be easy. What is the cost? And what group is going to come up and say my goodness we

need to work on this, why aren't you working on it? Well we are...well because we're working on how to define the difference between monitored and active stocks. I'd feel kind of silly if I'd have to say that but there it is and that's my somewhat rough comment on this.

Marc Gorelnik [00:06:17] Maggie.

Maggie Sommer [00:06:18] Thanks Mr. Vice-Chair. Similarly a little bit to the stock assessment prioritization thinking, this is not a large number of stocks and I don't see a significant benefit to retaining the management categories versus describing our management approach for each stock on an individual basis. I think that might help articulate better and help with the understanding better of what the Council's approach for each stock is. I don't see removing the categories as necessarily changing how we would address the management approach for each stock but I don't think the categories are, are a necessary, or at this point useful tool and then specifically in response to the concern that Mr. Zimm just raised about timeline I think that's a very valid point. I would suggest that if the Council chooses to initiate a removal of the management category terms at this meeting that there is probably not you know any specific deadline or urgency to accomplishing it. I don't mean to say not to move it along expeditiously but if there were other issues that came up that were more urgent I would not want, you know work on this to delay addressing what might be a more urgent issue in the future and I think that ties back into some of the questions we had for the management team on the amount of time and what, whether they would be able to accomplish other things in the same time. Thanks.

Marc Gorelnik [00:08:16] Michele.

Michele Culver [00:08:19] Thank you Mr. Vice-Chair. I would like to offer a motion for the Council's consideration.

Marc Gorelnik [00:08:26] Please go ahead.

Michele Culver [00:08:30] I move that the Council direct the CPS Management Team to prepare draft revisions to the CPS FMP in a manner that retains the management approaches for the CPS management unit stocks and describes how each stock is managed in a stock specific manner rather than through the use of a categorical assignment. Specifically the intent is to remove references to the named management categories but not to revise the manner in which the CPS stocks are managed. Should the Council wish to consider whether and how to change the way specific CPS stocks are managed then that could be a separate item for future consideration.

Marc Gorelnik [00:09:18] Michele does the language on the screen accurately reflect your motion?

Michele Culver [00:09:22] Yes.

Marc Gorelnik [00:09:23] Looking for a second. Seconded my Maggie. Please speak to your motion.

Michele Culver [00:09:32] Thank you. Yes I appreciate that there are likely varying degrees of understanding amongst Council members, team members, advisory subpanel members, and the public on the verbiage that's currently in the CPS FMP. The Council has had discussions on the active versus monitored categories I think probably over the last seven or, or eight years so it is a topic that has regularly come up and through advisory body and discussions and public testimony and Council deliberations, it's often clear that perhaps we're not all on the same page. What has come up I think through those discussions, in particular the review of the FMP language by the team, is that the, the

FMP itself has a lot of subsections, so six point two point three point one point four point two is how things are referred to in discussion and often times those subsections are you know one to three sentences long and there's not a lot of cross references. A lot of those subsections are connected to each other but there's not a lot of cross references so it's, it's difficult to find the answer to a question or accurately describe how a particular stock is managed and then ensure you've, you've checked all of the subsections to make sure you've got that full picture. So I think a lot of the work and perhaps the time is something that the team has certainly suggested be done to improve the FMP itself even without addressing these management categories, so it's hard to separate how much time and work is needed to do those other things and that the housekeeping type changes that they'd like to have done to the FMP versus the work associated with this specific item. So for clarity I appreciate the work that the team has done in coming up with the options that they've presented to us. I'm not sure if what I've described in my motion is, is actually one of those options or if it's potentially a hybrid of some of the options that are described in their report, but I just wanted to make it clear that the intent of the motion is to reduce confusion that's associated with the category assignments but not to change the management approach that the Council has in place and has employed for each of these stocks just to describe what those management approaches are better in the document and I think as, as Ms. Sommer pointed out I mean we have really only five stocks in the FMP and it, it should not be too difficult to go in a stock by stock manner and simply describe the way each stock is managed and so the intent is, is to capture how each stock is currently managed. The intent is not to include any changes to how they're managed through this effort.

Marc Gorelnik [00:13:41] Thank you Michele. Are there questions for maker of the motion? Louis.

Louis Zimm [00:13:48] Thank you Michele and I really respect your background and ability to come up with what looks to be a path forward through a hybrid approach and I wonder if you have asked the MT how much workload this would entail?

Marc Gorelnik [00:14:15] Michele.

Michele Culver [00:14:17] Yes I have and I think it's.....well first of all I'll say it's, it's hard to say how accurate they were in their projections on these three different options, noting that there were a few months' worth of difference among them but my understanding is that it's something that would be perhaps like option 2 or option 3.

Marc Gorelnik [00:14:55] Further questions for maker of the motion? Council discussion? Frank.

Frank Lockhart [00:15:09] I found it a little, a little funny that one of the species that was brought up maybe has a similar issue. It's called the least tern when it should be at least the pretty good tern or something like that so I bring that up not.... you know sometimes you know it's a small name, people might think that this is a small naming thing that we're talking about but I think sometimes it's important the words we say matter you know and we've had endless discussions about this over the past few years about this active versus monitored category so I think it's important to move forward on this and I'm in support of the motion but I would like to also say similar to what Louis and Maggie said that the fact that the National Marine Fishery Service is in support of this doesn't mean that we think we haven't been manage, managing these species and we haven't reacted to circumstances. I believe we have but I think it is important for the public to have confidence in our management structure so that on its face they are confident that we're, we're doing that and so in this case I do think the names manner, matter and I think moving forward is a good path to take. Thank you.

Marc Gorelnik [00:16:28] Thank you Frank. Phil.

Phil Anderson [00:00:01] Thanks Mr. Vice-Chair. First of all I would just voice my support for the motion and thank Michele for putting it forward and I appreciate the approach that she used. You know when we're talking about workload, if we were to do nothing on this issue today that doesn't mean the workload is going away because then the issue will not go away. So I think we have an opportunity today to take a step forward. I think the, the importance of forage fish in our overall fishery management in the overall fishery management context has changed over time since, since we adopted the FMP and put these categories in place. I was recalling that in the 2013 Managing Our Nation's Fisheries we had a specific group that talked about forage fish and so and over time as we think about the amount of time that we have spent and the importance of managing forage fish species, ensuring that our, that our CPS plan is reflective of those of being the most, as current as possible it's important I think, so I think the categories have outlived their usefulness. I think the, the change in relative abundance between the five species and whether they do or don't and how much they contribute to fisheries changes dramatically over short periods of time so I think the, again I think these categories have outlived their usefulness. I think describing how each stock is managed in the stock specific manner as the, as the motion states is an important improvement to the FMP and I think we also need to be mindful that things such as harvest control rules do not require an FMP to address if, if we think we have an issue. So again I'm supporting the motion.

Marc Gorelnik [00:02:23] Thanks for that Phil. Is there further discussion, excuse me, on the motion? Bob.

Bob Dooley [00:02:34] Thank you Mr. Vice-Chair. Really like to thank the fellow Council members on helping clarify this for me. Good comments by all. The one question I have in my mind that's left here is that, and Maggie touched on it a bit, is what will this pre-empt by this change? What, what is in the pipeline that will be delayed specifically and do we have the capacity without delaying a bunch of other things that are possibly more important and how do we prioritize this so I'm interested in that conversation as well.

Marc Gorelnik [00:03:19] All right. Thanks Bob. Further discussion? Rich.

Rich Lincoln [00:03:24] Thank you Vice-Chair. I'm also going to support the motion for many of the reasons that already, already been described. I think the categories probably are, reflect a bit of anachronism at this point in terms of whether they help us clarify what our management intent was, but I guess in response to Bob's question or comment I mean we could ask the team to come back up but I thought that there was some, some insight to that question that occurred when Phil asked the management team for some clarification on their schedule so what I thought was pretty clear to me from that discussion is that the management team laid out a timeframe of which it would take to do these things that also anticipated their priority tasks over a year period, so it's not like they said well we're gonna drop everything that we're gonna do for the next year and just do this, they said we've got some priority issues, this is going to take some time because of the, just the extensiveness of some of this language in the plan by itself as you know requiring you know editing and restructuring tasks so I didn't get a sense that, that was going to be an issue but if there's some concern about that we could ask for some additional clarification I think.

Marc Gorelnik [00:04:50] Thanks Rich. Phil.

Phil Anderson [00:04:52] Thanks and I would just again note that the team has, the Council spend a lot of time on this already. The team has spent a lot of time on this already. We have an opportunity, I mean the, the I think the motion is a measured step forward to address the issues that have been raised, not all of them but many of them, and so we can either make use of the work that's already

been done and take this step or you know conversely do nothing and think that it's going to go away and not come back and have to maybe do some of this work again, so I would rather make use of the work that's been done and the thinking that's been done and I think you know in my mind this is a hybrid of alternative 3 that has less workload because it's maintaining the basic approach from a management perspective so I think this is a, is a necessary step. I don't and I don't think we necessarily save anything by not moving forward in the manner that the motion suggests.

Marc Gorelnik [00:06:08] Thanks Phil and I would note looking at the year at a glance if we're talking here about a three meeting process for CPS this being the first meeting. CPS is already on the workload planning for November, April and that's about 10 months out so it, it may mesh well, I guess we'll talk at workload planning but it may mesh well with what we have on the year at a glance. Any further discussion? Please.

John Netto [00:06:39] Just a quick comment, reiterate some of what other people said but I also support the motion. I would also think you know there will be time spent on this. The costs, cost of the overall workload but in terms of moving forward the comments I heard mostly from the public comments kind of talked around this actual issue and the comments came up more about how we managed and so I think taking this step forward can kind of separate that out. I think the, the terminology has caused confusion that we saw today. We've seen it in our deliberations internally and if we can separate that out it allows us to move forward with what we should be concerned with and what I heard were the concerns in the public comments.

Marc Gorelnik [00:07:22] Further discussion? Not seeing any. I'm going to call the question. All those in favor of the motion please say 'aye'.

Council [00:07:31] Aye.

Marc Gorelnik [00:07:32] Opposed No? Abstentions? The motion passes unanimously. All right. Michele you have a further motion?

Michele Culver [00:07:50] Thank you. Not a further motion but maybe a question and potential guidance. So I would note that I think with the direction provided by the Council on the revisions to the FMP that the actual reformatting reorganization of the FMP should be fairly straightforward and this gets back to Mr. Dooley's question. I think a lot of what these revisions to the FMP would entail are more administrative in nature. They're not.....so once this policy guidance has been provided there's not a lot of flexibility on the part of the team to put in different options or state things in different ways. I think the guidance was pretty clear so it's more of an administrative type work moving forward to implement that so I guess that being said I, I would pose a question to Mr. Tracy about Council staff's availability to work on this? I don't think it necessarily needs to be the entire team that's rewriting but perhaps it could be one or two folks working with Council staff and then going for the full team for you know questions, review and approval to move the, the entire document forward but I'll note as an example I think Dr. Dahl did a tremendous job redoing the HMS FMP in fairly short order so I don't know if there are maybe even other Council staff resources we may be able to tap into.

Marc Gorelnik [00:09:59] Chuck.

Chuck Tracy [00:09:59] Thank you Mr. Vice-Chair, Miss Culver. I think, I think you are correct in that there are a lot of administrative issues that will be addressed in this and that, and that in the past when we've done this it's, it's often fallen to the Council staff or maybe a project team between the

National Marine Fisheries Service and Council staff. I think we will be talking about this on our follow up call to see how we might want to approach that but I think that's a reasonable model to expect. I, yeah you know, I don't know about engaging the entire team you know on an ongoing basis, I mean on a check-in basis you know and get their, get their feedback from the project team I think you know again that's a likely model. We will, we'll discuss it and come up with something. I think in terms of just staff resources I think we are in reasonably good shape with that. I think Kerry's probably pretty relieved that groundfish EFH is over and, and you know as Marc pointed out and you look at out at the year at a glance I mean it's not, CPS issues aren't packing every meeting so I think we'll be able to find the resources to address this and within the timeframe I guess suggested by the management team.

Marc Gorelnik [00:11:28] Thanks Chuck. Briana.

Briana Brady [00:11:31] Thanks Mr. Vice-Chair. Thanks for this discussion. I wanted to check in. I believe that the team really wanted to also prioritize housekeeping and where that fits in with this and also wanted to state that I do think the team needs to be involved and maintain oversight with this process.

Marc Gorelnik [00:11:56] According the management team report the Haskin package would not take any additional time over option 3 so I guess we need to get a feeling for if we were to provide that guidance would that, how much would that extend over the, over the motion that the Council has adopted? Frank.

Frank Lockhart [00:12:19] Well maybe I'm.... I thought I heard Michele talk to the housekeeping when she was talking about her motion so I think it's already covered in the motion.

Michele Culver [00:12:31] Thank you.

Marc Gorelnik [00:12:31] All right. I'm glad we clarified that. Further....Herb.

Herb Pollard [00:12:39] Thank you Vice-Chair. I was going to say something similar that I think that Michele's motion included the major elements of option 3 plus the, the housekeeping which basically is improving consistency across sections and, and making the language, carrying it through and I, I thought I read that or at least got the implication if it's not there clearly I believe that's all of our intent that, that housekeeping would be included in the, in the revisions that are necessary under the motion.

Marc Gorelnik [00:13:21] It's certainly clear now.

Herb Pollard [00:13:27] Okay.

Marc Gorelnik [00:13:27] Any, any further discussion on either providing guidance or any other discussion on this agenda item F.4. I'm not seeing any I'm gonna turn back to Kerry and see if we're done here.

Kerry Griffin [00:13:44] Thank you Mr. Vice-Chair. I think that covers your action. Again it was a little bit nebulous where you might go with this but you've provided direction that would include removing references to, to active or two species being inactive or monitored and provide additional description of how they're managed. The management team has spent a fair bit of time over the last year or two looking at housekeeping changes that would benefit and improve the, the CPS FMP so I think that's very reasonable to include in this action. I think we might go huddle with those

management team members that are still here and with staff and the director and think about timeline and you know future agenda planning and that kind of thing but I think that, you know gives us direction and that concludes your required action under this item.

Marc Gorelnik [00:14:44] All right thanks very much Kerry. Well that concludes Agenda Item F.4 that concludes CPS and I will now hand the gavel back to Chair Anderson only 10 minutes behind schedule.

G. Salmon Management

1. Rebuilding Plans

Phil Anderson [00:00:00] And that will take us to our Council discussion and consideration of the actions regarding our review of the salmon rebuilding plans. Robin you want to take a quick run through those three please. In particular two and three.

Robin Ehlke [00:00:30] Excuse me Mr. Chairman. Are you just asking me to?

Phil Anderson [00:00:33] Just a quick review of the action that the Council needs to take.

Robin Ehlke [00:00:38] Thank you. So for these rebuilding plans in Section 4 of both of the plans there are management alternatives provided in addition to further recommendations as well, and so the Council action would be to review and comment on both of the rebuilding plans and then consider adopting a final preferred alternative so that it can be recommended to the U.S. Secretary of Commerce.

Phil Anderson [00:01:09] Okay and just to be clear we're, we are at a point where we can consider adopting the final, the final preferred alternative for chinook and we're at the point of considering adopting for public review the three rebuilding plans for coho, correct?

Robin Ehlke [00:01:30] Thank you Mr. Chairman that's correct.

Phil Anderson [00:01:31] Okay thanks. All right so that leaves it up to the will of the Council on how you would like to proceed. Brett Kormos.

Brett Kormos [00:01:45] Thank you Mr. Chairman. I'm prepared to make a motion for the two chinook plans.

Phil Anderson [00:01:51] Great.

Brett Kormos [00:01:59] I move the Council adopt the Klamath River and Sacramento River fall chinook rebuilding plans as final. Adopt recommendation 1 in both plans establishing the default rebuilt criterion consistent with the FMP for these stocks and adopt alternative 1 status quo control rule from recommendation 2 as the preferred alternative management strategy for recommendation to the U.S. Secretary of Commerce as presented in Agenda Item G.1, Attachments 1 and 2.

Phil Anderson [00:02:38] Thank you very much Brett. Please confirm for me the language on the screen accurately reflects your motion?

Brett Kormos [00:02:44] It is.

Phil Anderson [00:02:44] Thank you very much. Is there a second? Seconded by Bob Dooley. Go ahead and speak to your motion Brett.

Brett Kormos [00:02:51] Thank you Mr. Chairman. First of all I'll just say that the reason, specific to the management strategy recommendation, the reason that I am making this motion today to go with status quo is that as outlined in our FMP it allows the Council the maximum amount of flexibility in

crafting ocean fishery regulations on an annual basis taking into account information from past escapements, projections about current ocean abundance and even information that we might have about future abundances based upon environmental conditions that exist. Alternative 2, excuse me alternative 3, closing fisheries entirely was not something that I felt was reasonable to pursue, and alternative 2 had built in somewhat arbitrarily chosen buffers to the harvest control rule and minimum spawner escapement objectives that I in looking at it since would at times result in undesirable or unintended consequences to, to the restrictions that we put on the fishery so simply put alternative 1 allows us to continue to do what we've done for the last couple of years which is choose our actions carefully and try to balance the needs of the resource and the needs of our stakeholders such that we're doing the best we can for all those involved. I, I will just add that I have a number of other comments and recommendations for action or no action for the remaining recommendations in both plans but I will save those until after we've addressed this current motion.

Phil Anderson [00:04:48] Thanks very much Brett. Questions of the maker of the motion? Discussion of the motion? Seeing none I'll go ahead and call for the question all those in favor signify by saying 'Aye'.

Council [00:05:02] Aye.

Phil Anderson [00:05:02] Opposed No? Abstentions? Motion carries unanimously. We'll stick with the chinook plans and back to you Brett.

Brett Kormos [00:05:13] Thank you Mr. Chairman. So if you don't mind bear with me for a second I'm going to walk through the remaining recommendations and make a few comments and even ask for some team or committee action on those additional recommendations. Beginning with the Sacramento River fall chinook rebuilding plan on page 61 with section 4.3, recommendation 3 fall fisheries. I'm also going to be speaking to the following recommendation which is the de minimus fisheries recommendation. Basically in my view these are things that we're already doing and on, on an annual basis. While I recognize the input from the SAS regarding the language that they would like to insert that further clarifies that we would be doing this annually. I don't think that that's necessary. I think that, that, that is implied in what is already here for the recommendation so basically I'm saying I don't think we need to do, no action is needed under these two alternatives. Moving on to 4.5, recommendation 5 Habitat Committee. I would like the Council to ask the Habitat Committee to begin evaluating and investigating a number of habitat conditions that the, that the STT and those that worked on the rebuilding plans weren't able to fully evaluate and investigate and in addition they may want to look further into the things that were addressed in the rebuilding plan but specifically if you skip ahead to page 65 further recommendation 5, items A through F are all habitat related issues that weren't fully investigated and may, the Council and all of us may benefit from further evaluation of those factors. Skipping back now if you would allow me to page 64, 4.7 further recommendations 1, 2, 3 and 4. The first being reconsideration of the current conservation objective for Sacramento River fall chinook and the remaining are based upon the age structure stock assessment abundance forecasting and harvest models. I would like the STT to generate a general report or assessment on what it would take to, in their view at least, to, to do this work and come back to the Council with that so that first these recommendations don't sort of die here at adoption and second so that the Council can get a sense of, of what it, what stands between us and some further.....what stands between us and moving to this type of assessment for this stock, and in addition to that going back to further recommendation 5, items G and H are also things that I think the STT could give us a general assessment on what, what would it take to, to have that work done or evaluated potentially through methodology reviews at some point down the road, not this year such that we could get an assessment ourselves of what we need to do to, but excuse me, of whether or not there is any merit to those

evaluations and what if anything we might want to. Now I'm going to go back to, move over to the Klamath rebuilding plan beginning on page 47 with recommendations 3 and 4, 4.3 and 4.4, these are again fall fisheries and de minimis fisheries. I won't repeat all the comments I made about that the first time but essentially these are things that we're already doing. I don't think any further action is necessary there and then moving down to 4.5 again I think that the Council should engage the Habitat Committee in evaluating the habitat conditions that contributed to the, to the overfished status for this stock and last on section 4.7 further recommendations on this plan on page 50, I see recommendations 1 and 2 being support management of flow and support dam removal as things that don't require any action by the Council at least not at this time, and that concludes all of the additional comments and direction that I'd like to relay to, for the Council's consideration.

Phil Anderson [00:10:41] Thank you Brett. So I have, on the Sacramento I have some recommendations to have the Habitat Committee evaluate some of the issues in particular those on page 65, A through F that weren't fully investigated. I don't, I'm not trying to necessarily capture everything you said so if I miss something, there was a request for the STT relative to 4.7. There's items 1 through 4, kind of a take a look at that report back and then recommendation 5, sub G and H looking for the STT to make a recommendation, and relative to the Klamath under 4.5 engaging the Habitat Committee and having them take a look at what habitat issues may have contributed....(background cell phone) Oh. There's some donuts right over there. Cool.

Don Hansen [00:11:52] It's getting close to lunch time.

Phil Anderson [00:11:52] Yeah. Very good. And that's the....(background cell phone) There's another couple boxes there.

Marc Gorelnik [00:12:09] We're good for the week.

Phil Anderson [00:12:16] So those are the things I captured in there along with some of the other comments that you referenced about where there wasn't further action needed.

Brett Kormos [00:12:24] Yeah that's consistent with what I said Mr. Chairman.

Phil Anderson [00:12:28] Okay thank you.

Brett Kormos [00:12:32] I don't know that the, that this agenda item at the September meeting would be the right time to expect that STT report but I'll just throw that out there is as one potential point at time, in time that we might address that.

Phil Anderson [00:12:48] As in you would be asking for a work product from them at that time?

Brett Kormos [00:12:52] That's correct. It would be an opportunity for them to provide the report to the Council for us to consider.

Phil Anderson [00:12:59] Are there concerns around the table with the direction that Mr. Kormos has provided for both the Habitat Committee and the STT? Everybody good? Marc Gorelnik.

Marc Gorelnik [00:13:14] Thank you Chair Anderson. I just want to say that I agree almost completely with everything Brett has put forward. A lot of these, a lot of the analyses that are requested of the STT are completely appropriate and for example looking at age 2 river harvest if we're looking in the Sacramento for looking at the abundance of age 2 escapement as an indicator of

ocean abundance then we should probably be looking at all of the age 2 escapement, but one question I had, I mean I think as the SAS recommended and as you mentioned and tasked the STT with looking at essentially a Sacramento ocean harvest model. Why would we not want to make that a Central Valley ocean harvest model and take into account San Joaquin fish?

Phil Anderson [00:14:12] Brett.

Brett Kormos [00:14:12] Thank you Mr. Chairman. First of all because Sacramento River fall chinook are our target stock so it would be best to have a model that specifically addresses that stock. But I'll just let you know that our current assessment also does in an indirect way account for San Joaquin chinook, in fact it accounts for all other Central Valley stocks in the mixed stock fishery so they aren't ignored and that would be in a sense folded into the assessment but it just would not be a specific age structure assessment for that particular group of fish because again they are not our target stock. Those runs are very, very low, they are largely a depressed stock across the basin in the San Joaquin and not in my view is something that we should be trying to have a directed fishery on.

Marc Gorelnik [00:15:02] Thank you.

Phil Anderson [00:15:04] Chris Kern.

Chris Kern [00:15:06] Thanks Mr. Chair. I just wanted to take the opportunity to say I also agree with Mr. Kormos's comments. I've been thinking about in particular in the section 4.7 recommendations I think it is for Sacramento, how we keep, sort of keep track of those while also recognizing that you know taking an action to implement those would take a lot of work and I think having the STT look at it and report back on you know scoping out what that takes would be a good start to, to address that so I'm supportive of that as well as a specific as well as the rest.

Phil Anderson [00:15:41] Okay. Before I go.....well wait hang on. Anything else on the two chinook rebuilding plans? Before I go to coho I would like to ask Dr. O'Farrell you've heard our discussion. You've heard the work that we'd like to see the STT do. I was wondering if you could give us some perspective on whether September would be a reasonable timeframe to bring this back to us.

Mike O'Farrell [00:16:14] Thank you Mr. Chairman. I, September could be appropriate. We are working on a number of methodology review topics right now, that comes to mind as a, you know a little bit of a workload issue. I think to better answer that I'd like to maybe get a little more information about the level of detail that is going to be requested for such a report.

Phil Anderson [00:16:45] Okay. Here's what I'd suggest is that we have that as a goal that I would ask you to offline talk with Mr. Kormos and Mr. Kern about that piece and if there's a need to bring it back to us at a subsequent meeting like November as a result of understanding what the workload implications are and your other work we'll leave, I would suggest we leave that to you guys to work out? Okay. Thanks very much for coming up.

Mike O'Farrell [00:17:21] Thank you.

Phil Anderson [00:17:21] All right. Let's, next we need to consider sending out for public review the coho rebuilding plans. Kyle Adicks.

Kyle Adicks [00:17:37] Thank you Mr. Chair. I do have a motion for the coho plans. I move that the Council adopt the Strait of Juan de Fuca coho, Queets River coho, and Snohomish River coho

rebuilding plans as presented in Agenda item G.1, Attachments 3, 4 and 5 respectively as drafts for public review.

Phil Anderson [00:17:57] Okay. Double check the language on the screen accurately reflects your motion?

Kyle Adicks [00:18:03] Yes.

Phil Anderson [00:18:03] And seconded by Rich Lincoln. Go ahead and speak to your motion please.

Kyle Adicks [00:18:07] So first just thanks to the STT and the state and tribal staff that were involved in developing each of these plans. As we heard from the STT the last pieces that were needed to sort of complete the drafts have been finished since the April meeting. I think there'll be some continued co-manager discussion. There's some language in at least a couple of these plans that sort of gets at the precautionary approach the co-managers have taken and intend to continue taking just some discussion of how to clarify that and where it best fits into the body of the plan but think that can happen and everything that's needed for the draft to go out for review is in them now.

Phil Anderson [00:18:46] Thanks Kyle. Questions of the maker of the motion? Discussion of the motion? Susan Bishop.

Susan Bishop [00:18:56] Thank you Mr. Chair. I would just like to follow up on what Kyle said. There was a significant amount of work done from the last version of the coho plan, the Queets' plan in particular. We do have some remaining questions but we would like to work with the co-managers as Kyle suggested to resolve those. We think that will be easily done in the intervening two months.

Phil Anderson [00:19:17] Thanks Susan. Other discussion on this motion? Okay we'll go ahead and call for the question all those in favor say 'Aye'?

Council [00:19:26] Aye.

Phil Anderson [00:19:27] Opposed No? Abstentions? Motion carries unanimously. Robin can I go back to you and ask if there's further business the Council needs to do relative to this agenda item?

Robin Ehlke [00:19:44] Thank you Mr. Chairman. For the chinook rebuilding plans the Council has identified their final preferred alternative for both of the plans and went through the additional recommendations and identified both the Habitat Committee and the STT to do some future work. Perhaps in September or November you'll see additional work from the STT and from the Habitat Committee. I'm sure the Council will work with them to provide further direction as needed. So I believe the work for both of the chinook rebuilding plans is complete as you have again identified your final preferred action, and for the draft coho plans again adopting those for public review between now and our next September meeting, that action is also complete.

Phil Anderson [00:20:38] Thanks very much and I, I'm not sure I fully recognize but I know there was a tremendous amount of work that went into putting these plans together for us and the state and the tribal and our STT folks worked really hard to get this, these things to this point and I just want to acknowledge that and how much the Council appreciates all of that work. Susan.

Susan Bishop [00:21:05] Thank you Mr. Chair. This is just a bit of housekeeping. In order to keep the plans moving forward as effectively as we can we would appreciate and we are ready to move the two

chinook rebuilding plans forward into regulation if the Council could send those to us immediately after this meeting and then we can work on the coho plans in September. It's a bit different than the schedule presented but that would maximize our chances for getting them through the regulatory process.

Phil Anderson [00:21:34] Thanks Susan. Robin.

Robin Ehlke [00:21:36] Thank you Mr. Chairman. It is my intention then to send a transmittal letter for both the chinook plans. I will also note that Section 1 of both the chinook plans have an executive summary that has yet to be complete. The STT has talked about that. Our plan was to complete that section once the Council had made their decision so that it can be memorialized in the document, the decisions that the Council made on the preferred alternatives so within the next little bit of time I believe the STT will work on that. It'll only be a paragraph or two and then we will get the transmittal letter to NMFS.

Phil Anderson [00:22:22] Great. Does that meet your need?

Susan Bishop [00:22:23] Very much appreciated thank you.

Phil Anderson [00:22:25] Thanks very much. Okay that closes out this agenda item G-1.

2. Southern Resident Killer Whale Endangered Species Act Consultation Progress Report

Phil Anderson [00:00:00] That concludes public comment on this agenda item and takes us to our Council discussion understanding that the work group has met one time and it was focused on getting information on the status of the population of southern resident killer whales and having a discussion about what information is currently available that would help inform us about the effects of Pacific Council area salmon fisheries on the prey base of southern resident killer whales and as you saw there were a number of assignments made coming out of that discussion that the work group will be looking at both at their webinar that's scheduled on July 3rd I believe, 2nd, and then we have the meeting later in July, the 23rd and fourth to continue our work and you also had an opportunity to look at the schedule that we put together for ourselves understanding that we have a very tight timeline by which to complete this work. So is there any discussion about any of those aspects of the work group's report? Is there any discussion on this agenda item? Louis Zimm.

Louis Zimm [00:01:37] Thank you Mr. Chair. I just want to thank you and thank all the people that are on this SRKW work group for the commitment. I hope you get to get out and go fishing this summer but it looks like you're going to be occupied with this and this is quite a commitment and I'm very impressed.

Phil Anderson [00:01:57] I hope to get out fishing too. Herb.

Herb Pollard [00:02:03] Thank you Phil. I, I sent a note to Lance Hebdon who's one of the Idaho representatives on the southern resident killer whales. It's, I think that there's a lot of different aspects that a whole bunch of different people need to work on relative to figuring out how to improve this but one of the things that really struck me was a recent report from Brandon Chasko et al at all of the Northwest Fisheries Science Center called 'Competing Tradeoff Between Increasing Marine Mammal Predation and Fisheries Harvest of Chinook Salmon' and in the, in the abstract this report estimates that sea lions consume a hundred ninety thousand to two hundred thousand chinook salmon in their study area, twice as much Chinook as resident killer whale and six times that of fisheries and so you know perspective is really important as we look at how do we fix this or how do we make it better or how do we you know.....I think that if we don't address all of the species and all of the ecosystem we're not likely to be successful or we're not likely to understand what's, what's really happening to, and it's probably unlikely that more than one species of, of apex predator could be maintained at the highest possible number and you know there's, there's a lot of factors and of course the thing that I've worked on for my entire career is getting live smolts to the ocean. Snake River dams are one of the issues. The avian predators that are still taking 10, 15 maybe even 25 million smolts out of the Columbia and some of the coded wire, or the pit tags that have been recovered on the bird colonies, other members of that cohort have returned a 3 to 5 percent so 20 million, 5 percent of 20 million, you know a million, a million extra adults perhaps that have been allocated to bird colonies living on artificial islands and you know I think as we go through this process or as the study group goes through the process they really need to look at other big changes in the ecosystem and you know I don't want to sound like, well I do sound like, 'Hey don't blame me I just don't manage the fisheries', but the fisheries are only one of a dozen factors or more that affect how many fish are out there for salmon recovery or whale forage or supporting fisheries and all the other reasons we want to have more salmon out there and it's all part of the same. The number of salmon, whether it's for whales, for fisheries, for salmon recovery it's, it's part and parcel of the same issue, how do we get more live smolts to the ocean so.....

Phil Anderson [00:05:41] Thanks Herb. Any other comments? Just, I have just a couple. I

appreciated the remarks of Mr. Wilson, particularly as it relates to needing to take a holistic view at what different fisheries are impacting the number of chinook salmon that are available for southern resident killer whales as a prey base and I, some of his suggestions were to broaden our work in our work group to take on a lot of other aspects which is not something that is within the purpose of this work group understanding that National Marine Fisheries Service came to us and they're going to do a biological opinion and update that consultation and they provided us an opportunity to be part of that and contribute to that work, so it is, this the work group is focused on the salmon fisheries and the, and the jurisdiction of the Pacific Fishery Management Council and while I don't at all disagree that the effects of chinook salmon catches in other areas is not an important aspect of it, it is not within the purview of the work group. Now that doesn't help a whole lot if you're looking for well how do I get there? And he also mentioned the Pacific Salmon Commission. We're having it's, our annual meeting actually is in January but we do have an executive session in October and as part of the renegotiation of the chinook chapter we did look carefully at the effects of the treaty and the catches both in U.S. and Canadian fisheries on the prey base and it was a, a significant part of our consideration in terms of the negotiations. I think the, the you know the, the work around and consideration of predators is one of the things that the southern...the Governor Inslee's Southern Resident Killer Whale Task Force has taken on which I'm on and so we've, we, that is an aspect of their work and as is looking at potential increases in hatchery production to augment prey base and I think I've also mentioned that as part of our funding package to implement the new treaty between the United States and Canada we have a funding element in there of about 5.3 million dollars for hatchery production directed at increasing prey base for southern resident killer whale. So there, I think the connection with the North Pacific is and, and looking at what's going on up there I'm not sure what venue is or what entity is looking at that and so I do think it's worth, not necessarily for this Council to take on, but it's worthwhile in terms of when we're talking with National Marine Fisheries Service about southern resident killer whales is there a way to take as holistic perspective as possible on the effects of chinook harvest that are taking place and throughout the geographic range of both southern resident killer whales and those fish that migrate back into that geographic range and I think that's a, that's a tougher question to answer as to how to, how to get at that, but I, I wanted to acknowledge Mr. Wilson's testimony on those, on those aspects. So I'll ask one more time if there's any other discussion to be had on this topic before we close it out? Chris Kern.

Chris Kern [00:10:09] Thanks Mr. Chair. I'll be brief but I just wanted to follow up on a couple of those items as well. I've been participating in the prey working group under Governor Inslee's Task Force periodically and so just very briefly a lot of discussion on all these topics has occurred in that work group and will continue. We talk a lot about what's been called the four H's and a P, which is the traditional four H's from salmon recovery as well as predation. Bycatch is one that's on their radar as is hatchery production, predators and a whole host, in fact I can't think of an item that I've heard around this table over the last few months that hasn't been on their radar and so if folks are interested in reaching out to some of those members that might be a venue to follow up on having people put eyeballs on some of these things.

Phil Anderson [00:10:57] Thanks Chris. Okay Robin how are we doing on agenda item G.2?

Robin Ehlke [00:11:06] Thank you Mr. Chairman. I think we've had a pretty good discussion. The action today was just limited to considering the review and the report of work group which you have done. That report included the updated roster with both co-chairs identified the schedule for us to work with as we move through this process and a detailed schedule that gets us actually through November when all of the work should be complete so I think with those discussions and the Council taking a look at the work group's report I think we've completed this agenda item.

Phil Anderson [00:11:44] Thanks very much.

H. Pacific Halibut Management

1. Commercial Directed Fishery Transition Process and Workshop Planning

Phil Anderson [00:00:00] Do we have any public comment? No. Okay so that brings us back to our Council discussion considering the process for considering whether and if so how transitioning management authority for the commercial directed fishery from the IPHC to the Council and then providing some guidance on how we will proceed and we have, appreciate all the work that went into the report that we got from the management entities. I know you've given a lot of thought on, on this and so you're probably ahead of some of us at least in terms of your thinking but I did want to acknowledge the, the work that was done to help prepare the Council for this decision. Ryan.

Ryan Wulff [00:01:03] Thank you Chair Anderson. Good morning everyone. If it's helpful for the purposes of Council discussion here maybe I could just at least let you know where the National Marine Fisheries Service is in relation to the discussion this morning. It might be easiest just to kind of walk through the four questions that were put to the Council in the, in the work group report. So for the first one regarding does the Council want to commit to assume management? If that's what the Council wishes NMFS fully supports that as well. For the second question regarding the licensing system in the near term. We have done some at least preliminary analysis of the work it would take for really any system that would need to be set up for transitioning management and under any system that involves proposed and final rulemaking. It involves PRA work, potential NEPA and other laws so it is our strong preference that we, the transition plan would include IPHC continuing as noted in the, in the report by Robin that there is some understanding that it would take some time and potential flexibility from him. I think it would be most helpful to have that in place for 2020 and probably also 2021 with a target of trying to get all of the necessary rulemaking et cetera done by the 2022 season. At least that's probably where NMFS would feel more comfortable committing to. For question number three regarding input for 2020 NMFS is, is flexible we would defer to the Council's preference on this whether you do it through the Council or workshop or another forum, we'd be happy to support whatever the decision or preference is there. And then finally regarding question number four and whether to include work on long term issues, I think this is where NMFS has the biggest concerns to raise for the Council. If the Council is intending as part of this transition plan to incorporate some major structural changes to the fishery that's something we would want as part of this process very early on to start having those discussions. It would definitely not be advantageous from NMFS perspective to be a year into rulemaking of transitioning essentially status quo trying to take over management to then find out the Council prefers a completely different structure, so from our perspective if the Council is leaning in that direction we'd like to build into the process in, and there's multiple ways you could do that but early on to discuss what those changes are so then we could take the output of that and then start the rulemaking process and if we did that early enough that potentially wouldn't delay us too much further than the initial timeline that I laid out earlier. However if the Council does not have a necessary desire to do major structural changes at least in the near term then it would be good to know that and then when we come back in November with our report of workload resources and general timeline expectations for a transition plan we can incorporate that and be a little bit more specific at that time, and I'll stop there. That's where NMFS is at this point.

Phil Anderson [00:05:16] Thanks Ryan. Michele.

Michele Culver [00:05:23] Thank you Ryan for the summary of where NMFS is. You may have mentioned this under item number two but I didn't catch it, so relative to the having a need for a federal license or permit, what is NMFS's position on that?

Ryan Wulff [00:05:50] Thank you Chair Anderson. Thank you Miss Culver. Yeah there currently isn't one so yes there would be.... as we worked on the regulations which we would assume would include some form of licensing, permitting, registration, I think we could discuss options there, until that is implemented we would need to maintain the status quo system of licensing through the IPCH and as we do now linking to their regs.

Michele Culver [00:06:24] Thanks so, so as a follow up to that you would see potentially NMFS coming back to the Council maybe with some permitting registration alternatives that the Council could have the opportunity to weigh in on during this transition period?

Ryan Wulff [00:06:44] Yes. Thank you Miss Culver. Yes, in fact I think I mentioned with response number four if it was clear the desire was to take over at least something similar to what we have now, we could probably present those options as early as the first transition plan report in November. If there is the desire to do broader structural changes obviously that may take a little longer in the transition plan yeah.

Michele Culver [00:07:10] Thanks.

Phil Anderson [00:07:10] Other comments, thoughts? Herb Pollard.

Herb Pollard [00:07:12] Thank you Phil. You know I see one of the options that was suggested by the public comment and I think it's come up in discussion before is a limited entry permit. If that were an option chosen an additional license might not be needed or declaration because you would know who had the permit and the ability to, to fish so you know that, a permit system could serve in lieu of a license system and might be simpler but we don't know if that option could be one of those down the road. What Ryan suggests that it's probably going to take a couple of years to develop the shape of the fishery and some, some public sessions to, to determine where the Council wants to go and so the, the interim 2020 and probably 2021 of, of continuing the IPHC licensing makes a lot of sense to me but what would be needed past that point, I think how the fishery is designed is going to determine that because if it were permit system I don't, I don't know that an additional license or boat registration would be required. There's a thought so thank you.

Phil Anderson [00:08:58] So I'll provide just a few thoughts and I do want to repeat my appreciation for the work that's gone in to thinking this through. I think it is a foregone conclusion that we need to take the management of the fishery over from IPHC so I think that, that decision while it may be hasn't formally been made is an obvious one to me. I would like, my personal preference would be to keep this simple if we can and that is to say that we look at a two year transition period using our existing September, November meeting structure in terms of considering halibut issues for our catch sharing plan if there are minor modif... I'll call them minor modifications, if there is such a thing, to the current structure that we would be, we would provide that to IPHC following our September and November deliberations and considering input from the public and the GAP, so that would be the manner in which we could provide IPHC with any recommendations we have to changes to the current structure within the current framework. In the interim, looking at the issue of licenses and permits and those kinds of things I think we need to work close, we have, we need to stay....have our Enforcement Consultants stay engaged throughout our September, November process if we're going to potentially suggest modifications to ensure that what we're suggesting is within the capacity of, of enforcement and the same with the licensing question I think they would, could provide us valuable input as we go through those deliberations. Regarding the long term I don't see anything, we all know, we all know how complex our catch share plan is. It has the permutations of allocations in it are significant and I want to, my caution is that once we, if we pull the, I don't what the right analogy, if

we pull the blanket back on that and we delve into this fishery and somehow that has potential allocation implications for some of the other sectors or that, that will likely take a considerable amount of time and effort on the part of the Council to make significant changes to this that may have some allocation implications if we're thinking about going into incidental or IQ's or wherever it might go I just, I don't, that is not going to be something we're going to do quickly and that may entail workshops and all other kinds of things but I guess my preference is that we start down this track in the manner in which has been laid out. We get the fishery under Council management. We make whatever decisions we, we need to in terms of the permitting piece and once that's complete then we can think about where we go from there. I, so it's a little bit different than what Ryan was talking about in terms of long term but I think we have to take a step at a time and, and make sure we've got us our feet under us before we take on and, and fully understand what the scope of, of a restructuring of this fishery might mean. Michele.

Michele Culver [00:13:16] Thank you. I agree with the, the comments that you just expressed Mr. Chairman and just wanted to add with regard to the long term and it in general to the Council managing this fishery, I do think that the two way directed halibut fishery is the last, the only fishery that the Halibut Commission still manages and they used to manage other commercial fisheries particularly in Alaska and those transitioned to management, federal management, so I do think that the concerns that the Council has heard from our stakeholders and from our advisory bodies and that we have raised to the Halibut Commission with regard to many of the, the national standards actually in terms of providing meaningful fishing opportunities, ensuring that there's sustainable fisheries for our fishing communities, addressing bycatch concerns relative to yelloweye rockfish and how that bycatch may be shared amongst all of the fishing sectors that the Council manages, I think those are the reasons why it makes sense to me for the Council to manage the fishery. That being said we have heard a range, broad range of ideas on what to do with the quota that is provided for the commercial directed fishery through the council's catch sharing plan and I just wanted to note that first of all again conveying my appreciation to the tribes and the Makah Tribe specifically for initiating an increase to the 2A quota this year and we received the highest quota we have ever had in 2A at 1.5 million pounds. The amount allocated to the commercial directed fishery in our catch sharing plan is just over 250,000 pounds so it's a significant increase. It's, it's meaningful to those who participate in the fishery but at the same time it's really not sufficient to accommodate all of the ideas we've heard in a meaningful way, that being the incidental catch in the sablefish fishery which is substantial. Maintaining some directed fishery opportunity either through limited entry or an IFQ program. It's, on the one hand it's a lot of fish. It's very much appreciated but on the other hand it's, it's not a lot of fish to accommodate all of the demands that are out there. So I very much appreciate that the Council's focus would be on working through how to maximize fishing opportunity and return to our fishing communities with the fish that we have, keeping in mind our concerns relative to, to bycatch. With the quota that we have for the next couple of years and in my opinion any of those other major changes will likely take at least five years to work through and have a final decision on.

Phil Anderson [00:17:35] Thanks Michele. Maggie.

Maggie Sommer [00:17:37] Thanks Chair Anderson. I appreciate all the information and comments provided and agree with them in general. I would support a transition to Council and NMFS management with a, with the near term focus being on bringing it into achieving the transition without making a major structural change in the fishery. I throughout this have not been envisioning an allocation change in the sense of changing the proportion through our catch sharing plan that goes, currently goes to the commercial directed fishery but I recognize that within that some of the management suggestions may also effectively be somewhat of a reallocation from directed fishing for example to a new incidental opportunity and those could take some considerable time to develop

through a comprehensive public process. I would like to think it might not take five years but I recognize Miss Culver's longer experience with complex halibut issues and good perspective on that so I am supportive of moving ahead now again with the working through our normal September and November process to obtain input to enable us to provide some recommendations to IPHC board next year and anticipating a similar type of approach during 2020 for 2021 fishery regulations. Also want to acknowledge the GAP's comments on, in thinking about when, if and when we do begin consideration of some potential longer term change to the fishery in terms of an effective way to reach out to stakeholders and would be supportive of engaging participants in, in a way that facilitates their participation in, in the process at that time. I would lastly I guess be, not want to put off thinking about a process for such consideration until we have finalized the transition just because bringing it back or bringing it into Council management will mean that we need to consider the workload and scheduling and timing implications along with everything else that we have on our plate. There will be significant overlap, particularly in terms of workload with a number of our groundfish agenda items and I think we will want to get a head start in our planning for that. Thanks.

Phil Anderson [00:20:40] Thanks Maggie. Other comments? Brad Pettinger.

Brad Pettinger [00:20:44] Thank you Chair Anderson. I think in this transition we need some stability on the management side and it's, I think it'd be wise I think for the Council to ask the IPHC to not do any, not change anything structurally in the interim period to get some stability to this process. I believe this last year they, they modified the trip vessel size differential. I think we need some clarity for everyone, some stability in this transition and I think it would be, I think it would be wise to maybe ask the IPHC to defer any changes unless, or at least include us in that process at some level to make this as easy as possible.

Phil Anderson [00:21:38] Thanks Brad I was envisioning once we had our deliberations and had a direction that we you would have a letter that would go to IPHC and certainly including those types of points would be important. Herb.

Herb Pollard [00:22:00] Thank you Phil. Yeah I, I agree with Brad on what you said earlier Phil, it's a foregone conclusion the transition to Council management and NMFS management should happen and is going to happen. Probably try to avoid changes in the structure for at least a year or two or longer, so that would be my comment and guidance on the process under number one on the board. As far as number two I think probably roundtable sessions, I attended the, the recreational fishing roundtable, sat in on part of that and that might be a way to get ideas plus exchange ideas with the public to form a formal list of options and it is going to be a workload and is going to take, take some time and it does take a while to sell and spread within the fishing community and it takes a while for the agencies to find answers to the ideas and questions that come up so yeah I think Michele may be right with her estimate of five years to, to get through to something that could be stable but I think it's you know time to move forward with the process.

Phil Anderson [00:23:43] Thanks Herb. Other comments? Ma....Marci.

Marci Yaremko [00:23:50] Thank you Mr. Chair. I guess maybe just a quick follow up question for Ryan if I may. In response to a question from Miss Culver about permitting options it sounded like you would be prepared to bring us something back in November I think was what I heard but then I've also heard discussion about status quo, keeping things the same, maintaining the existing structure so maybe you can elaborate a little bit on what the materials will be or alternatives that you envision for November or if it, if you're, if it's more just about procedure and process for establishing the existing permit system and yes or no, so maybe you can elaborate a little?

Ryan Wulff [00:24:52] Thank you Chair Anderson. Thank you Miss Yaremko. Yeah if it's clear as it seems to be that the desire is to move forward taking over management without major structural changes, what I meant in my response to Miss Culver was that, that commitment we've already made to come in November laying out what the transition plan might mean from NMFS perspective, from workload as well as timeline as we have to consult not just with our you know folks on the reg writing side but also on the permitting side, so I think what we could come back with is obviously what would it take to just carbon copy status quo the current licensing system, everything that's being done now but potentially also explore between now and then and lay before the Council any other ideas or some that have been already mentioned like registration system or limited entry and we can get those out as well with some and kind of hopefully compare it a little bit as to what the workload might be and if any impacts to the timeline as well. So that was what I was offering as a takeaway between now and November if that's helpful.

Marci Yaremko [00:26:08] Okay thank you. I guess in terms of a few thoughts I have I want to reiterate appreciation for the GAP's report. I think you did an awful lot in a very short amount of space here and I know you've thought pretty deeply about these items. One sentence that sticks out to me that I think is important is phasing in minor changes over time seems like a good way to proceed. So I think the GAP, if I'm interpreting that sentence correctly, they aren't anticipating any major, major structural changes. We're talking minor adjustments within the existing framework so I support that. I think it will be enough to do to bring management under the authority of the Council. I think just for near term discussion surrounding fishing periods and vessel limits will keep us busy, so I'm, I'm comfortable with what's been said and our plan forward and appreciate the dialogue.

Phil Anderson [00:00:00] Thanks Marci. Other thoughts? Michele.

Michele Culver [00:00:07] Thank you Mr. Chair. I'm prepared to offer a motion if you're ready for that?

Phil Anderson [00:00:12] Okay.

Michele Culver [00:00:19] I move that the Council one, indicate the Council's commitment to transition the management of the 2A directed halibut fishery from the International Pacific Halibut Commission to the Council. Two, request that IPHC continue to issue licenses for the 2A halibut fisheries including the directed commercial halibut fishery for 2020 and 2021 at a minimum to provide the Council and the National Marine Fisheries Service, sorry some typos here, to provide sufficient time for the Council to develop and consider alternatives relative to permitting and regulating the commercial directed halibut fishery and for NMFS to promulgate implementing regulations as appropriate. Three, request the IPHC enter into a data sharing arrangement for the IPHC 2A halibut licensing system and the commercial directed halibut fishery logbook data to facilitate the Council's management of the fishery. Four, signal to commercial directed halibut fishery participants the Council's intent to not consider any major changes, for example limited entry or incidental fishery only to the management structure of the fishery for the next few years but would focus on ensuring the management infrastructure is in place. Five, utilize the Council's September, November catch sharing plan process to solicit and consider annual directed commercial halibut fishery regulations within the existing season structure, i.e. an open access fishery manage fishing periods and vessel limits beginning in 2019 for 2020 regulations. During the transition period these proposed regulations would be transmitted from the Council to IPHC in November for the IPHC interim meeting and again in January 2020 for the IPHC annual meeting. Six, convey the Council's commitment and a summary of the items described here in the form of a letter from the Council Chair to the IPHC Executive Director following this meeting and prior to the IPHC commissioner's work

session scheduled for late September.

Phil Anderson [00:02:48] Thank you Michele and the language on the screen accurately reflects your motion?

Michele Culver [00:02:53] Yes thank you.

Phil Anderson [00:02:55] Thank you and is there a second? Seconded by Herb Pollard. Speak to your motion as needed.

Michele Culver [00:03:07] Yes thank you. Appreciate the Council discussion that we've had here this morning on this item. I will say that I think it's, it's good for the Council to request the IPHC's concurrence with the license system that they currently have in place. The IPHC secretariat has indicated that their desire is to no longer issue these licenses so the 2A halibut fisheries are the only fisheries that IPHC continues to license so I think they are interested in having an end date to their licensing system. I also think that it's appropriate for the Council as we move forward with the management of this fishery to also be the permitting or licensing authority for that fishery and I think that would help provide greater assurance that the fishery regulations that we would like to see apply we would have more direct control over those if we were also the permitting authority. Through our discussions with the IPHC secretariat they indicated their intent to continue to issue the IPHC halibut fishery logbook which they currently issue for all of their, all of the fisheries under, managed under the IPHC. I think it would be helpful for the Council to at a minimum have, create a mailing list relative to licenses that have been issued so far that would help us reach out to stakeholders and past fishery participants to convey what our transition plan is and ensure that they understand that it's the Council's September and November meeting process that they should be bringing their ideas forward relative to the vessel limits and fishing periods for this fishery. I also think that having access to the halibut fishery logbook data would help the Council manage this fishery in the future, so even if the Council were to continue with a status quo season structure, that is to use some sort of vessel limits or perhaps broader trip limits that would apply to multiple vessel sizes and looking at fishing periods, having the logbook data would help us better assess where the fishery occurs and address some of our yelloweye rockfish bycatch concerns as, as an example. I do think it's appropriate to do our best to signal to those halibut fishery participants our intent for this transition and ensure that they, perhaps some of them may not be familiar with the Council's September, November meeting processes and with our advisory body structure so I think reaching out to those participants and conveying this to them and ensuring that they have a good understanding of when to bring perhaps some of these longer term major change ideas forward that they know that, that is not planned for, for the near term, and then finally I do think it's appropriate to convey all of this in the form of a letter as, as you suggested Mr. Chairman and I think that would be appreciated by the IPHC secretariat as well.

Phil Anderson [00:07:29] Thank you Michele. Thanks for the motion. Any discussion on the motion? Marci.

Marci Yaremko [00:07:37] Thank you Mr. Chair. Just a question for Michele if I may. On item five regarding the Council's September and November CSP process I just want to make sure I understand with regard to the directed halibut fishery regs, you're envisioning a stand-alone agenda item to discuss the directed fishery item that would be identified separately from our regular changes to the catch sharing plan agenda item? You're looking for a different specific agenda item for input to IPHC on the vessel trip limits and fishing periods...yes?

Michele Culver [00:08:30] Thank you for the question. No I wasn't but I'm certainly open to having

more discussion about that but I think we currently have an agenda item scheduled that's on our annual process on our year at a glance. My thought was that not necessarily a separate agenda item but perhaps just broadening the scope of that agenda item to include recommendations on the commercial halibut fishery regulations specifically for 2020 in 2019 so people are aware that it's a, it's an annual item.

Phil Anderson [00:09:17] Marci.

Marci Yaremko [00:09:18] Thank you. Yeah I, I agree with the need to provide the best public notice we can about this being a new annual process and so that kind of leads me to think that maybe the best thing to do is just to schedule this as a stand-alone or if we need to provide other input to IPHC on an annual basis that maybe that's what we title the item is develop recommendations to IPHC for 2020 and then, so I'm just suggesting we think you know when we get to developing the agenda how we can best inform our stakeholders that we will take input on trip limits and fishing periods. Thanks.

Phil Anderson [00:10:08] Yeah I think the important is, thing is that on our agenda and people could look at it and readily see that we are going to be taking input on.

Marci Yaremko [00:10:16] Exactly. Thank you.

Phil Anderson [00:10:17] Other questions or discussion on the motion? Maggie.

Maggie Sommer [00:10:22] Just wanted to support the motion and also the discussion that just occurred on outreach and notice to stakeholders and the best way to ensure that they are aware of the process and appreciate the specificity in the motion and that we would anticipate in that outreach on what stakeholders should be providing us input on for the 2020 fishery and I guess just note that even within the, the narrow scope of potential trip limit and season minor revisions that we might consider recommending I think there's some potential to address some of the issues that have been raised about this fishery and so that will also help us to see how that plays out over the next few years and probably factor into our thinking about longer term changes when we get there. Thanks.

Phil Anderson [00:11:25] Yeah I was thinking we don't want to lull ourselves into thinking that we can make changes even under the existing structure easily. I mean we saw what happened just this last year so even though the structure stays the same, anytime you start making changes it requires some careful thought. Other discussion on the motion? Bob Dooley.

Bob Dooley [00:11:50] Thank you Mr. Chairman. I, too, will be supporting this motion it's very good. I appreciate all the work of the advisory panel did on this but the one thing I see that maybe is, wasn't addressed was the idea of reaching out locally to the stakeholders and not expecting them to come to a September and November meeting to engage. It seems like this is a, a pretty unorganized type of a fishery as far as there isn't an association or a central location for people to weigh their thoughts in and I think it's important that when we take this direction of taking this fishery over from IPHC, I remember them the last time they came they were concerned about the derby style of this fishery and wanting that to be addressed and I hear that, that that's in the future but it would be good to I think address that and say the timeline that we're kind of, that has been kind of talked about here so that it's clear and also clear to stakeholders that they don't think it's a whole new game as we go forward and understand that there will be a time prior to drafting any changes that they have an opportunity for input and I do like the idea of the two, two meetings in Oregon, seems central, seems community based, it seems like the right approach so I just wanted to make those comments and thank you for the

motion Michele. Very good.

Phil Anderson [00:13:27] Michele.

Michele Culver [00:13:28] Thank you Bob for those comments and I appreciate that. I, I will say that the, the participants in general in the commercial directed fishery are primarily based in Oregon so we do have some in Washington and actually our participation in that fishery has grown in recent years but I, I think the, the GAP recommendations are, are noted. I'm not sure, perhaps this is a question for both Mr. Tracy as well as Miss Sommers on just what the availability is of resources and staff time to have public meetings or stakeholder hearings in those ports?

Phil Anderson [00:14:40] Chuck.

Chuck Tracy [00:14:44] Thank Mr. Chair, Miss Culver. So I guess in terms of Council resources we had been budgeting for a workshop to you know I guess in the original plan there was going to be a workshop and so we budgeted for that and then we have staff time and staff funds to, to participate in whatever the Council decides to do here.

Phil Anderson [00:15:18] I don't want to jump in front of you Maggie, so the way the motion is structured it, it says very specifically we're going to use our September, November meetings as a means to gather input from the public and I believe, I know the states in preparing for the September and the November meeting often times hold meetings or opportunities for their constituents to provide them input prior to the September meeting and then once the, if we do have all the alternatives that are put out for public review coming out of the September meeting sometimes there's follow up meetings prior to the November meeting and so I'm assuming that those state processes would continue and likely be broadened because we're taking the management of this fishery on. I was not envisioning the Council taking on that and, and I was frankly pleased to see that the motion addressed what the Council's role is in terms of using its meeting process obviously being enhanced by the work that's done by the states in bringing proposals forward in September, considering them between September and November and then helping inform the decision in November so I didn't, but that's the way I was envisioning this was going to work. Marci.

Marci Yaremko [00:17:09] Thank you Mr. Chair. I agree entirely with those remarks. I wasn't envisioning the Council embarking on a public hearing process like we use for salmon where we do a basically a you know extensive road show in all three states to gain input to help us with our decision making in the salmon annual management measures process. In that case I mean it's a very different scenario. We're looking for input from on a number of measures in the case of salmon and it's an opportunity to get information regionally. With this particular issue I think we've all noted that we're talking about minor adjustments and very specifically what we're talking about are vessel fishing periods and trip limits. I know in California we hold delegation calls prior to each Council meeting where we welcome input from stakeholders on all agenda items that are pending. We would continue to use that process. We have an open door policy if anybody wants to call us and provide us input rather than travel to Boise, we're certainly interested in taking that input and we're listening so I guess I just question the need given the scope of this agenda item in September and November a need for additional Council sponsored hearing.

Phil Anderson [00:18:49] Thanks Marci. Okay Maggie.

Maggie Sommer [00:18:56] Thanks Chair Anderson. Thank you I also was not envisioning a Council sponsored hearing. I will say that for ODFW our normal state process has focused only on

recreational fishery halibut fishery changes for the catch sharing plan and we do have a series of meetings scheduled in early August to solicit initial ideas to bring to the September meetings to support the Council's development of a range of alternatives and we in recent years have then been having one meeting, one public meeting in Newport in between September and November to get additional input on those specific alternatives. At this point maybe I will just offer that ODFW will consider the most effective and efficient way to reach out to stakeholders in Oregon and get input regarding commercial directed fishery changes prior to the September meeting.

Phil Anderson [00:20:08] Thanks Maggie. Chuck.

Chuck Tracy [00:20:13] Well at the risk of overstepping my bounds here a little bit, I did hear Miss Culver mention the possibility of getting a mailing list as part of item three I think, so I think that might be an opportunity to reach out to people. Not all of these people participate in the Council process on a normal basis but I think if we included in their direction and instructions on how to submit their comments to our public comment portal I think that might help facilitate some input from those folks we don't often hear from and maybe get them a little more familiar with what we're doing and how to engage.

Phil Anderson [00:21:00] Thanks Chuck. Okay we have a motion before us. Further discussion on this motion? Seeing none I'll go ahead and call for the question. All those in favor say 'Aye'.

Council [00:21:10] Aye.

Phil Anderson [00:21:10] Opposed No? Abstentions? Motion carries unanimously. Thank you very much. Back to you Robin on what else we need to do here under this agenda item?

Robin Ehlke [00:21:26] Thank you Mr. Chairman. I appreciate the Council's motion on this and some of the items that they've adopted here so to move forward with the transition plan to have IPHC cover the licensing for the next couple of years in the interim, that no major changes to the structure of this current fishery are anticipated in the near term and that we'll use the Council's two-step process, the September and November Council meetings to talk about that directed fishery by adjusting the catch sharing plan. We'll ask for a data sharing agreement with IPHC. Sounds like we'll put the workshop topic on hold indefinitely and the September agenda item has a workshop topic and we'll adjust that so a very healthy discussion. I think the constituents are going to appreciate having that clear path forward now so I think our work on this agenda item is complete. Thank you.

Phil Anderson [00:22:32] Thanks very much and thanks again to everybody that worked on this. Michele. Do you have your hand up?

Michele Culver [00:22:39] I did. Thank you. Just in response to Mr. Tracy's last suggestion I, I would certainly support a broader mailing and thought it might also be helpful if Council staff were planning on doing a Council newsletter following this meeting summarizing, or as part of the decision document as well, summarizing what's here that, that would help facilitate at least perhaps the, the state's sending something out that had a common summary of what to expect to those stakeholders.

Chuck Tracy [00:23:22] Thank you. We can accommodate that certainly in the newsletter decision summary documents a little quicker turn around on, we can put something in there but if there's anything that states any information the states, specific information they'd like they could forward that to, to us, to Jennifer and Robin to include in the newsletter about or anything obviously it's about their process or their contacts that would be helpful to us. Thanks.

Phil Anderson [00:23:52] Herb Pollard.

Herb Pollard [00:23:54] Thank you Phil. It just occurred to me and I should've said this earlier. You know IPHC is going to talk to everybody that gets a permit, everybody that's fishing they're going to communicate with them as they apply for a permit and receive a permit. In the letter to IPHC maybe we could request that they inform the permittee's of the, of the process so that you know again make sure that everybody knows and that's a place to, to touch bases with everyone. If there's any chance that we're....we would miss those people with our other communications IPHC certainly isn't going to miss the applicants and the fishermen with their communications.

Phil Anderson [00:24:37] Okay great. Thanks. Anything else? Okay that'll close out our agenda item on Pacific halibut.

I. Groundfish Management

1. National Marine Fisheries Service Report

Phil Anderson [00:00:01] Council discussion on the NMFS reports. Michele.

Michele Culver [00:00:07] Thanks I did want to just maybe, I'll raise it as a question to Aja as to what the next steps are relative to the implementation of the electronic monitoring programs for whiting and fixed gear?

Aja Szumylo [00:00:35] Thank you Mr. Chair. Thank you Miss Culver. I believe there's an agenda item, a Council agenda item later on this week to cover the EM program so I would ra... I'd prefer to defer until then but I would have to phone a friend for additional details because we have other staff who's more expert in it than me.

Phil Anderson [00:00:53] All right. Thank you we'll look forward to that opportunity. Any other discussion? Could I just ask....oh Michele.

Michele Culver [00:01:04] Yes thank you. Also I guess looking at future agenda, or items on the agenda later at this meeting but I also anticipated that it would be under the inseason agenda item that we would talk about the short belly issue and raise the question at that time relative to changes in short belly catch noted in the NMFS trawl survey in the recent four or five years so hopefully that's something that folks will be prepared to address under inseason.

Phil Anderson [00:01:43] Aja.

Aja Szumylo [00:01:44] Thank you Mr. Chairman, Miss Culver. I think we're going to address it both under inseason and under I.2. There may be some future workload planning for it as well.

Michele Culver [00:01:52] But sorry the survey?

Aja Szumylo [00:01:54] Sorry, excuse me not the survey. Addressing the issue for 2019 and 2020 the high catch issue so excuse me.

Michele Culver [00:02:05] But then the survey under inseason then potentially.

Phil Anderson [00:02:11] I'm sorry what is your question I don't....I'm not following.

Michele Culver [00:02:12] The question of the, whether we have seen higher, a trend in increased catch in the NMFS trawl survey of short belly in recent years that would relate to what's happened.

Phil Anderson [00:02:29] Okay let's ask Dr. Hastie that question.

James Hastie [00:02:37] Since our trawl survey is an on bottom survey we typically don't get good coverage of mid water species and that's one reason why the trawl survey hasn't been the best of information for the widow assessment or the yellowtail assessment because even when they're abundant when they're up in the water column we're for the most part only encountering them on the way down and the way up and I would think that would be the case with short belly. Now there may be something to be learned from the hake survey as it passes through that area this summer if, if they happen to set on sign that and that includes short belly rockfish but....

Phil Anderson [00:03:29] Go ahead.

Michele Culver [00:03:29] Thank you so I mean are the data easily accessible for both the bottom trawl and the hake survey for the last few years to just see whether short belly have been caught?

James Hastie [00:03:41] I will, I will check on the acoustic survey. The groundfish survey data are available at our FRAM data warehouse online. I'm not sure how much of the acoustic data are there yet. I think they are so I could check on that for you before the meeting ends.

Phil Anderson [00:04:05] Okay great. Thank you. Any other questions or discussion under the NMFS Report? I do have one maybe Dr. Werner if you wouldn't mind. I'm I just, I'm, I'm not willing to just let this survey thing slide and I mean it looks to me like we need about five hundred thousand dollars to get back to four boats under this year's kind of cost scenario and I'm looking at a, and I know there's color of money and all that other stuff in the 75 or 80 million dollars that comes to the Northwest Science Center but it doesn't you know, not, I don't want to minimize four, four to five hundred thousand dollars but in the overall scheme of things it's not a, it's not that much money in terms of trying to get us back to four boats and our, you know I don't know if there's discussions like with Cisco at from the national level. Is this, and I and he did, Cisco told me that you know it wasn't just the Northwest Science Center that was having budgetary problems, it was kind of systemic across the centers, but given the, the just the fundamental importance of this survey to go from four down to two boats over a half a million dollars doesn't make a lot of sense to me frankly, so I'm trying to figure out where we, is there, you know where do we go with this? What, are there any, is there any further explana....exploration the centers gonna do? What you know because we're, or are we, or are you willing to accept that we're gonna be down to two vessels or less and that's our future.

Kevin Werner [00:06:07] Thank you Mr. Chair for the comments and appreciate you not letting the subject drop. We're, we're also very interested in returning to a four boat surveys. We don't, we're not, we don't want to cut the survey. I would say I mean just factually on the numbers you threw out that that we're, we're down, it's closer to a million dollars maybe north of a million dollars, it's, it's, it's more money than not you were indicating and of course there are uncertainties about your budget because we don't have a budget in place yet so it's difficult for us to sort of know exactly where the chips are going to fall but the, the shortfall is closer to a million dollars than half a million dollars.

Phil Anderson [00:06:52] I'm sorry I was looking at the 2012 versus 19 costs so thank you for the correction.

Kevin Werner [00:06:58] Absolutely. Just a couple of other comments. Yes there are national level agency level conversations occurring around surveys. I think you accurately represented that with Cisco and others. There, there's certainly concern at other science centers that are very similar to this one and then yes I mean we are taking a hard look at everything we're doing as you saw in our personnel counts, the point of me showing that slide was that we're making hard decisions everywhere in the center and we're, we're seeing cutbacks or reductions in most functions within the center.

Phil Anderson [00:07:30] Okay well you can, I'm gonna keep in touch with you and others know there's leadership to see if we can figure out a way out of this box that we seem to be in.

Kevin Werner [00:07:42] Please do.

Phil Anderson [00:07:43] Marc Gorelnik.

Marc Gorelnik [00:07:45] Thank you Chair Anderson and just further on that point. I'm not that intimately familiar with how your budgeting works year to year but certainly the two vessel costs for this year was considerably less costly than was spent last year and even in a flat funding environment it seems like there should be some additional funds made available so we don't have a repeat of the two vessel year. Is that reasonable or where am I, where is my ignorance showing?

Kevin Werner [00:08:17] I didn't quite understand the first part of your statement about the two vessels being less costly this year than the year before?

Marc Gorelnik [00:08:23] Well I'm, maybe I don't have all the data in front of me but it looks like the total vessel cost last year was about one point two million dollars and the total vessel cost this year is eight hundred thousand dollars. That's a difference of about four hundred thousand dollars less spent on vessels this year than last year.

Kevin Werner [00:08:44] Right because of the four vessels versus two vessels.

Marc Gorelnik [00:08:46] Exactly so maybe we couldn't afford four vessels this year but we're certainly saving some money by doing two vessels this year.

Kevin Werner [00:08:56] Right.

Marc Gorelnik [00:08:57] Does that help next year?

Kevin Werner [00:09:01] Not really. I glossed over a whole bunch of very gory budget details and my comment during my presentation about the extraordinary measures and how we've sort of been extending the life of doing the four vessels a few years beyond what we, we could have done by following our historical spending patterns alone. So we're, we're past that point or we're in, well into that point a sort of extraordinary budget machinations to keep afloat, no pun intended, of what we're doing now and that you're, like I said I'm glossing over a ton of details that I'm happy to talk about off line but I'm not going to get into right here. Point being we simply don't have the money to continue to fund the surveys in the way we have before.

Phil Anderson [00:09:49] Okay. Any other comments, questions or discussion on the NMFS reports? Thanks very much for being here and thanks to everyone who presented. That's going to close out item I.1. It's 3:04 we'll take a break till about 3:15.

2. Workload and New Management Measure Update

Phil Anderson [00:00:01] That completes public comment takes us to our Council discussion, review of the list of the proposed projects and the FMP amendments along with providing any guidance on priorities and or schedules. We got our report from the GMT and the GAP did a nice job of laying out the various initiatives that are out there under consideration. We had the one come in from the SAS along with the public comment to draw from and I harken back that this is a check-in on the GMTs workload and new management measures. Marci.

Marci Yaremko [00:01:14] Thank you Mr. Chair. Question for NMFS if I may on the California Groundfish Collective open comment. This is not the first open comment that they've provided to us on this topic but this is kind of the first time that we've considered it with any depth in our discussions and in the GMT room. The letter that they provided suggests two pathways forward that they see as providing relief and we heard the GMT evaluate that and we heard two possible options for a timeline for an out of cycle EFP. I was just wondering if NMFS had any input for the Council on where it views this item and what, I mean while the workload for the GMT may be low it's still workload for you, so I was hoping maybe you could provide us some input on that.

Phil Anderson [00:02:25] Aja.

Aja Szumylo [00:02:26] Thank you Mr. Chairman. Thanks Miss Yaremko. You know strictly from a workload perspective processing an EFP of this kind is not a huge issue. It doesn't change...you know I think the way that they're envisioning it, the way that they applied for it just now does not envision changing the overall catch limit for cowcod. We'd be keeping catch within the bounds that were, that were set out in the specifications for cowcod so it doesn't have any changes in catch associated with it. That said I you know the, the caution that the GAP offered and conversations that we've had internally I am, I am cautious about considering what, what the Groundfish Collective asks for and I would want the Council to carefully look at the implications of looking at that kind of exemption for, for that group. I would want, I would want the Council to think about that carefully and think about what that would mean for opening up the EFP process for other types of requests so although it's a low workload for us you know it is, it is something it's not nothing but it, you know, low compared to a full rulemaking I do think there are other implications to think through with this issue.

Phil Anderson [00:03:44] Go ahead Marci.

Marci Yaremko [00:03:45] Thank you Aja. That's very helpful. I guess my next question then might be for Council staff with regard to our new agenda item I.2. Since we have some new items here for consideration, if we were to add items to the list but not prioritize them is that the way to express that we acknowledge the value and they just might not ripe.....be quite ripe for scheduling yet is that the pathway we'd be looking for?

Phil Anderson [00:04:25] I believe the answer is yes.

Todd Phillips [00:04:27] Mr. Chair and Miss Yaremko, yes that would be my understanding. I know the GMT has discussed it quite, that particular issue quite extensively and noting their workload and other items that would be added to the list would be of impact to them but if you weren't to prioritize it but to note it has an interest I think that would be acceptable.

Phil Anderson [00:05:02] Michele.

Michele Culver [00:05:03] Thanks on that particular issue I mean I'm certainly comfortable with adding the issue to the list relative to cowcod but it's more with the, the guidance and discussion of how this could potentially be addressed without necessarily changing the annual vessel limit and so I appreciate that, that is the, the request but it, it seems like that there's also because it's an individual vessel based that additional vessels could potentially participate in the EFP or have some arrangement with the collective to harvest the target species, I mean they could expand their risk pool if you will to add more vessels that would have their own vessel limits rather than a collective vessel limit so I certainly recognize that there is an issue, and think that with some creative thinking we could find a way to address that without changing an individual's vessel limit. I guess the other items I would add are those that were noted in the, the GAP report. I would certainly prioritize the short belly item and I do think that the Council has a path forward to address that in inseason and could potentially use inseason as a method to address it for 2020 as well so we have used inseason for the second year of a biennial cycle with having those come forward in November for the following calendar year, so perhaps some discussion about different ways that short belly could be addressed in 2020, I think that would be good to hear back from the GMT on that item. I'm also really interested in addressing the petrale item that Kevin Dunn raised and I, it shouldn't have to be this hard. So we have conversion factors, we note fish were addressed on the fish ticket so a change in regulations be they federal seems like that could happen through the spex. If needed change in regulations could happen certainly at the state level but I would certainly put that on the GMTs list to come back to us as to what the process, the most expedient process would be to address that. I understand this came up after their discussion which is why it was not in their report to us so I would like their feedback on that. So thanks but those are what I see as the priority items for the GMT to discuss. I am not interested in scheduling the salmon troll exemption to the ping rate for the September Council meeting. I do think we have quite a bit on our agenda which we just added to earlier today for the September Council meeting so I don't see that as a priority for September.

Phil Anderson [00:09:21] Aja.

Aja Szumylo [00:09:22] Thank you Mr. Chair. So for the, for the short belly issue for 2020 I'll set aside the issue of what needs to happen in 2019 or what we should think through in 2019 for inseason for the sake of time today because it's late but for 2020 my read of the FMP was that it would require more than just an inseason to change the ACL for, for 2020. I do think that, that would fix the issue. I think you know there's strong justification for changing the ACL. Another approach that we've casually discussed is potentially changing the designation of short belly in the FMP but that might require a lot more work and is an amendment but we, we should definitely think through what process is necessary for changing the ACL in 2020 but I think it's more than just inseason.

Phil Anderson [00:10:08] You think it's more than....

Aja Szumylo [00:10:09] Than just an inseason change. I don't think that we can do it in a....I defer to Council staff and leadership as well but our read of the FMP was that it would require a two meeting process potentially, more consideration and discussion than just changing it during the inseason agenda item so yeah I can pause there to discuss short belly.

Phil Anderson [00:10:33] Michele.

Michele Culver [00:10:36] Thanks and so then the idea of this being the first of two meetings that you're talking about two noticed meetings for that as an agenda item.

Phil Anderson [00:10:49] Go ahead.

Aja Szumylo [00:10:52] Mr. Chair I believe so but again I defer to Council leadership on the process for what would be necessary for that.

Phil Anderson [00:11:01] Okay we can, I mean let's think about that when we get to the inseason piece we can talk about that and if, if this constitutes one of two great, if it doesn't September and November still gets us to a fix for 2020. Let's think about that. Please.

Aja Szumylo [00:11:23] One thing I want to say more broadly about ACLs. I do want express thanks to Heather and the trawl, the trawl fishery for reaching out to us about the issue and allowing us to reach out to industry about it in time to stop an ACL overage in 2019 for now. At this point we're at 79 percent of the ACL for the year but you know it's certainly possible given bycatch rates that we could exceed the ACL in 2019, so definitely we should talk about it during the inseason agenda item. More broadly about that issue there was a lot of public speculation and confusion about what the NMFS response should be for 2019 after we were made aware of catch going to that level and what I would like to ask for possibly in the specifications process for the upcoming biennium is for the Council to make some consideration and some outlining in the regulations of what the NMFS response should be when catch for any stock which is the ACL. I don't, it, there is discretion for NMFS to make certain choices and the Council does have tools to address ACL overages but it isn't entirely clear for NMFS and the public what exact response should happen for every stock so I would like to make the appeal to the Council to put some thought into that so that we can clearly define that in the regulations and so that, that's all I have to say generally about ACLs and we can talk about that more further at another point and then I'll pause there if there are any questions on that?

Phil Anderson [00:12:59] Okay go ahead.

Aja Szumylo [00:13:01] And then about the conversion factors we've been discussing that some casually. Right now for the IFQ fishery they are coded in the regulations for several stocks. I don't, we, we've discussed that, that might not be necessary that we might be able to pull those specific embedded in the reg conversion factors out and place them in a list somewhere and refer to that list when we're making calculations in the databases and so that could be a relatively simple reg fix. I think the connection between the state regulations is what's challenging. I think sablefish in particular for that does involve if changing the conversion factor for that one actually involves you know a higher level of state discussion and change that might make removing that one challenging but there is a broader list and we can think through the workload implications and appropriate vehicle for that and see if it's something that can happen relatively quickly so I agree that I'd like to create more flexibility there if it's possible to do it in a fast way and I'm happy to look into it more.

Phil Anderson [00:14:05] All right. Thanks Aja. Maggie.

Maggie Sommer [00:14:07] Thanks Chair Anderson. Thanks Aja I appreciate that and following up right on that. Is that, he said he could look into the workload implications of that, is that something we might be able to hear from you about in September?

Aja Szumylo [00:14:24] Thank you Mr. Chair, Miss Sommer. Absolutely we can come back in September. Some thoughts about workload for that.

Phil Anderson [00:14:31] Okay go ahead Maggie.

Maggie Sommer [00:14:32] Thanks and I would, one question I would have is whether it would be possible to have, to not have to have all three states be the same, so for example the State of Oregon

could adopt existing conversion factors into state rule and then if there would be the potential to rely on, on that and that might mean different requirements for landing condition in different states if there were not for example a conversion factor that was available to another state but at least would provide some flexibility there so thanks.

Phil Anderson [00:15:18] Okay. Bob Dooley and then Marci.

Bob Dooley [00:15:20] Thank you Mr. Chair. I'd like to go back to the cowcod issue and ask Aja a question about that. If, if it was the will of the Council to actually do something with an EFP I'm, I'm thinking about cowcod is gonna be reassessed. There's a belief that it might be rising pretty good. It sure appears that way on the grounds. What's the, if you were to do the EFP and implement it and it was on the ground as soon as it could be, what's the difference between that and when we might be able to understand the benefits or take benefit of a, of a higher ACL if that stock assessment comes in?

Phil Anderson [00:16:12] Go ahead Aja.

Aja Szumylo [00:16:13] Thank you Mr. Chair, Mr. Dooley. So the cowcod assessment is coming up in the next couple of weeks I believe. The idea there is any increases that might result for specifications for that would be implemented in time for the start of the 2021 fishing year so that would all fall into the specification cycle and that would certainly be a place to consider you know changing vessel limits, you know not making any other changes to you know specifications parameters that effect IFQ permit holders in the spex would be appropriate based on those new limits. If the Council chose to do an out of cycle EFP and then, I'm not remembering the details of the two pathways that the GMT laid out, but it, you know they looked at it over the next couple of meetings. Given where we are in the year and the meetings in September and November I don't really see the EFP really coming on line until 2020 now so if we chose that EFP pathway it would still likely be for the 2020 fishing year and not something that would necessarily provide relief in 2019.

Bob Dooley [00:17:23] Thank you. Very good thanks.

Phil Anderson [00:17:25] Marci.

Marci Yaremko [00:17:26] Thank you on that same topic. I believe I understood from the GMTs analysis and all of the discussion that there really would be no foreseeable way to provide any relief in 2019. I, I just have to say that I'm, I'm compelled by the, the request. I cannot speak enough in support of finding a way to provide some flexibility in this situation. We've got such a very low poundage for a vessel cap and particularly in the very limited area geographically south of forty ten. So few vessels operating under the IQ program and the number of participating boats continues to decline year after year so I am convinced that the risk is real in terms of affecting their operations and their ability to continue fishing so I would like to find a way to find a solution in 2020. I, I really appreciate the work that NMFS has already put into thinking about this and do appreciate the remarks from the GAP about needing to think this through and making sure that we, we do it right so I know the GMT offered us two pathways scheduling in September and November or just scheduling in November or just scheduling in September and I guess I would say that we might need a little more dialogue to think through exactly what we need to do for an agenda item and when and so I guess with the idea, you know I'm comfortable with the idea of putting this on the list, not scheduling it at this moment but I think we would have an opportunity under this agenda item in September to make some decisions on that at the next meeting once we had a little more information. Is that kind of what might be the way forward?

Phil Anderson [00:19:46] Chuck.

Chuck Tracy [00:19:48] Thank you Mr. Chair, Marci. I guess regardless of what the others get scheduled I think it is a two meeting process so you know I think the one suggestion the GMT had was that this was be the first meeting and they could possibly do something in September. I don't think that would be following our normal procedures for EFPs, even out of cycle EFPs we typically schedule two meetings to where that is a noticed agenda item so I guess I would.... you know if you were to wait to schedule something until September then I think the first meeting would likely be November so I guess that's the way I, that's the way I'm seeing this but I, but I think it is a two meeting process with you know specific agenda-ized noticed topic of EFPs.

Phil Anderson [00:20:59] Go ahead Marci.

Marci Yaremko [00:20:59] Thank you. So I'm, I, thank you Chuck. I think I'm having difficulty reconciling those remarks with the GMTs advice or potential pathways so I guess maybe if Maggie might clarify for us we would need two noticed meetings with an agenda item specific to an out of cycle EFP. Is that NMFSs position on this?

Maggie Smith [00:21:39] Thank you. I would defer to Chuck on, on that. I'd have to look at that FMP precisely to see how many meetings are required for an EFP.

Phil Anderson [00:21:49] Go ahead Chuck.

Chuck Tracy [00:21:50] Thank you. Well again as I said our practice has been for a two meeting process. I mean right now our practice is that EFPs are, occur during the spex cycle. We have recently taken up out of cycle EFPs including the gear rule and the year round mid water trawl EFPs. Both of those we did in that way with two meeting processes where the EFP was proposed, was reviewed by the SSC and came back, you know went out for public comment, came back for a final action at the second meeting so that's just the way we've conducted business. You know I guess legally National Marine Fisheries Service has the authority to issue EFPs independently. I just don't think they prefer to work that way and I think the Council prefers to have some input into the process.

Phil Anderson [00:22:55] So, so Marci what I, what I thought I heard you say was put it on the list. Don't, don't sched, don't try to schedule it now but let's get it on the list and then when we review the list in September potentially at that time we could schedule it. Does that, did I hear that correctly Marci?

Marci Yaremko [00:23:21] Yes thank you, you did but in the continuing dialog I just want to make sure that in taking that approach we're not losing the opportunity to have something that would be effective in 2020 if we, if we wind up with say in November, March I don't know how long it would take NMFS to turn around and get the work done to have an actual EFP that would be effective in the season in the timeline that is, you know serves the purpose so that's, that's my only hesitation if we do need to go ahead and schedule a two meeting process I, you know it sounds like from the GMTs advice if we need to it needs to be September, November but I also am not clear as to whether November, March is an okay choice. I just, I don't want to lose the opportunity by saying let's put it on the list but then not schedule it recognizing that the need is in 2020.

Phil Anderson [00:24:47] Yeah okay I understand, I understand what your objective is. You know I guess we put these things on the list and then when we get to our workload planning and we build our agenda for September and, and then looking at November to me that is the time at which we can talk

further about whether trying to schedule it in September if we have the space to do that but doing scheduling it for September right now without having and essentially jumping the queue in terms of putting, doing a holistic look at our September agenda which we will do on Tuesday is, it doesn't, doesn't seem to make sense to me. Aja.

Aja Szumylo [00:00:01] Thank you Mr. Chair. I just wanted to clarify on the back end process what happens internally and so the recent coastal pelagic species FMPs are probably a good example for the most accelerated timeline that we could use on our end to get them out so if the Council were to recommend moving forward with the EFP application in November at the November meeting then we would have to evaluate the application, put out a public notice for comment. We usually request a 15 day comment period on those and then once the comment period ends and if there are no comments that are significant or to the contrary about what the EFP is asking for an exemption from then we can issue, we can approve and issue that EFP almost immediately after that, so a November approval thinking about, about a month or so to get the notice out and then 15 days after that it would be issued early in 2020 pushing to March. Final action then pushes that whole thing back so it would be more like mid 2020 in that case and so it might be helpful to think about the cadence of the fishery if you're looking for something that would be helpful to them. I don't know if they get started a little bit later in the year or but yeah those kinds of things might help you set that timeline a little bit better.

Phil Anderson [00:01:24] Okay I had Brad and then Michele.....and that was about ten minutes ago but...

Brad Pettinger [00:01:26] Thank you Mr. Chair. I think it was a question asked why these folks down in Half Moon Bay are catching these fish now and not previous years. It's my understanding there's a lot of small cowcod showing up, a year class coming through that they're interacting with them and so that's why we haven't heard this previously or at least not much to the extent we have this year. I think that, I hear people from where Marci's at, there's three trawl vessels that fish south of Point Arena in California. Two of those vessels bought this...basically started their own seafood company tried to jump start the fishery in that part of the state and I mean this is...I mean potentially we could shut them down, they could go bankrupt, well I don't know bankrupt, they could, they could put them in a hole they could get out of and the jump start of the fishery that we see them try and do would basically be, would stop and so I'm thinking there might be some way, maybe....at the break maybe some discussions about how we might get around this potentially but this is a big deal. I think that the trawl fishery needs to be healthy coast wide and so I'm, I support whatever we can do to get this thing going for you guys.

Phil Anderson [00:02:57] Michele.

Michele Culver [00:02:59] Thanks. So I guess I'll reiterate what I said before but I, I agree this is an important issue I think it should go on the list. I, I agree with well with most everything that Heather Mann said in her public testimony and, and this in particular I don't think the EFP is the right vehicle to fix this issue so I'm certainly sympathetic to it. I, I would rather address it head on and change the annual vessel limit for cowcod and raise the limit but I think when I think of COP 19 in our EFP application, I mean the objective in this case is to exceed the annual vessel limit for cowcod and that it just seems to me like it's the wrong vehicle to use and why wouldn't every trawl vessel come forward asking for an exemption to the annual vessel limits and the rationale for this is they're catching more fish than they thought they would and so I mean why, why wouldn't other vessels come forward and also request EFPs to exceed annual vessel limits because they're catching more fish than they thought they would so I, I think it's a very slippery slope to use that vehicle for this purpose which is why I've asked the GMT to come up with some creative thinking on how best to address this

so we can avoid those kinds of issues but I don't see why it, it's the, the process is any more onerous to simply look at changing the annual vessel limit for cowcod.

Phil Anderson [00:04:57] Bob.

Bob Dooley [00:04:59] Thank you Mr. Chair. I think it is different and I'll tell you why I think it's different. They did come forward during the CAB and talked about this issue. They did come forward last year and brought it to us too and talked about it and last year the fish were half the size that they are this year, so there's more poundage being landed and it is peculiar to that particular area and I know you mentioned about you know why don't they just have other boats do it. There are no other boats. Now they belong to the collective. The other boats are in Fort Bragg that are in the collective that have no use for the cowcod and this is their business it's not like they're interchangeable, they're separate owners but they're in a collective. I think this is dire. I think the potential here particularly if we don't do something about it, I get what you're saying, but if we don't do something about it those two boats will be out of business. They, they don't have a year to wait and if we don't get something done for next year in anticipation of that those fish will be bigger yet. Those fish live right there and they're not just peculiar to one area, they're spread out now and they're, these guys are doing the best they can to avoid them. They have every incentive in the world because when they exceed that cap they're done fishing for the year for all species. They are finished. So it's and there you know we heard in open comment we heard Stevie Fitz say he's one tow away from being out of business and that's his whole livelihood that's everything he owns, so I just say that.

Phil Anderson [00:06:45] Maggie.

Maggie Sommer [00:06:53] Thanks Chair Anderson. I, on this topic I would just say that I share the concern, very much understand the situation of trawlers down there. I also don't feel that an EFP is the appropriate vehicle so I am hoping that there is some creative thinking on a different solution and I will have a comment on a diff...and a recommendation on a different topic when we're ready.

Phil Anderson [00:07:21] Let me just see if there's more on this. Michele.

Michele Culver [00:07:24] Thanks yes so I would appreciate, not right now, but some creative thinking on the part of National Marine Fisheries Service on this as well. I think we heard earlier this week that there is the opportunity to have emergency action that, so consider emergency action potentially to suspend the annual vessel limit for a cowcod or something of that nature that looks at a suspension of the annual vessel limit until it could be addressed more permanently.

Phil Anderson [00:08:00] Aja.

Aja Szumylo [00:08:02] Thank you Mr. Chair. Offhand I can say I'm even more opposed to the idea of using an emergency action for this type of issue than I am an EFP. I think an EFP is actually a better approach. I want to be very judicious about when we use emergency actions and I have been thinking about this for a while and part of why, you know yeah Lisa Damrosch did come to NMFS asking, expressing concern about this last year when the cowcod limit was even lower and so it has been a, has been an issue for a while it's been persistent but part of why I haven't pushed forward with it and why I haven't asked for something is because I can't think of a very easy solution for it. So I, I'm happy to try to think more creatively but you know I've, I've struggled as well with it and I think the Council did put the annual vessel limits in place for a reason. I think you know going down the road of an EFP to relieve vessels from this is a, there are challenges with that and I just want the Council to be cautious with thinking through, thinking through that type of change what other, what

ramifications that might have, what other sectors may ask for similar exemptions. I'm, I'm just I'm very cautious about this one and I'd like, I'd prefer guidance from the Council on what to do about it then, then I'm happy to think of creative regulatory solutions but I would like guidance from the Council on thoughts for how to approach it.

Phil Anderson [00:09:39] So my suggestion on this is I haven't heard anyone object to putting this on the list. I haven't heard anyone object to considering putting it on the September agenda. So I'm going to suggest that if for this particular agenda item that we put it on the list and we have whatever additional creative juices that are be had between now and Tuesday you do that and then we can, when we get to workload planning and we get to our September agenda we can decide how we, if and how we want to title the agenda item, whether it's an cowcod EFP or whether it's whatever it is we, we can, we'll figure that out on Tuesday but for this at least for the first step let's get it on the list. We can have people think more about the how do we get there because I haven't heard anybody say this isn't a problem we don't need to try to respond so I think there's consensus around the table on that. It's the how, so that's my suggestion for at least at this moment for this issue. Is that acceptable? Okay. All right. Maggie.

Maggie Sommer [00:11:10] Thanks Mr. Chair. I'm going to sneak in one more remark on the petrale and potentially other conversion factors that I forgot which is just that I would also encourage some thinking about whether there is a quicker pathway to get there than the biennial spex and waiting for 2021. So, but on the VMS ping rate exemption for salmon trollers I heard very clearly Miss Culver say she is not interested in seeing that on our September agenda which is very full but I don't recall, it's been so long now since we talked about that, I don't recall whether you expressed an opinion about putting it on the groundfish workload prioritization list. I would support putting it there. I do appreciate the Enforcement Consultants Report and the discussion of the potential of a geofencing option to help with that situation and I would support putting it on the list and then not agenda-izing it for September but considering at some point in the future when we can take that up.

Phil Anderson [00:12:18] Thanks Maggie. Okay objections to that? No? Okay. Pete.

Pete Hassemer [00:12:28] Thank you Mr. Chair and just to go back to your statement about agreeing to put the projects and we're talking about the cowcod issue on the list. I agree with that. You, you made a statement that you didn't hear objections to putting it on the September agenda and I guess I view that decision as a Tuesday morning.

Phil Anderson [00:12:54] Yeah I didn't, I said I did not hear an objection to discuss putting it on the agenda, on the September agenda.

Pete Hassemer [00:13:02] I apologize.

Phil Anderson [00:13:07] Okay so we.... Maggie.

Maggie Sommer [00:13:12] Thanks Chair Anderson this is short. I did just want to acknowledge the GAPs point about the four items at the top of their report which the Council has already identified as high priority and suggest that yes we, we might expect to discuss those as well under our workload planning and future agenda planning item.

Phil Anderson [00:13:35] They also....I, we didn't want to pass up this chance. They also recommended dropping from the list the carry over when management units change and never wanting to pass up an opportunity to take something off the list, are there thoughts around the table

about that recommendation? Is there any opposition to taking that off the list? Okay is there any other guidance relative to the list that you would like to provide at this point and this check in on our list?
Todd.

Todd Phillips [00:14:23] Mr. Tracy's waiting.

Phil Anderson [00:14:24] Excuse me I'm sorry.

Chuck Tracy [00:14:25] Thank you I guess I will, while this is a check in I guess I will note that the I think the action on the detailed agenda does provide us the opportunity to do things like put things on the list now and consider their priorities and so just, just to be clear it sounds like the cowcod vessel limits is going on the list and the petrale conversion factor or other conversion factors is also perhaps going on the list?

Phil Anderson [00:14:57] Correct.

Chuck Tracy [00:14:58] And the short belly for 2020 is going on the list.

Phil Anderson [00:15:02] Correct.

Chuck Tracy [00:15:04] And that those, any of those are fair game for further discussion on Tuesday under D.10 workload planning.

Phil Anderson [00:15:13] That's, that's my understanding of our discussion.

Chuck Tracy [00:15:16] I'll write that down then.

Phil Anderson [00:15:17] All right. Todd do you need anything else from us on this topic.

Todd Phillips [00:15:25] Thank you...thank you Mr. Chair. No I believe the, you've covered the check in quite well.

Phil Anderson [00:15:31] Okay.

3. Trawl Logbook Requirement

Marc Gorelnik [00:00:00] So that concludes reports. Takes care of public comment and brings us to our Council action which is on the screen there. So I'll open the floor I know that no one's was anxious to leave so I'll just be patient and wait for someone to offer... Aja. Thank you.

Aja Szumylo [00:00:24] Thank you. I just did want to offer two comments relative to the GAP statement. We are not charging cost recovery for this, this is a requirement that has been in place for a long time well before the trawl IFQ program and so it's not a cost recoverable action. About the, the suggested regulatory changes, we did put the draft regulations in the briefing book. We got comments back from the states asking for some clarity about I guess exempting the states from the federal requirement in cases when they do have, when there is a state level requirement in place and we, we did go back and forth with Oregon in particular to make, to make clear things like that, that those changes aren't reflected in the draft regulations that are in the briefing book and we also did get a comment from industry clarifying that, or asking us to clarify that the trawl logbook does not apply to the at sea sector and we did clarify that in our, in our, in our version of the regulations so we haven't provided an updated version of the, of the reg text that we put in the briefing book but that will be, those changes that people suggested to us will be reflected in the interim final rule that we put out soon.

Marc Gorelnik [00:01:36] Thank you. Maggie.

Maggie Sommer [00:01:40] Thanks Vice-Chair and thank you Aja I appreciate that. Our comments we had provided to you were to ensure that there was no conflict between the Oregon State regs and logbook program in the proposed federal regs and then in response to the GAP comment the State of Oregon does intend to continue to provide and collect logbooks.

Marc Gorelnik [00:02:02] Thanks Maggie. Further discussion around the table? Corey.

Corey Niles [00:02:09] Thanks Mr. Vice-Chair. Same with us apologies for not communicating it to the GAP. We, we we've been collecting these logbooks for a long time and also continue to, to be doing that. I personally have not seen the changes Aja spoke of but we will, we'll be looking at those during the proposed rules stage for sure.

Marc Gorelnik [00:02:33] Chuck.

Chuck Tracy [00:02:35] Go ahead to Aja.

Marc Gorelnik [00:02:36] Aja.

Aja Szumylo [00:02:37] Oh and sorry yeah I wanted to clarify one thing about the process as well. So we'll put out an interim final rule, so the rule will be effective immediately upon publication but there is a public comment period associated with it so if there are additional public comments about the regulatory text that we put forward there'll be a 30 day comment period after the rulemaking as well and then we will respond to those in a final, final rulemaking afterwards.

Marc Gorelnik [00:03:04] Thanks Aja. Looks like Phil's getting ready to raise his hand there go Phil.

Phil Anderson [00:03:12] I don't know Sandra what do you think? I'm not sure I have this right but, I would move the Council reaffirm its intent under Amendment 4 regarding the fishery data collection

programs to recommend the National Marine Fisheries Service implement a federal trawl logbook program and recommend a federal data collection program for trawl logbooks to National Marine Fisheries Service.

Marc Gorelnik [00:03:44] Phil does the language on the screen accurately reflect your motion?

Phil Anderson [00:03:50] Yes.

Marc Gorelnik [00:03:50] Do I have a second? Seconded by Marci Yaremko. Speak to your motion?

Phil Anderson [00:03:55] I, I think we've discussed the importance of the information that comes from the trawl logbook program. It's important to continue that for fisheries that are taking place off of California. I'm, as in part of my thinking I'm, and listening to Council discussion I'm assuming that, that National Marine Fisheries Service has taken into account the comments that they've received particularly from the states to ensure that there's consistency as needed and therefore I'm putting forth this motion for Council consideration.

Marc Gorelnik [00:04:40] Thank you Phil. Other questions for Phil on the motion or any discussion on the motion? I'm not seeing any and I'm going to call the question. All those in favor say 'Aye'.

Council [00:04:50] Aye.

Marc Gorelnik [00:04:50] Opposed No? Abstentions? Motion passes unanimously. Before I return to Todd is there any discus... further discussion on this agenda item? Chuck.

Chuck Tracy [00:05:10] Thank you Mr. Vice-Chair. I'll just state for the record we've been working with National Marine Fisheries Service on this. We're prepared to transmit the Council action very shortly and we will take a look at the regulations, the reviewed regulations include those in our transmittal and get this going as soon as we can.

Marc Gorelnik [00:05:29] Great. Any further comments on this agenda item? Bob Dooley.

Bob Dooley [00:05:35] Thank you Mr. Vice-Chair. I'm happy to see this is happening. Looks like this could be a critical piece for our EM since in the EM rules it says that we're going to be using the cameras to verify the logbook and without a logbook I don't think you can verify anything so I appreciate it. Thank you.

Marc Gorelnik [00:05:53] Right. Anything else? I'll turn then to Todd to confirm that we're done here.

Todd Phillips [00:05:59] Yes Mr. Vice-Chair. I believe we have covered this topic and we are done.

Marc Gorelnik [00:06:04] All right great. Thanks. Well while I have the next agenda item that'll be tomorrow so I'm going to hand the gavel back to our Chairman.

Phil Anderson [00:06:15] All right sounds good. Thanks very much everybody.

4. Groundfish Endangered Species Workgroup Report

Marc Gorelnik [00:00:00] That concludes public comment and brings us back to our task at hand. Todd you want to remind us.

Todd Phillips [00:00:08] Yes thank you Mr. Vice-Chair. Your task at hand is as follows, review groundfish Endangered Species Workgroup recommendations of which I believe you've done, and number two identify measures to be evaluated as part of the 2021-2022 biennial management period or other appropriate actions.

Marc Gorelnik [00:00:25] All right. Thanks. We have some recommendations from both the work group, management team and the GAP so let's open the floor to discussion. Chuck.

Chuck Tracy [00:00:42] Thank you Mr. Vice-Chair. Actually I had a question maybe for Brian if he could come back up. Just a question on the methodology used for estimating the humpback interactions. Thanks Brian so in the HMS world we've been looking at changing our methodologies for the, I'm drawing a blank, drift gillnet performance metrics and there's a lot of discussion about the use of regression tree analysis as opposed to the previous extrapolation methods and just wanted to check and see if, if that method is, is what's being used in the, in this consultation for humpback whales if that's the same methods or not?

Brian Hooper [00:01:45] Thank you Mr. Vice, Chair Mr. Tracy. I'm not as familiar with that regression analysis but I would say the humpback whale report used the Bayesian method and that method as opposed to like a ratio estimator that's been shown to, which has been shown to be you know if you use the Bayesian method to incorporate uncertainty and produce less volatile estimates, it kind of reduces some of the wild swings in bycatch and provides lower estimates in years with takes and when huge events become less rare and more frequent, the estimates from the ratio estimator and the Bayesian method you know they kind of come, pretty similar, similar values and virtually similar values if that helps.

Chuck Tracy [00:02:33] Thanks. I guess I would just.....so I'm not, I'm not being a statistician or I just, I just wonder if you know if we're using two different methods for the two different fisheries to sort of assess you know rare bycatch events, just looking for consistency there so might, that'd be something just to consider for future discussions with the Workgroup.

Brian Hooper [00:02:58] Yeah I think, I think the Bayesian method is kind of considered the best available science for those rare bycatch events and then maybe Mr. Niles would have more to have on that.

Marc Gorelnik [00:03:09] Corey.

Corey Niles [00:03:12] Yeah, yeah thanks Mr. Vice-Chair and again I'm a member of the Workgroup and hey thanks Brian for an excellent job of communicating the group's recommendations and discussions. There's a lot we discussed and lot in there. On Chuck's comment I think we did discuss it briefly. I think you'll see tomorrow just to draw some connections we're using, looking at using the Bayesian method in the deep-set buoy gear so I think the SSC has said they're both valid and that there improvements over ratio estimators. We did so briefly discuss it. I think the consistency personally didn't, inconsistency in two different methods didn't bother me but, it, it they're both improvements and we'll be hearing more about that in different contexts I think tomorrow.

Marc Gorelnik [00:03:56] Thanks for that Corey. Further discussion of the agenda item? Phil.

Phil Anderson [00:04:07] Thanks. I had a question for Brian and then just an observation. In looking at our report four, it talks about some of the estimates that have been made in terms of the abundance of humpback whales in the North Pacific. One that was done by Kellum-McKeetus back in 08' and one that was done by Barlow in 2011. Are you aware of any initiatives to update the, the population of humpback whales off in the North Pacific or specifically off the west coast that are more contemporary than the data that we have here in this report?

Brian Hooper [00:05:05] Thank you Mr. Vice-Chair, Mr. Chair. I'm not aware at this time.

Phil Anderson [00:05:13] Okay. Then just some observation is when you look at these, these really these three populations Hawaii, Mexico, and Central America that out of the 14 DPSs that contribute to the population of humpback whales off our coast. You know it's been identified that the Hawaii population is by far and away the largest proportion of the animals that are off the west coast. They're not, they're not listed, they're not as threatened or endangered and my, there are there is some data that comes from other sources in terms of humpback observations off the Washington coast that are available that come from pelagic seabird surveys, one that was done by Washington Department of Fish and Wildlife just in this last year that would, that has some data. My personal observations after running offshore trips off Washington for the last 30 or 40 years is that the number of humpback whales that are observed has increased exponentially over time and in particular in the last decade, sightings of humpback whales are, are numerous on our trips and sometimes exceed 50 animals, so and in looking at what's going on with in terms of the interaction between the fishing fleet and humpback whales I think this problem is here to stay and it's going to get worse before it gets better and I think the, the more data that we can have in terms of what populations in terms of DPS that these animals are from, the better we will be able to respond because relative to the animals that are off the west coast, humpback whale is not a humpback whale in terms of endangered species in my, if they're from the Hawaii population it's a different concern than if they are from one of the populations that are listed either as threatened or endangered, and I think to the extent that we can get some more information about those populations and being able to get through necropsies or however the information can be acquired for those individuals that are encountered, to determine whether in fact they are from a listed population that's going to help inform us. But again I, my observation is that this problem is going to get better before it gets, it's going to get worse before it gets better and the more information that we have to inform us about what affects our fisheries are having on the listed populations the better off we're going to be.

Marc Gorelnik [00:08:43] Thanks Phil. That's an excellent point not just in these Council managed fisheries but also in the state managed fisheries. Brad.

Brad Pettinger [00:08:57] Thank you Mr. Vice-Chair. I'd like to second with what Phil said there as far as the amount of whales in the water. I haven't been fishing commercially myself on the boat for a number of years but it was very rare to see humpbacks and even only a few and usually well outside the hundred, hundred fathom shelf break. I'd just like to back up I think to what the GAP statement as far as the need to have stakeholders on the Workgroup early. I think it's good to have a reality check for the industry to kind of clear up what's possible or what's practical and what's being used and not being used and it would make the process maybe be a little more efficient so someone doesn't go down the rabbit hole early and we have backup from that so I think it would be good and also the logbooks obviously are an integral part of proper fisheries management it should be an industry standard in my mind.

Marc Gorelnik [00:09:57] Bob Dooley.

Bob Dooley [00:10:02] Thankyou Mr. Vice-Chair. Following up on what Brad was talking about the logbooks I think they are an integral part and management through data is a huge, you know efficient and readily available data is a, is a very good thing and it's encouraged, it looks like NMFS has published several things about how we need to be transforming these paper logbooks into electronic logbooks to get this data integrated and I notice now we've, we're talking about two new logbooks through our process and I'm thinking that we should be, we should be developing these electronically so we get this data more timely and integrated into the system and I don't, I don't think if there there's a mandate, I believe there is from NMFS, like maybe Aja could confirm that to start this transition, that it should be now and maybe this is the time to explore that at least, because if we're going to create a logbook that creates a lot of work to put a bunch of data entry to get to this data to actually use it and have it in the system it doesn't seem like, it seems like we're creating and Edsel and we should be really creating a, you know a Tesla. So anyhow that's, that's my comment.

Marc Gorelnik [00:11:29] Thanks Bob. Further discussion? Corey.

Corey Niles [00:11:34] Yeah thanks Mr. Vice-Chair. I, I think there, again as a member of the Workgroup I do think we would benefit from having industry feedback you know from members of the GAP, members of the industry but I think the, the other issue I'm wondering about is again as I mentioned in questioning that I think the, the Workgroup is a good, we meet only every other year. We meet for a day, a day and a half maybe two days. It's a really great and I'm echo what Brian Hooper said about the protected species coming in and speaking to manager types like me so point being I think it's a good first level discussion but I don't know if there's enough time at those group to really get into issues like in, in detail like what gear type modifications, what specifically should be done and that's, I think the design is to, to then as with seabirds break it off into a separate discussion, so I just maybe if Aja is prepared to speak to you about the recommendations which I support about doing a very collaborative process of the humpback whale consultation. They get into the issues and get industry participation and the management participation and so I don't know if Aja is prepared to speak about how that, NMFS sees that happening with this Council, what, what kind of input you need from us here today to make that happen and again I think there is an issue of getting some industry feedback for the, for the group next time we meet and then but then how the humpback consultation proceeds?

Marc Gorelnik [00:13:15] Aja.

Aja Szumylo [00:13:17] Thank you Mr. Vice-Chair, Mr. Niles. So I'll... Just a couple things I've been talking and come back to the electronic logbook issue as well after that and the non-trawl logbook issue in general but in terms of the humpback consultation we requested reinitiation sometime last year and have been back and forth gathering the data that we need to complete the reinitiation, so the ESA Workgroup was a critical step in that, now we have information that we need to go forward with finishing out the consultation for humpback. That consultation will include the updated distinct population segment listing that we, that we reference and that was the basis of our reconsultation request before but the information in the ESA Workgroup report that came out that there may, there may have been increased or that we may have exceeded the take threshold and the ITS will also be considered so we'll do that together in the same reinitiation process. We were intending to use the same collaborative process for the ITS that we use for eulachon so our intent was to come back to the Council, bring the, the draft ITS present it to the Council's advisory bodies, have them review what we were hoping to finalize for the incidental take statement prior to finalizing it so we were hoping to use that same collaborative process and hope to do that with future consultations as well. We think

that worked really well and I think people were happy with the results of that and hearing from us before we went forward with finalizing things. I did want to note in terms of representation on the ESA Workgroup. You know it's a Council body. I'm definitely supportive of the GAP recommendation to add membership and would absolutely support the Council doing that however, however it chooses to through the terms of reference I think, I think that's provided for in the terms of reference as well that the Council can change membership to, to increase the effectiveness of the Workgroup so definitely have support there. For the logbook, for the non-trawl logbook issue I'll note that the Council did in the 2009-2010 specifications recommend a trawl logbook form. The GMT or the GMT Report does reference that logbook form. It sounds like they reviewed the, the fields that are in that logbook and confirmed that they, if we went forward with implementing that logbook consistent with the 2009-2010 spex recommendation that it would be, it would gather the data that we would need to better characterize the non-trawl fishery so we could, we could move forward with finalizing that, that package without coming back through the Council, provided that the Council agreed that the, the list of, that the logbook looks like the Council wants it to look like, so that's something that the Council should think about how to whether, whether it wants the logbook to come back through for Council review or if the, the GMTs recommendation here is sufficient. We do have to implement a non-trawl logbook. It is one of the nondiscretionary requirements in the seabird ITS and it would be helpful for estimating humpback bycatch as we've heard here today. In terms of implementing it as an electronic logbook, there are different implementation concerns with a paper versus electronic logbook, we'd have to think through that. My sense, without you know certainly the agency, is pushing for including electronic technologies but my sense ,offhand in terms of our resources is, is that it might be more complex and resource intensive to do an electronic logbook and so we'd have to weigh the benefit of getting that information immediately against the costs of, of implementing it as electronic logbook so that's something we would have to do internally if we didn't come back to the Council before implementing the non-trawl logbook. I'll pause there I said a lot of things I can't remember if I hit everything so I'll take any questions that anyone has.

Marc Gorelnik [00:17:14] Thank you Aja. Chuck.

Chuck Tracy [00:17:14] Thank you Mr. Vice-Chair. Thank you Aja. Back on the incidental take statement. So just to confirm that is, that is where the ground, this consultation on the groundfish fishery alone so it's not other fisheries?

Aja Szumylo [00:17:32] Correct.

Chuck Tracy [00:17:32] And I don't know if you mentioned it or not but did you have a timing idea for when we might see something come from you on that?

Aja Szumylo [00:17:44] Again we just finalized the, the ESA Workgroup Report and just got the information from that and so we're going to go back and work with protected resources on a timeline for the consultation. I can come back to the Council in September with a timeline. Doubtful that the draft ITS would be ready then but at least the timeline in September for the reconsultation process.

Marc Gorelnik [00:18:05] Chuck.

Chuck Tracy [00:18:06] Thank you. Maybe just higher, higher level 2019 or 2020?

Aja Szumylo [00:18:13] I'm hopeful for 2019 but I can't make any promises.

Marc Gorelnik [00:18:18] Thank you. Marci.

Marci Yaremko [00:18:21] Thank you Mr. Vice-Chair. I think I'll start by first referencing this paragraph at the bottom of page one of the ESA Workgroup Report about the work group process. This group is a fairly new body in the history of council groups and we deliberately made it flexible because this is a new process for us to integrate ESA considerations into some of our work and how we provide feedback to PRD and or to NMFS on ESA measures that might be necessary for management in our groundfish fishery. I continue to be just very impressed and supportive of this effort and NMFS and its support of this Workgroup and helping us help you. I think it's a great example. I think what we saw with eulachon was fantastic. It, it has really created a great venue for communications between agencies, between divisions and between you know needs both on the ESA side and on the MSA side, so I just can't say enough good about this. I support the ideas we're hearing with regard to extra discussion coming back to us with regard to humpbacks. I do want to talk a little bit about the GAPs recommendation and their desire for membership. I think as Aja noted we do have flexibility to add membership to the Workgroup. I think while the group only meets formally once every two years that was not meant as a hard and fast rule. I think we certainly should be encouraging NMFS when it has new information or when they're looking to have some, some initial consultations on things that we, you know we use this group and I think having standing GAP membership on it is a great idea. I'm not certain that we, that the right GAP membership is two fixed gear and one trawl? I think maybe the GAP is best suited to select their membership once the GAP has been seated for their three year terms. Folks that have particular interest in engaging in the, in the Workgroup so that there'll be some continuity in the Workgroup process for the duration of their three year term on the GAP so that maybe that's a way to go. We just ask them to recommend to the Council who their three members to the Workgroup might be for the, the course of their term because the Workgroup is, is not a specific group to deal with a specific species or fishery interaction. It's kind of all-inclusive and it does serve as that sort of forum for discussion that is still evolving, so I think the, the GAP has made the need clear. They've reiterated that need to us for a while and I see every reason to support that recommendation.

Marc Gorelnik [00:22:02] Thanks Marci. Just want to point out the terms of reference for this Workgroup provide that the meetings are a minimum of every two years, more frequently as directed by the Council and there's also a provision in here for joint meetings with the GAP and the GMT et cetera. Further discussion? Maggie.

Maggie Sommer [00:22:26] Thanks Vice-Chair and thank you for those comments Marci. I do support including industry representatives on the Workgroup. I'm not sure we want to necessarily limit it to GAP members, maybe we want to discuss that but there could be individuals with appropriate expertise that are not current GAP members that might be a valuable addition to that group, and we had one example offered in public testimony today with Michele Eders mention of her husband Bob since he has more gear expertise than she does and there certainly may be others in the same position so perhaps we would want to have that flexibility.

Marc Gorelnik [00:23:13] Phil.

Phil Anderson [00:23:15] Thanks. I too support having industry be represented on this group. We can discuss whether what the right number is whether it's 2 or 3. I also would like to maintain the flexibility to select individuals that aren't necessarily on the GAP. They might be recommended by the GAP but maybe aren't members of the GAP. So I would in terms of the process I would favor soliciting from the GAP, their, their recommendations but leave the actual selection of the, of the individuals to the group to the Council.

Marc Gorelnik [00:24:03] Marci.

Marci Yaremko [00:24:05] Thank you for those thoughts Phil and Maggie. I guess I'm curious what the GAP thinks of that and the reason I ask is one benefit of having GAP members serve in this role, and I think their recommendation was for three GAP members, the benefit to me of having GAP members serve in this role is that they are part of our process all the time. We hear from them routinely at every meeting they're, they're constantly communicating with their colleagues on the GAP. They, they, I would see them as being integral to the dialogue on an ongoing basis in the GAP and I'd be a little bit concerned that somebody is just kind of a, an industry rep that may have great experience in a specific topic and may be an asset with regard to discussing gear or you know certain provisions in a certain fishery. I don't know that there's a great framework for communications that would be set up if that person only attends the ESA Workgroup and doesn't also participate in an ongoing basis in the GAPs deliberations so I guess those are my thoughts and I'm just looking at what the GAP recommended. They did recommend membership from their group. Thanks.

Marc Gorelnik [00:25:39] Thanks for that Marci. I think we should, I don't want to cut off discussion but I do think we want to have the sense of the Council in the form of a motion here. My preference but there's more discussion that's fine as well or if no one wants to offer a motion. Corey.

Corey Niles [00:26:14] I know this discussion I'm kind of, I think these are good issues. I'm kind of wondering, I'm, the thought in response to what Marci brought up I believe that's you know that's a good consideration. How do you keep the GAP looped in? My thought is I don't know that we know what the particular issues are going to be most pressing until like a few weeks or a month before the work group actually meets and as, as Kayleigh said we get hundreds of pages of reports. Wasn't, wasn't really sure which issues rise to the top so I'm kind of getting.....do we....barring any kind of development between now and the next two years do we really need to decide this now or could we get more input from the GAP and do this at a later time.

Marc Gorelnik [00:27:13] Thanks Corey. Chuck.

Chuck Tracy [00:27:15] Thank you Mr. Vice-Chair. Just, just to note that the Endangered Species Workgroup is constituted as a technical team that's under COP 3. Membership for that, for those types of groups typically involve review by the SSC for qualifications so that's fairly technical aspect but just something we'd have to if the Council wants to consider appointing folks that would be the normal process we would go through.

Marc Gorelnik [00:27:57] Chuck would that even be for the non-technical members of the work group?

Chuck Tracy [00:28:03] Thank you Mr. Vice-Chair. Well again this is a COP. It's not a binding piece of regulation but that's, that is the normal, normal procedures and just wanted to make you aware that if you wanted to deviate from that it wouldn't be the first time that we've deviated from a COP.

Marc Gorelnik [00:00:01] Phil.

Phil Anderson [00:00:03] I mean I, I thought what we were, I mean that it would be of great value to the work group to include some expertise from people that are actually engaged in these fisheries that are being discussed and when they're talking about potential measures or gear modifications or other kinds of innovative ways to, to minimize the potential of interacting with endangered species it is that expertise that they would bring to the table and would be incorporated into the Workgroup's considerations and recommendations that would come back to the Council. So I wasn't viewing the

industry participation in this from the perspective that they were gonna be responsible for communicating broadly amongst their particular sector or that, that was somehow a responsibility of that individual. It's more that we would select the individuals that we believed had that expertise to bring to the table and that could be considered and included in the recommendations that then come back to that GAP and to the Council and through our normal process so I'm, given that this was a tech, this is a tech, (quotes) 'technical group', that's where my focus was and where I thought the real value of having, being able to select industry people who are, have that expertise and can bring that to the table and that's, that's what I thought the goal was of including industry people on the group.

Marc Gorelnik [00:01:52] Maggie.

Maggie Sommer [00:01:53] Thanks Vice-Chair Gorelnik and thanks Chair Anderson. That, that was also my thought and I, I wonder if.....you know I do see the benefit of some continuity with GAP membership as well for their understanding of the process and the issues and I wonder if among the additional seats we are consider.....or appointees we are.... sorry, additional members of this group we are talking about we might be able to include one GAP member but not necessarily specify one person that would be consistent and I'm thinking perhaps of an approach like the GAP representation to a star panel where there is a GAP member selected but it is done for the particular star panel based on that representative's expertise and so perhaps there could be some opportunity to achieve that which could maybe allow us to get the best expertise from among GAP members as well as possible other industry representatives depending on the issues anticipated at a working group meeting as long as we know those far enough in advance to do that.

Marc Gorelnik [00:03:22] Well I, let me ask a question. Is there any reason to believe that the necessary expertise is not already represented on the, on the GAP? Bob.

Bob Dooley [00:03:38] Thank you Mr. Vice-Chair. I'm reading the terms of, or draft terms of reference and I don't know that I read it the same way and it, it says representatives selected to serve on the Workgroup shall have appropriate expertise and conservation of the aforementioned species, groundfish management, groundfish fisheries management or quantitative analysis in the order means groundfish that any one of those I think and groundfish fisheries management I think a GAP member would qualify for that and then at the last bullet, last bullet points says other representatives as determined by the Council. I certainly think you know from the GAP perspective with industry experience it's a, when you're, in this particular subject and particularly in the avoidance part of it, it's desperately needed and a good, a good positive so maybe I just have it wrong and just want some clarification.

Marc Gorelnik [00:04:37] Corey and then Phil.

Corey Niles [00:04:40] Yeah Bob I think not to go past your point here but I just want to back up a second I believe, I think everyone is, is on the same page about the purpose of having the type of expertise from the fishery come in and the star panel idea occurred to me too but I want to, I want to go back to the point but I think this group's role is to scope at a very high level what needs to be done in terms of does a reconsultation need to happen or do we need a specific process to then to get into the details on gear modifications or set aside. I don't think we're gonna find one or two people that have the breadth of experience to do something with eulachon in the trawl fisheries versus the open access hook and line of California which is going to be where ? So this this group is high level and I think the goal is to identify like in the humpback whales, or item number two here is to you know maybe or have some things be part of the spex but I think it's, it's really kind of identifying a more intensive process when as the questions become more intensive so I don't think we're gonna get the

right people to cover all the issues every two years but then finding when it comes time to recommend specific management measures or other things that's where we want to really think about who the right people to be involved are.

Marc Gorelnik [00:06:09] Phil.

Phil Anderson [00:06:09] Well I just wanted to say first that I hope my comments weren't intended to suggest that I didn't think the expertise was on the GAP necessarily and I think we ought to ask the GAP and consult with the GAP in terms of who we ought to have on this group to fulfill the objective so, and they may all be GAP people but what I am advocating is that they not necessarily be all GAP members. So I believe that we should add three positions to this Workgroup from industry. That we solicit input from the GAP on selecting those individuals and that we move forward and, and get that expertise on that group. Work closely with the GAP in selecting those individuals but also provide them the latti...the flexibility as well as ourselves to consider expertise that may be out there that would be very useful to this group that aren't necessarily members of the GAP.

Marc Gorelnik [00:07:32] Phil, would it be appropriate for at least one of those three members, to require that at least one of those three members be a GAP member so that the outcome of the work group or discussions of the Workgroup can be fed back directly to the GAP?

Phil Anderson [00:07:48] If that would make the Vice-Chair more comfortable I would be fine with... that I think and I suspect, I highly suspect that when we select the individuals we're probably going to ensure that at least one of them is from the GAP if not all of them, but and I think the results of the Workgroup is going to come back to the GAP so if that makes the Council more comfortable to ensure that we have GAP representation to identify that at least one of the three is from the GAP I'm great with that.

Marc Gorelnik [00:08:23] Brad and then Marci.

Brad Pettinger [00:08:25] Well certainly having somebody who is in on the GAP, represent the GAP. I have in the past I've served on the star panel for the GAP while not being on the GAP. Pete Leipzig sat on the star panels, what probably on the GAP at the request of the GAP. I think for this kind of work group you probably want the very best individuals you possibly can especially dealing with the interaction with pot gear that we've seen and certainly individuals like Bob Eder, I mean he's probably the top three or four people along the coast involved in that fishery and either him or an individual like him would be wonderful addition and I think we ought to move that direction if we can. Thank you.

Marc Gorelnik [00:09:06] Marci.

Marci Yaremko [00:09:10] Thank you. I want to make sure that we're not confusing the ESA Workgroup with these other parallel processes that we are talking about with regard to humpbacks. As I understand the recommendation from the GMT as well as the Workgroup's recommendation that the Council encouraged NMFS to use this collaborative public process with regard to the reconsultation. That is not the Workgroup. This is a different process and it doesn't, I mean the Workgroup has blessed this and said yes this is the way forward. I view this process as being the place where you need that specific expertise for the specific fisheries involved as well as the specific expertise on humpbacks. I'd view the ESA Workgroup as much more as an overarching framework and I feel like Corey expressed it best earlier by saying you're not going to find one person to serve on the ESA Workgroup that has all the different specific expertises that might be needed in these

important parallel processes that will go on outside the Workgroup. So when I think of the Workgroup, I think of kind of an overarching body that is serving to help keep these issues and the right entities connected with one another and that's why I, you know I am feeling like the best industry folks are some, some membership, you know our GAP representatives that are continuously connected with the GAP and the Council process. That said I think the Council certainly has an interest in ensuring that the right industry representatives are integral to this NMFS collaborative process that we're talking about. I expect, I don't know what all is, will be involved with those processes but I think much like we form a star panel where we bring together folks with the right expertise, we certainly have an interest in getting the right people to those forums and maybe the way to do that is through some Council funding support to send industry folks with the right represen.... with the right experience that the GAP recommends to us, I think that's a great idea. But anyway that's in my mind these are kind of two different things that we're talking about and I just want to make sure that we're clear.

Marc Gorelnik [00:11:54] Aja.

Aja Szumylo [00:11:56] Thank you Mr. Vice-Chair. They are two different processes that we're talking about. I want to be clear with the collaborative process that we were envisioning for humpback. We're not going to do something different than what we did for eulachon. So we will work through our internal process to prepare the ITS and then the vision was to come back at a Council meeting and present the ITS to the Council advisory bodies and to the Council similar to what we did before. I don't, I don't envision creating another, another group to help review or look the ITS for humpback outside of our normal process, so the process that we would use that was collaborative is, is bringing it back to the Council for review and then in terms of the ESA Workgroup I agree with you're not going to be able to pick somebody who has you know a broad enough expertise to think about all the potential interactions of all the stocks that we have biological opinions for so you know the vision of picking somebody who has gear type expertise between maybe the fixed gear and trawl sectors would be a reasonable way of breaking it up.

Marc Gorelnik [00:13:00] Corey.

Corey Niles [00:13:02] Yeah thank you. I'm very much in line with what Marci and Aja just said but I also I want to what Mr. Anderson and then you Mr. Vice-Chair said I think picking three people with a you know asking the GAP to pick three people with some heads up from NMFS about what type of issues are gonna come up in the next two years is a very good idea and would be, would be beneficial. I don't know where we left that with, with that idea of maybe keeping, having three people one definitely being a member of the GAP but I didn't mean to say that was.... I think that is a good idea and it's just a separate idea from, from how we chunk things off for more specific discussion like Aja saying we're going to do for the humpback. So I think if we go, going back to that idea of having three more members of the Workgroup I mean I think that I still all those separate would be good to do.

Marc Gorelnik [00:13:52] I have a question for Chuck. Is this, are these Council appointments or the Chairs appointments?

Chuck Tracy [00:14:02] Thank you Mr. Vice-Chair. According to the terms of references these would be Council appointments. You know again following the COP you know it'd require some review. I would point out that the, I don't believe the Endangered Species Workgroup is scheduled to meet again until 2021 or perhaps late in 2020. They meet every other year again with the intent of identifying issues that will be incorporated into the next biennial specifications process so, so I think

there's adequate time for that unless there's some specific assignment that the Council has for them following up on this meeting and integrating into the next spex cycle, this upcoming spex cycle.

Marc Gorelnik [00:14:54] So I'm not getting a motion. Let me see if I can sum up the sense the Council at least on this topic we've been discussing at length. Is it the sense of the Council that in due course we should appoint three additional members to the Workgroup based on recommendations received from the GAP? All right I'm seeing...anyone object to that? All right and I guess we'll leave it to staff to, to put out, to follow that process along. We don't think we need anything else there. How about the rest of the Workgroup recommendations and other recommendations we've received in the reports before us? Corey.

Corey Niles [00:15:42] Well I think as, please correct me Aja if I want to put words in your mouth but the thing you said that was enticing to me and very important was the, how this Council wants to move forward on the, on the non-trawl or fixed gear logbook, however we're calling it and I believe she posed us the question of if how do we want to be involved if at all or if we want to rely back on what we did in the 2009 and 10 spex process if memory serves so I just wanted highlight that is I think with the Oregon model and with the, with the, with the discussion that happened then I do think we have it mostly there and so don't know how else we would want to provide input into, into that recommendation we made back in 2008.

Marc Gorelnik [00:16:39] Marci.

Marci Yaremko [00:16:40] Thank you Mr. Vice-Chair. Thank you Corey for those thoughts. On the logbook issue I, I guess you know I don't know if what we recommended in 2009, 10 fits all of the needs that NMFS might have right now with regard to the ITS but I think that's kind of your wheelhouse. I think there are a lot of other groups that are looking at logbooks like the technical committees through Pacific States and such but I, I don't know how, I mean I think for purposes of fulfilling the needs on the ITS, I mean if, if we're there then you know I, I think it's certainly NMFSs call how, I mean they have our recommendation from before but I don't know that we have a lot to say with revisiting them for purposes of the ITS. If there are other reasons to revisit then that's a different discussion.

Marc Gorelnik [00:17:53] Aja.

Aja Szumylo [00:17:53] Thank you Mr. Vice-Chairman, Miss Yaremko and Corey for the reminder on that. You know the GMT did put in a recommendation that you know it reviewed the, the logbook form that was in the, the 2009-2010 specifications and it did determine that it does provide the finer scale effort data that we need to better estimate effort in the fleet. It is, it does meet the requirements of the ITS for us. I don't see a need to go through the Council process again but again that is, I defer to the Council on that. In terms of overall implementation timing it would take, it would take some time. We, you know we wouldn't, it's not something that would go into place immediately. We definitely have to and we do have to do some, some of the background steps that support rulemaking like update the regulatory impact review analysis, do paperwork reduction act requirements on our end and then publish a proposed and final rulemaking and so implementation would be far off but from the perspective of a need to come back through the Council I don't, I don't see that need. It would be whether the Council as a group wanted to review things again and I don't think that, that is necessary.

Marc Gorelnik [00:19:14] I have to admit to some confusion about where we are in this logbook. Does someone want to sum up where we ought to be for me or does everyone else share the same

confusion? Chuck.

Chuck Tracy [00:19:29] Well sure I'll take a shot at it. So in the process for adopting that 2009-10 spex, the Council recommended development of this logbook program and set out some specifications for it. I think due to administrative workload it has not occurred through National Marine Fisheries Service yet so it's sort of languished. Looks like and I believe the Endangered Species Workgroup has recommended it be adopted in the past once or twice and so we we're hearing it again. We're hearing from the GMT that it's, believes it meets, is still current and relevant and they don't recommend any modifications to the forms so I think it's just a matter of if the Council still wants this to go forward...they don't, frankly they don't have to do anything but I think a head nod here or acknowledgement that they would like to have National Marine Fisheries Service proceed with rulemaking to get it in place, I think that would be a good course of action. If the Council feels like they want to you know for whatever reason take another look at the form, the content of the form or, or any of the implementation methods such as you know electronic versus paper I guess they could recommend NMFS wait and allow the Council to do some more work on it. So I guess those are the two options I see here for the Council.

Marc Gorelnik [00:21:17] Thanks for, thanks for that Chuck. It's very helpful. So let me look around the table. Is the sense of the Council to ask NMFS to move forward with a rulemaking or does the Council want to revisit the issue before urging NMFS to proceed on perhaps on some revised form? Herb.

Herb Pollard [00:21:40] Thank you Vice-Chair. That was one of the two really firm recommendations that came out was to go with a logbook and from, from GAP and the participation. The other recommendations and I've been sorting through the, the reports trying to say okay is there something here that we can put in a motion for a recommendation and they're basically continue to do what you've been doing as far as outreach and communication and, and tracking but I would say yes we probably should support the logbook because it, it responds to other needs for, for tracking bycatch and participation on harvest and my feeling is that yes we should....

Marc Gorelnik [00:22:33] So I'm not seeing any, anything in the reports we received urging changes to what we've previously recommended. So is that consistent with a sense of the Council here? Marci.

Marci Yaremko [00:22:46] Yeah thank you. As I view the logbook requirements it's an element of the ITS, it's not discretionary so you know it doesn't matter if we...I mean it's gonna happen and I guess the point that I saw that was being made about why the logbook for purposes of the ITS is all about effort and determining the number of sets or the number of pots, set and tows that, or not tows but hauls, hooks, effort calculation it's not about capturing the information on the bycatch. I thought that was critical so I'm supportive with NMFS proceeding with without coming back for Council review.

Marc Gorelnik [00:23:30] All right is that consistent around the table? I'm seeing nods of heads and so I think there were some other recommendations made by the Workgroup which is captured on a slide and we've all had a chance to look at that. Are we comfortable with adopting those recommendations? I'm seeing nods of heads. Okay I, I think that covers the topics we have here. Let me just check in with Todd and see if I, what, what I've possibly missed.

Todd Phillips [00:24:13] Thank you Mr. Vice-Chair. I am, I believe that you have covered this topic adequately because the recommendations do refer in many senses to the biennial management period

that we are gonna be in, the spex period coming up and you have definitely reviewed the Workgroup recommendations.

Marc Gorelnik [00:24:33] Thanks very much. Let me before we close out this agenda item let me see if there's any other comments from members of the Council? Brad.

Brad Pettinger [00:24:42] Yeah dealing with the logbook I think it's great to have a logbook but it's really the information that's asked of that really gives you the value to it in a logbook that was done 10 years ago. What we thought was needed in that might be very different than what we want today and I don't know how much they can mix it up or what they could adequately improve it potentially but I think that's where the value comes and not because we have a logbook but basically the information we derive from that and also while we can ask, as far as using an electronic logbook, I think the trick to log, well besides information derived from it you want to be accurate and I know from entering in the information on a paper logbook sometimes those numbers get transposed and they're erroneous. I think it would be great to have a paper logbook they could actually fill out electronically and print it out so you just hit the enter button as far as location would be kind of nice as an option but maybe too much this at this, at this stage but I think we ought to be looking at that to make it easier for the fleet to get good accurate information down but still be a paper form.

Marc Gorelnik [00:25:55] Any other comments around the table? All right I think that concludes this agenda item which we should have done yesterday but we got it done today.

5. Endangered Species Act Seabird Mitigation Measures – Final Action

Marc Gorelnik [00:00:00] All right that concludes public comment and takes us to Council discussion and action which is on the screen there. We can have some discussion if there's going to be a motion and we need a short break to finalize the language on the motion we can certainly do that so let's, let's start with some discussion here. Please.

John Netto [00:00:28] First off I just want to say thank you of the progress we've made since April. I know we have a long way to go. We came in April we had an idea of what the options on the table were. We got some new information and I want to thank the fishermen, the GMT, the National Marine Fisheries Service, and the GAP for considering additional options to try to avoid albatross, short tailed albatross take. Just want to, we in general support the recommendations that came from, from GMT, where we're comfortable with those that we think they are consistent with our biological opinion. I just want to make a couple comments on those to point out. One is that the limited data that we have on this indicates that using floating gear does make the streamers less effective. We came into April supporting the, the night setting option for use of floating gear but recognize safety concerns and we appreciate that. So consistent with some of the comments we heard there we strongly encourage investing in and making a statement towards encouraging further development of the gear along with the research that is going on for the trawl, the trawl gear as well, and just one point and why we think that's important is the short tailed albatross population is thankfully where we're grateful that it's increasing and it's increasing quite rapidly, however it's still in a very precarious situation because it's, nearly all of the breeding takes place in a single colony and for that population to become stable and resilient it's going to have to adapt and find additional colonies and so we think that the probability of additional interactions with the, with the fishery are going to increase prior to that resiliency being in place so with that said just want to reiterate that, that we strongly encourage continuing to find gear solutions to, to limiting that, that take and to build upon the success that's been found with the streamer lines to this point and hopefully have something that can in the future work with the floating gear as well as it does with the non floating gear. Thank you.

Marc Gorelnik [00:02:41] Thank you. Further discussion? Aja.

Aja Szumylo [00:02:48] Thank you Mr. Vice-Chair. Thank you Mr. Netto for the statements. I would like to take a moment to go back to the buoy bag questions that kept coming up earlier. I'm going to call up Keeley Kent to offer some explanation on the Alaska gear requirements and so again the ITS asked us to match those requirements and they, they refer to buoy bag lines and so I'll turn it over to Keeley Kent.

Keeley Kent [00:03:10] Hi. Keeley Kent with National Marine Fisheries Service. Aja covered it mainly so the buoy bag line is just an option in the Alaska regulations which are ITS requires us to use the streamer line specifications from Alaska and they have created that option for vessels without mast, poles, or rigging and that is because without any sort of tall structure on your vessel you can't fly a streamer line. So they wanted to create an option that I believe is very minimal use. They have few boats that fit that, that structure but they, they just can't fly a streamer line, so the idea is that you have some sort of line with a buoy that floats out over your gear and is an at least an attempt to add some more protection around that line. There's no performance metrics on it and it hasn't really been an issue because again there's very few boats that fit that description that are in federal waters and that would need that other alternative.

Marc Gorelnik [00:04:11] Thank you for that explanation. Questions? Maggie.

Maggie Sommer [00:04:21] Thanks Vice-Chair. I guess also on the requirement to be, to use the Alaska regulations regarding the superstructure issue in the weather safety exemption language that came up. Is that distinction a necessary part of a weather safety exemption we might adopt here and I guess where I'm going with that is in attachment one the weather safety exemption was phrased as for vessels 26 to 55 feet deploying streamer lines would be discretionary when a small craft wind advisory or higher is declared? That was from our preliminary preferred alternative. Would that be adequate to meet the requirements in NMFSs opinion?

Keeley Kent [00:05:22] Through the Chair thanks for the question. So and I'll clarify that, that matrix that you see in your briefing book was my attempt to take your preliminary preferred alternative and show you what that meant with applying the Alaska streamer line regulations, and I think it did come out that in April you guys didn't necessarily discuss whether you wanted a different weather safety exemption for these vessels that don't have the mast, poles, and rigging, so what I felt was appropriate was I took what how it's laid out in the Alaska regulations. So the Alaska regulations similarly for the smaller vessels that do have mast, poles, and rigging that are using streamer lines has a lower level weather safety exemption just like you guys are looking at but then they use the higher, the gale warning for the vessels without mast, poles, or rigging and I believe the intent is just that without a line in the air there's not as much of a risk of the wind creating problems with untying your streamer line in your gear. I think it's up to the Council whether you wanted to extend the small craft wind advisory to these vessels without superstructure if you felt like that was appropriate. You know we have built in a little bit of flexibility in how we're looking at those Alaska regulations but I think that would be within your purview if you choose.

Maggie Sommer [00:06:50] Thanks.

Marc Gorelnik [00:06:56] Further questions of NMFS or discussion on this agenda item? Corey.

Corey Niles [00:07:06] Well just some general discussion not a question but since Keeley's up here I think I'd just like to thank the U.S. Fish and Wildlife Service and National Marine Fisheries Service for how this process has worked. It's been in my mind a model of how we should do these things and how it, how it spun out of the Endangered Species Workgroup and Sea Grant has been an integral part of that. I was kind of hoping a Dr. Ed Melvin would be here today. I heard he's retiring this summer so we could again thank him for his work. On the floated gear issue I think you know I'm seeing us as at step two of what's a multiple round conversation here. I think it is, it would've been nice to had it all wrapped up now. I kind of kind of think that this, it was you know maybe working all too, too smoothly and these things aren't easy and so this, the continued research on those gear on that gear type is, is needed so again I think the bigger picture I'm thinking here is and the south the 36 issue as well is these, these are, this is not the end of the conversation and I think this ongoing process where we have the feedback between, between the consulting agencies, the action agencies, and the Council is the way to do this. We don't have all the answers now and again thanks, thanks to the, to both federal agencies for engaging like they have in this process and those are just some the overarching thoughts that I have at this point.

Marc Gorelnik [00:08:49] Thanks Corey. Marci.

Marci Yaremko [00:08:52] Thank you. Yes my question is for Keeley. I was hoping to follow up on Maggie's question with, and your response about it would be kind of at the Council's discretion if we elected to follow that provision in the Alaska regs verbatim. I just want to follow up and make sure that I'm clear on the content of Agenda Item I.5, Attachment 3, if we eliminate distinguishing from the size class 26 to 55 feet, if we eliminate distinguishing between boats with or without

superstructures does that also then eliminate this buoy bag situation because then everyone would be treated the same under the regs for that size class?

Keeley Kent [00:09:50] Through the Chair thanks for the question. I think it would be very difficult to eliminate the distinction because again those vessels that don't have mast, poles, or riggings can't fly a streamer line effectively, so we need to give them an out and that's what the buoy bag is. I think if you were to want to address the weather safety exemption, if you said that we wanted to change the weather safety exemption for these vessels without the mast, poles, and rigging to the small craft wind advisory that's how we would delineate it. We would give them the same weather safety exemption but again the distinction is that one class of vessels can use streamer lines and one cannot.

Marc Gorelnik [00:10:42] Further discussion. Brad.

Brad Pettinger [00:10:47] Thank you Mr. Vice-Chair. So what we're at right now I believe we're going to require vessels 55 feet and longer to have to set at night with these floating gear and I believe Maggie said there's like 25, 26, seven boats last year, two years ago that used gear and if Bob thought the number 33, half of those boats were his, we're talking about maybe 8 or 10 boats we require them to set at night and those are vessels you know that have taller rigging and could easily deploy two streamer lines and I'm kind of wondering operationally as far as who those people are? I'm, I'm sorry we haven't heard from them because I would hate to, I don't think they're much of a threat when you're talking about 500 vessels fishing on the West Coast and there's 10 boats that might be using this gear and making them, requiring them to set at night I just think that's kind of, I think they could either able to mitigate the impacts with the streamer gear, because they've got to use these longer streamer gear for the to, to cover their, the set. I just have concerns about those guys hanging it out where they are and they're not even aware this is happening.

Marc Gorelnik [00:12:14] All right. Thanks Brad. I have 11: 07. Let's take a short break come back at 11: 17. Was there an answer there or?

Keeley Kent [00:12:27] Can I just clarify for a moment, so I emailed Maggie this, but the, so the two tables that you're talking about trying to figure out how many of the large vessels night set or use floated gear, the data pools and the data tables that you see don't match up, so we only have floated long line gear use on observed vessels, so you can't mix those two data tables that you were looking at. We know how many large vessels are out there because of PacFIN but then obviously only a portion of them are observed, so we don't actually know how many large vessels use floated gear and would be affected by a night setting requirement. I just want to make sure that's clear.

Marc Gorelnik [00:13:13] Thanks for that, thanks for that clarification. All right I have 11:08. We will come back at 11:18 to continue discussion is needed and to perhaps entertain a motion. (BREAK) Before the break we were in Council discussion so we'll pick up right there and I'll see if there is further discussion to be had but if someone wants to offer a motion that would be fine too. Christa.

Christa Svensson [00:14:04] Thank you. Thank you Mr. Vice-Chair and I will give one of my colleagues a bit more time by saying I really appreciate everyone's help and working towards a solution that will protect both seabirds and fishermen. You know whether it's my colleague down the pitch here, Sea Grant, we've had Audubon California who has presented a number of ideas and have been very willing to talk with Council members, advisory panel folks, other fishermen to come up with solutions. I know Amanda Gladics herself has probably had more meetings than she ever expected on this but she has been very willing to both answer questions, provide insight, maybe give some ideas in terms of what we could be doing in the future and has said she is very willing to work

with our floating gear fishermen as well in Oregon and I'm assuming beyond if needed to help make sure that we are taking care of seabirds, and I'd really like to recognize Jeff as well in terms of bringing the issue to the forefront and for continuing to do research and development on gear types to protect sea, seabirds in particular so with that, that is about what I have to say in terms of expressing thanks and gratitude for taking this issue seriously and making sure that we have coverage for everyone.

Marc Gorelnik [00:15:43] Thank you Christa. Brad.

Brad Pettinger [00:15:57] Thank you Mr. Vice-Chair. You know what Jeff had to say about the learning curve. There is a knowledge base out there starting with Jeff I would say, but I think that it would be great maybe to have either some workshop or some outreach to folks to get them up to speed as quickly as possible so we're protecting seabirds as quickly as possible with the gear with, when the regulation would go into effect. I don't know how we do that but I think it could be as an intent. There's, there are ways to do that but I think we ought to be on top of that.

Marc Gorelnik [00:16:33] Brad are you suggesting that be a state responsibility or a Council response?

Brad Pettinger [00:16:38] I'm not hung up on either way just as long as it gets done.

Marc Gorelnik [00:16:42] Thank you. Aja.

Aja Szumylo [00:16:48] Thank you Mr. Chair and Mr. Pettinger. We are, we're actually planning already for outreach efforts around this to help with compliance with using streamer lines and to help people understand the new requirements that are being put into place so but thank you yeah, thank you for the suggestion, I will definitely reach out to everyone to, to let them know when and how we're going to do that.

Marc Gorelnik [00:17:12] Phil.

Phil Anderson [00:17:13] Thanks Mr. Vice-Chair. I would just want to acknowledge the work that has been done by everyone to help us with our decision on how we can go about putting measures in place to protect seabirds and while at the same time looking at the welfare of our fishing fleet. I too would like to acknowledge Jeff Miles and his efforts to look and for ways to modify gear deployment methods to reduce interactions with seabirds and I, and I suspect that he is joined by others in the fleet that are doing that same thing and I think innovation will come from those who do it, not from those who don't, and I want to acknowledge Anna Weinstein and her organization. It's refreshing to have an organization that is committed to the protection of seabirds but is also willing to work within this process, as in with the fishing fleet to look at win-win kinds of conclusions. We don't always have that and it's very much appreciated, your organization's commitment to seabirds as well as your commitment to working with the fishing industry at the same time looking for things that achieve both our goals. I think also the, we need to keep in mind that this is not the end. This is another significant step forward in bringing those two together, that is the success of our fishing fleet and doing it in a manner that is respectful and protects seabirds and in particular those that are in low abundance and or in the process of rebuilding. I think the discussion around the additional research, both that research that is done at the governmental level as well as the expression of support for using private funds to look at some of the research needs will be, is going to be an important component of how we continue to advance and so I think a statement by this Council in support of the various research needs that have been identified through this process will be important to both have an

opportunity to access public funds as well as private funds, and I guess lastly I have struggled with the issue associated with vessel size and I suspect that it will be included in some way in the, in our considerations but in looking at the information that we have in front of us, I am having a very difficult time justifying the vessel break relative to size in terms of the requirements that we're placing on them, and I may have some additional remarks on that when we get to our Council action. Thanks.

Marc Gorelnik [00:20:56] Thank you Phil. Maggie.

Maggie Sommer [00:21:07] Thanks Mr. Vice-Chair. Thank you Sandra would you please put up version 1. I move that the Council adopt the following seabird mitigation measures as final. Require non tribal vessels 26 feet and greater length overall using bottom long line gear as defined under 50 CFR 660.11 in the limited entry fixed gear, open access fixed gear and long line vessels under 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 when declared into a federal fishery and fishing in federal waters. In addition when fishing south of 36 degrees North latitude vessels would be exempted from the requirement to deploy streamer lines or a night set. Sandra would you delete the second bullet. I believe it's not, it's duplicative with the fishing in federal waters statement above. Second bullet reads for vessels 26 to 55 feet length overall deploying streamer lines would be discretionary when a small craft wind advisory or higher is declared in the area where the vessel is fishing. In addition encourage continued collaborative research to develop and test enforceable floated mainline gear configurations that can sink within the streamer line zone to reduce seabird interactions.

Marc Gorelnik [00:23:01] Maggie the language accurately reflects your motion?

Maggie Sommer [00:23:05] It does.

Marc Gorelnik [00:23:06] Do I have a second? Seconded by Christa. Please speak your motion.

Maggie Sommer [00:23:14] Thanks Vice-Chair. This final preferred alternative meets the purpose and need for this action which is an extension of the action taken in 2013 to apply streamer line requirements to vessels 55 feet and longer. The purpose being to further reduce interactions between ESA-listed seabirds and groundfish long line gear relative to current levels of take and the need is to comply with the 2017 U.S. Fish and Wildlife Service biological opinion by minimizing endangered short tail albatross take to levels judged not to jeopardize the continued existence of the species. These requirements will be applicable to bottom long line vessels which is defined under 50 CFR 660.11 which includes snap gear that participate in the limited entry fixed gear, open access fixed gear and shore based IFQ program gear switching provision while fishing in federal waters. This will include vessels from the nearshore fishery that fish in federal waters as those vessels are required to declare into the open access fishery and follow the VMS requirements. This does exclude vessels fishing in state waters only. It also exempts vessels fishing south of 36 degrees. The analysis is clear that the risks of short tailed albatross impacts south of that line and in nearshore state waters are minimal enough to support an exemption for vessels operating in that area at this time. Note that I have not included the GMTs note that the exemption could possibly be extended out to 75 fathoms because what we adopt today will go into regulation. We can always consider changes as we may with any regulation in the future if the circumstances and data warrant it and we go through our normal process but I am not indicating here a desire to do so. I did not include a provision requiring floated, pardon me, requiring night setting when floated long line gear is used because although seabird interaction research indicated that streamer lines are not effective for many vessels using floated mainline gear, we heard in public testimony and from our Groundfish Advisory Panel in April

and today about the potential increased safety risk that night setting could pose. We did hear particularly from the smaller vessel representatives. We did not hear information that convinced me that this may not also be the case for larger vessels. This is something that I am very interested in seeing further research on, but maybe I'll make some, some comments later on in discussion and just carry on with the motion here. We, I guess one thing I want to note is we did also hear that there may be gear configurations or deployment techniques successfully sink the gear within the protective zone of streamer lines, and I think at this point I am proposing that we don't apply a night setting requirement and provide more time to explore alternative gear configurations with the goal of developing proven effective gear modifications that can be defined and enforceable and potentially put into regulation in the future, in order to provide better seabird conservation in general or if there were a reconsultation resulting in stricter terms and conditions. I included this recommendation for additional collaborative research and yeah in the motion because of its importance. And then finally.....I apologize Mr. Vice-Chair I entirely lost my train of thought... and if I started speaking to the motion while reading through it I apologize. I did include a weather safety exemption which makes the use of streamer lines by smaller vessels optional when a small craft advisory is in effect. Thanks.

Marc Gorelnik [00:28:03] All right. Thank you for the motion. We have a second. Are there questions for the maker of the motion? Bob Dooley.

Bob Dooley [00:28:13] Thank you Mr. Vice-Chair. Maggie the way I understand your motion it allows collaboration, collaborative research on the gear portion but not necessarily the streamer portion. That might, they're pretty prescriptive so is, was that your intent?

Marc Gorelnik [00:28:36] Maggie.

Maggie Sommer [00:28:41] Thanks Vice-Chair Gorelnik. The intent here was simply to emphasize that Council's interest in seeing additional research on gear modifications that can further reduce seabird interactions with floated mainline gear in particular. I certainly don't mean to exclude any research on streamer line effectiveness or configuration or any other aspect of seabird mitigation measures.

Marc Gorelnik [00:29:09] Kit.

Kit Dahl [00:29:11] Thank you Mr. Chair. Yeah just one question, clarifying question reflecting your previous question and discussion about the weather safety exemption and its applicability to vessels using the buoy bag, vessels without superstructure and just your intent here is that, that weather safety exemption as stated would apply to those vessels as well as those with superstructure.

Marc Gorelnik [00:29:44] Maggie.

Maggie Sommer [00:29:46] Yes. Yes that is the intent.

Marc Gorelnik [00:00:00] Further questions for maker of the motion? Discussion on the motion? All right I don't see any hands. Corey do you have...?

Corey Niles [00:00:21] I was, I wasn't prepared to discuss....let me, let me just start with the question if, if I could and it's a small question for maybe for NMFS and first thanks, thank you Maggie for putting this together. On the state waters issue, is, I believe there's only...it seems to be, there's only a few areas of the coast where that's even an issue with seabird risk but a question to NMFS is are, is

our concern here only in, in federal waters. I mean it doesn't matter to the birds where they're caught but if, if a bird were caught in state waters does that count against our incidental take amount?

Marc Gorelnik [00:01:09] Aja.

Aja Szumylo [00:01:09] Thank you Mr. Vice-Chair, Mr. Niles. So the bi-op doesn't include state waters. There, the ESA coverage extends to the groundfish fishery in federal waters here of that biological opinion.

Marc Gorelnik [00:01:27] Further discussion on the motion? Phil.

Phil Anderson [00:01:33] Thanks Mr. Vice-Chair and thanks for the motion Maggie. Speak in support of the motion though the piece that I have struggled the most with this week and over the, since we made this, we took our action in April was the issue associated with differentiating between vessels that are 55 feet and longer versus those that are less than that and is in it, we, when that issue kind of surfaced during our debate and discussion in April and we learned and it was expressed to us about the safety issues associated with setting at night, we responded to that by making a change in our preliminary preferred alternative. Since that time we had an opportunity to look at more of the data and think more carefully about this and certainly leading up to this moment have thought a lot about it and in when I look at, at the data that, or the information that we have in front of us and in particular in three point seven point three point four that require vessels using floated mainline to fish at night and just looking at some of the verbiage there and the discussion around the safety issues associated with fishing at night regardless of the size of the vessel you're on, but and I suppose by the time maybe you get up to a catcher processor size vessel that maybe 250 feet it may not be as big a deal but, but I have trouble differentiating between a vessel that's 54 feet and 58 feet or 60 feet relative to the safety issues that are posed to the crew when you're fishing at night and deploying gear at night. So I think at, at this juncture, at this point of our efforts to modify and improve and provide for regulatory measures to reduce the potential for interactions between seabirds and vessels engaged in fishing operations that I'm not prepared, I would not have been prepared to support having the exemption only apply to vessels under 55 feet. I think and we have talked about that while we have not really had much in the way of public comment or interaction with the vessels that are greater than 55 feet on how it would affect their operations or if it would affect them but I think I don't think there's any question and certainly the further north you go along our coast the bigger the difference in terms of daylight hours. We're down to, I mean right now it's about seven hours and 53 minutes or so of daylight or excuse me of darkness in the north in the, off the Washington coast and so you're talking about limiting the time in which vessels can deploy gear to about a third of the hours in a 24 hour period and that was an additional consideration that came to my attention during the period since April since we discussed this issue. So again I was having a very difficult time coming to the conclusion that the safety issues on a 50-foot boat fishing at night were any more or less than those for a 60-foot vessel doing, trying to do the same thing and so, and I'm also mindful of the, the fact that and have chosen our figures that the majority of the boats that are fishing are less than 55 feet so we're, we're not there's some portion of the small portion that is above 55 feet that this would affect if we actually had included in this, included this in the motion. So with all that said appreciate the motion prepared to support it and I think not including that demarcation between vessels based on size is a prudent thing to do at this point.

Marc Gorelnik [00:06:10] Thanks Phil. Further discussion on the motion? Please.

John Netto [00:06:16] Thank you Mr. Vice-Chair. I, we have a bit, a bit of discomfort. I think we came into this supporting the night setting with the floating line gear. We think the limited

information that's out there is that the streamers are less effective with the floating gear so we have a little bit of discomfort with that whether it's for small vessels or the larger vessels but we appreciate the concerns for both safety and, and, and the need to upgrade the infrastructure and to be able to do night setting and the risks that those pose. That said we think this is a step in the right direction and it's an improvement of where we were and we already see the albatross populations rebounding and coming back up. Also encouraged by the public testimony we heard today and the efforts and to improve the gear and to work with the gear that's out there. So I think overall we're optimistic but certainly looking forward to having a better understanding of what amount of gear is being used and set during the day by the large versus smaller vessels and having a better understanding of the potential for interactions with seabirds in, in this fishery in particular on this item but also in the trawl fisheries as we move forward. Thank you.

Marc Gorelnik [00:07:38] Thank you. Corey.

Corey Niles [00:07:43] Yeah thank you. I'm also supporting the motion and thank you John for the, for the statements. I too am not very comfortable with either the 36 exemption or the floated gear but I think this is just like you said this is, this is step, this is step two and I think in the end it might be once we've had more time and more feedback that, that, that night setting is the best way to go and so I am going to point to what I said earlier and to what Mr. Anderson said and much more eloquently about, about the need for more research here and the thanks to people who are going to do that and so this is really...I'm supporting this knowing that more is coming in that, that yeah that we will do, we're not, this is not the end of the story on how, how we're looking at seabird mitigation.

Marc Gorelnik [00:08:38] Thanks. Further discussion? Bob.

Bob Dooley [00:08:45] Thank you Mr. Vice-Chair. I too will be supporting this motion. I think it's well-crafted and I really respect Phil's comments about the daylight and how much that limits the ability for fishermen to actually work and I think that needs some thought and I would support that as well. Going back to the, we only have one knob to turn here, to be collaborative which is the, adjust the gear and the weight of the gear to get it to sink faster. I'm worried about the prescriptiveness of the, of the definition of the streamer gear and how that might limit our ability to be, to have research, we made that, that may be the answer and so I would just I know it's designed off a system that works in Alaska. Alaska is not the West Coast. I know that well. I think and I understand it needs to be a definition to that end but I think there, if there's an acknowledgement that our research into this may include adjusting that gear some way and not have to go through a regulatory amendment to just to be able to test it. I, I understand the whole process. We deal with it every day, right about changing things and that's why my concern is there, so I don't know that, that anything we would do to, to adjust those streamers would require, would you know would be more, it wouldn't, wouldn't be under the minimums that are established but I worry about like the heights off the water and things like that, that we may come up with a way or Jeff may come up with a way that, that protects this floated gear, and I've heard loud and clear the need for the floated gear on certain areas of the coast to avoid sand fleas and such so I, that's one of my concerns and I know that would not prohibit me from voting yes on this motion. I just want to make it noted that we should understand that if that comes before us we need to be thinking outside the box to allow that research to happen, even though it may be in conflict with these prescriptive rules. Thank you.

Marc Gorelnik [00:11:14] All right thank you Bob. Further discussion? Aja.

Aja Szumylo [00:11:19] Thank you Mr. Vice-Chair. To Mr. Dooley's comment I just wanted to raise that we do have exempted fishing permits for exactly that purpose so if there is a prescriptive

requirement in the regulations that limits the, the configuration of the gear we can definitely look into issuing permits to allow further testing.

Marc Gorelnik [00:11:40] All right. I'm not seeing any, any further hands. So I'm going to call the question all those in favor of the motion say aye.

Council [00:11:49] Aye.

Marc Gorelnik [00:11:49] Opposed No? Abstentions? No abstentions. The motion passes unanimously. Thank you. Is there further discussion? Marci.

Marci Yaremko [00:12:09] Yes thank you Mr. Vice-Chair. I'd like to offer a second motion.

Marc Gorelnik [00:12:14] Please go ahead.

Marci Yaremko [00:12:17] Thank you. I move the Council direct the Endangered Species Workgroup to locate and review any new short tailed albatross telemetry or observer data south of 36 north latitude at a future meeting anticipated in 2021 and provide this review in its report back to the Council for purposes of possibly reconsidering the exemption from the streamer requirement for long line vessels operating south of 36 north latitude.

Marc Gorelnik [00:12:48] The language on the screen correctly reflects your motion?

Marci Yaremko [00:12:52] Yes it does. Thank you.

Marc Gorelnik [00:12:54] Second? Seconded by Bob Dooley. Please speak to your motion.

Marci Yaremko [00:12:57] Yeah thank you Mr. Vice-Chair. Just wanting to memorialize and agenda-ize the GMTs advice here to possibly reconsider this exemption if new data indicates there is a need. I don't want this item falling, this recommendation falling away. The data supporting the exemption is adequate to justify the exemption right now but that data is fairly scarce. It does suggest abundance of albatross may be higher north of 36 but I think there's more information that may be available at some point that presents a different picture, and additionally without great information on long line effort occurring south of 36 it's very difficult to determine if this region is going to actually experience lower encounter rates so I, I really want to make sure we, we get a report back once data is available so I think making sure this item is on the agenda for the Workgroup's activities that are expected in 2021 that will at least ensure that we, we hear the latest and greatest of information that may be available to us.

Marc Gorelnik [00:14:23] Thank you Marci. Questions for Marci or discussion on the motion? Bob Dooley.

Bob Dooley [00:14:29] Thank you Mr. Vice-Chair. Discussion on the motion I would, I'm definitely going to support this. I, I believe that you know we need to be precautionary on the, on this because the, the penalty for being wrong for allowing the exemption is great on everyone including people in the north. It's too great a risk and we need to be number one for sure protecting these birds but number two protecting the fleet as well from unanticipated results of this action so I really do support this, this research so thank you.

Marc Gorelnik [00:15:14] Further discussion? Not seeing any I'll call the question. All those in

favor say aye.

Council [00:15:20] Aye.

Marc Gorelnik [00:15:21] Opposed No? Abstentions? Motion passes unanimously. Further business on this agenda item from the Council? Further discussion? I'm not seeing any. Kit how are we doing?

Kit Dahl [00:15:41] Thank you Mr. Vice-Chair. I think you've completed your work here. You've adopted a final preferred alternative under this action as reflected in the motion with some additional guidance on future work and the possibility of acknowledgment of possibly you know revisiting some elements of the proposal or what would be implemented at a future date if necessary.

Marc Gorelnik [00:16:20] All right. Thanks for that Kit. That concludes Agenda I.5. I'm going to hand the gavel back to the Chair and I'm going to apologize that we started the day one hour behind and now we are an even two hours behind.

Phil Anderson [00:16:39] I'm not going to thank you for that.

6. Biennial Harvest Specifications and Management Measures Process for 2021-2022 Fisheries

Phil Anderson [00:00:01] That concludes public comment on our biennial harvest specifications and management measures process agenda item. Takes us to our Council discussion and action which is displayed on the screen. Two items, adopting a schedule to govern our 21-22 harvest spec and management measures. Second item discuss and provide any guidance on the biennial management measures that could be considered, that should be considered when the Council decides final alternatives for analysis in November, and call your attention to the GMT Report and the GAP Report and our public comment. So why don't we take the first one on the list there of the schedule. Corey.

Corey Niles [00:01:03] Sorry Mr. Chair I was conferring with experts back here but I'm, I'm a little confused on the process. Number one's clear. Number two maybe you help me a little bit on what we're supposed to do? I thought it was in September where we really came and laid out...by issues are we talking about management measures and if so, I thought that's when we really started to talk about priorities or I don't know that for, for Council staff, for the Council but yeah I didn't, my impression was we were not really getting into specific management measure issues now?

Phil Anderson [00:01:44] That's, that's correct it's just we, we do have a list of potential management measures identified to date that was contained in the GMT's report. I don't think there's any need to take any action on those. Those are for information and consideration when we do finalize our list. If there were anything else that were, that was obvious at this time that you might want to add to that potential management measure list you could do so at that time, but obviously the real meat of the process is yet to come when it comes to management measures, so again our, our action here to make sure that we have a process and schedule identified is, is really the adoption of the schedule and we have one before us that the staff and GMT have provided. Maggie.

Maggie Sommer [00:02:38] Thanks Chair Anderson. I am comfortable with the schedule as shown in Attachment 1 with the flexibility in the discussion you had earlier about final management measures in November and the fact that particularly for recreational fisheries but possibly some others they may not, we may not be prepared to call them final until the spring so I note that for some of the other items shown for the November meeting in that attachment there is the phrase 'if possible' added, and I would also characterize the final range of new management measures, if possible, and if we need a motion to adopt to the schedule I'd be happy to offer one.

Phil Anderson [00:03:27] And I would be happy to receive it.

Maggie Sommer [00:03:29] Okay. I don't have one prepared so perhaps Sandra could type.

Phil Anderson [00:03:37] Ready Sandra? Okay. Maggie.

Maggie Sommer [00:03:41] I move the Council adopt a schedule for 2021-2022 groundfish harvest specifications and management measures as presented in Agenda Item I.6, Attachment 1, June 2019.

Phil Anderson [00:04:27] Just confirm that the language on the screen accurately reflects your motion?

Maggie Sommer [00:04:31] It does. Thanks.

Phil Anderson [00:04:32] Thank you very much. Are there, is there second? Seconded by Brad

Pettinger. Any discussion or would you like to speak to your motion?

Maggie Sommer [00:04:42] I just wanted to acknowledge the again the, the very clear guidance the GMT reminded us of in their report to stick with their front loaded schedule and a very narrow approach to what we add to or what we do under the groundfish harvest spex and management measures item to make sure it stays on time and on track. Thank you.

Phil Anderson [00:05:11] Thanks Maggie. Discussion on the motion? Marci.

Marci Yaremko [00:05:17] Thank you Mr. Chair. I certainly will be supporting the motion. I appreciate some of the cautions and caveats that we've discussed around the table. A few other things I noted in the public comment particularly from David Kirt. I think we do have, we will be needing to retrain our constituents on how to keep this box narrow for spex. Many of the comments that were provided by Mr. Kirt under this agenda item would have been more appropriate under our agenda item for I.2 with regard, for example, to the Emley-Platt EFP and major RCA line changes so we will do our best to work with our folks in delegation to help them better understand the process and how we're delineating things. I appreciate the sitsum and I appreciate the GMTs efforts to continuously remind us of the plan on how this is supposed to work and so whatever other efforts the Council staff might be able to make with its announcements and web postings I think we all share in this outreach effort. I did want to comment further on the state involvement and the state process a little bit. As Mr. Anderson described it in California we have made an effort more over winter to take specific input on management measures to help us so we will do as we have always done and try to keep the, the range or the final range very broad or the details you know that can be fleshed out later as we move further into the spring and then look toward final adoption in June. So we'll do the best we can as Mr. Devore outlined for us earlier on that, but we do intend to get broad public input which is you know kind of a difficult task to do, especially with a state as large as ours, but that is our plan so we'll work toward that. I also wanted to just flag that there are other decisions that are made in specifications that maybe haven't gotten a lot of highlighted attention here just yet, but we make some pretty weighty decisions and sometimes we don't even make them because we don't have to make them but with regard to allocations particularly for stocks that are, that you make those decisions biennially and you have the flexibility to change allocations biennially, so I would just encourage our, our GAP folks to start those, particularly with the stocks that are not being reassessed, to start those discussions early on the stocks where we may need some, some modifications to the allocation schemes and where we have the ability to do that in spex. So that is one kind of big area of change or action that is available to us within the spex process so we'd like that to, that discussion to start now because it's complicated and, and involves a lot of negotiating so just want to flag that for September. Thanks.

Phil Anderson [00:08:43] Thanks Marci. Further discussion on the motion? Maggie.

Maggie Sommer [00:08:50] Actually just a brief comment. It was noted that there is some relation to the action we took under I believe D.5 and we will, the GMT will be bringing some information back to us in September. We had noted some concerns that it could potentially become too large in scope and delay the spex process and I know that would concern all of us, and I would just note that we, in September, will have the opportunity to consider whether we want to separate it entirely from the spex process at least in terms of the FMP amendment approaches under D.5 and perhaps narrowly consider only moving forward through this spex process with a specific stock. Thanks.

Phil Anderson [00:09:43] Thanks Maggie. Further discussion on this motion? Okay we'll go ahead and call for the question. All those in favor signify by saying aye.

Council [00:09:54] Aye.

Phil Anderson [00:09:54] Opposed No? Abstentions? Motion carries unanimously. Okay we have a schedule adopted now if, open the floor for any other comments relative to management issues that you may want to bring to the table at this time understanding that this is super early in that process in September and November I mean and on we'll I have lots of discussion about that. Corey.

Corey Niles [00:10:34] Excuse me, thanks Mr. Anderson. Just some thoughts not on any specific issues but on how we think about management measures and workload. Of course I just voted for the schedule. I personally think that it's too front loaded and front loading is not the answer to the workload issues that we've had. That's what I want to note that you know, we've been in a workload, workload has been a primary concern for I don't know how many spex cycles now, I want to say three, four, maybe five. It's, it's getting better and really appreciative of the west coast region as a whole and efforts we're doing to get more done and to me that's what this is really about is getting more done, doing more conservation and management. We have more than we can possibly take on but so the thoughts here are on the guidance Aja spoke of earlier in a question, maybe it's food for thought maybe, if not response right now, but on this question of keeping the harvest specifications lean and mean I kind of, and maybe this is not different way of thinking about it but I would think that let's say we have a list of issues we want to accomplish. We have the people to accomplish them to do the work and so to me why, here's the question part is why wouldn't the question then be where is the most efficient place to analyze them and move them through the regulatory process? So I think we've discussed before of maybe there's some efficiencies in, in the way we use NEPA documents again as I've said a few times this meeting and I don't think that's the most efficient way to, to do a lot of things so but doing one NEPA document, doing one NEPA document instead of multiple NEPA documents seems to have efficiencies if things fit nicely together in one NEPA document and then why not so kind of the question there is on the, on the streamline harvest specifications could we think of more of what, we have a list of issues and as Maggie just alluded to with, with the sigma issue couldn't the question be where is most efficient times of who can do it and get it through the regulatory process?

Phil Anderson [00:12:57] John DeVore.

John DeVore [00:13:00] Thank you Mr. Chairman, Mr. Niles. We've had quite a bit of discussion within the GMT and the GAP and you see both the advisory bodies recommended a very streamlined process but we did recognize the increasing workload capacity of the region and their ability to get things done and the, the discussion largely focused around you know keeping the spex process very, very lean. You have the potential of, of even getting to final management measures in April and then with less of a staff resources used to get the spex package through our system and allowing other people to pursue new management measures and other Council priorities on a parallel track and so there was a lot of consideration and thought regarding exactly what you're talking about and we thought that, that might be a more efficient process so that staff who were working on non spex issues can really focus on that and not confound it with the you know the 21-22 harvest specifications and those management measures that are necessary to implement those harvest specifications and achieve Council objectives...so it's, it's one of the reasons that you did see recommendations from the GMT and GAP to keep the spex package lean and mean as you say, and so I think there's been a lot of thoughtful discussion on that and that's, that's kind of where folks are leaning. I mean certainly at this stage she didn't see a specific recommendation, let's go final in April, I mean it's way too premature to do that and I would think you'd want to have June as a backstop regardless no matter how well the process seems to be going, but that, that's the level of discussion we had and the note that sort of resonated with everybody.

Phil Anderson [00:15:09] Corey.

Corey Niles [00:15:10] Well thanks John and I do, I'll remain optimistic and look forward to the extra workload capacity but I've been hearing keep the spex lean and mean and it's for spex, it's for harvest specifications only since two, now 2009 and 2010. That's always been then, then the aim and so I look forward to helping and watching this hopefully work like, like what people are hoping it will this time.

Phil Anderson [00:15:38] Any other discussion on this agenda item? Check back with you John any other business we need to do on this one?

John DeVore [00:15:48] Yeah thank you Mr. Chairman, Council members. You've completed this task. You've adopted the proposed process and schedule that was in Attachment 1. We've had good thoughtful discussion regarding management measures and I believe we're prepared to enter into the September meeting where you'll start making decisions on harvest specifications and management measures so thank you very much.

Phil Anderson [00:16:14] Thank you. All right so that'll close out this agenda item and take us to our next groundfish item.

7. Final Action on Inseason Adjustments

Phil Anderson [00:00:01] That concludes public comment on our final action on inseason adjustments. Takes us to our Council action which is to consider the projections and adopt any inseason adjustments as necessary to achieve, but not exceed, our annual catch limits and other management objectives and our GMT's, their recommendations, GAP's recommendations, some good public comment to consider. Maggie.

Maggie Sommer [00:00:44] Thanks Mr. Chair. I am prepared to offer a motion on inseason adjustments to trip limits.

Phil Anderson [00:01:01] Okay.

Maggie Sommer [00:01:01] I move the Council adopt for incidental Pacific halibut retention in the primary sablefish fishery north of Point Chehalis, alternative 2, two hundred and fifty pounds dressed weight halibut per one thousand pounds dressed weight sablefish plus two Pacific halibut. For limited entry bocaccio trip limits between forty ten North latitude and thirty-four twenty-seven North latitude, alternative one, fifteen hundred pounds for two months. For big skate trip limits in the trawl IFQ fishery alternative two, seventy thousand pounds for July and August, twenty thousand pounds for September through October and twenty thousand pounds for November through December. For sablefish daily trip limits alternative two for open access North pounds per day or one landing per week up to fourteen hundred pounds not to exceed twenty eight hundred pounds per two months and alternative one for open access South, three hundred pounds per day, one landing per week up to sixteen hundred pounds not to exceed four thousand eight hundred pounds per two months.

Phil Anderson [00:02:04] Thank you. Just to confirm that the language on the screen accurately reflects your motion?

Maggie Sommer [00:02:16] It does. Thanks.

Phil Anderson [00:02:30] Chuck.

Chuck Tracy [00:02:32] Thank you Mr. Chair. Just to clarify you mentioned these alternatives but you don't reference a report from which the alternatives are coming. Was that the GMT report or the GAP report or I'm not sure without looking back.

Maggie Sommer [00:02:47] Thank you Sandra would you please add after, 'I move the Council adopt' utilizing Agenda Item I.7.a, Supplemental GMT Report 1. Thank you.

Phil Anderson [00:03:10] Thank you for that reference and now I'll ask for a second. Brad Pettinger. Speak to your motion please.

Maggie Sommer [00:03:19] Thanks Chair Anderson and I want to thank the GMT for their thorough inseason analysis at all of our summer and fall meetings and add my voice to the many thanks given to Jessi Doerpinghaus since this will be our last opportunity to recognize her contributions to the inseason task among many others. So this motion is GMT recommendations numbers 1 through 4 at the end of their I.7.a, Supplemental Report 1 which are also the GAPs recommendations and their supplemental report under this agenda item. I showed them, wrote them out here for reference during consideration of this motion. I would refer to those two reports for rationale specific to each of these trip limit items but they all essentially are that analysis shows that the available catch limits will be

underutilized under status quo trip limits and increases in the trip limits can provide some opportunity and economic benefits without risking exceeding allocations. I would recommend that NMFS implement numbers 1 through 3 that would be the incidental halibut, bocaccio and trip limit, sorry and big skate trip limit increases as soon as possible and note that number 4 was based on modeling for the new trip limit beginning August 1st so recommend implementing as soon as possible on or after that date. Regarding the recommendation of the GMT, the GAP and in public testimony to schedule an agenda item in September and November to consider a new ACL for short belly rockfish in 2020, I would recommend that the Council consider this under our D.10 Future Workload Planning agenda item tomorrow and note that following consideration of this motion we may have some more discussion on short belly in response to what we heard today. Thanks.

Phil Anderson [00:05:19] Great thanks Maggie. Discussion on the motion? Corey.

Corey Niles [00:05:26] Yeah thank, thanks Maggie for, for the motion and thanks to the GMT, the GAP I'm supportive just noting a little bit of not very much but a tiny bit of caution on the, on the open access North trip limits. The GMT's projections show a little bit a chance that we're over target but likewise equal chance maybe that they will be under so I think we'll have better, we'll have good information in September about where we are and so I'm comfortable with that risk and I really appreciate the GMT always presenting us that, that range instead of just a single number so thanks to the GMT. Thanks, thanks Maggie and I support the motion.

Phil Anderson [00:06:05] Other discussion on the motion? Marci.

Marci Yaremko [00:06:10] Thank you Mr. Chair. Just want to voice my support as well and go get em' Kevin.

Phil Anderson [00:06:18] Any other discussion on the motion? Okay we'll call for the question. All those in favor signify by saying aye.

Council [00:06:28] Aye.

Phil Anderson [00:06:29] Opposed No? Abstentions? Motion carries unanimously. Okay further Council business under our inseason groundfish adjustment action? Brad.

Brad Pettinger [00:06:50] Thank you Mr. Chairman. I heard some talks or discussion here and with the public testimony about management measures dealing with short belly rockfish this year and possibly the future and I would just like to say that why the industry's done a fantastic job of dealing with that and looking forward to tomorrow and as far as future workload I think that we should continue relying on them to be, or to deal with that in the future because they've got, got ahead, ahead of this as.....God darn it I don't know why my voice has been funky here but, not that it's really good anytime but I just think that use them as an example how to be precautionary as far as dealing with these management issues which could vary year to year and it's this year it's short belly next year it might be somebody, something else but I think that they did a great job in dealing with that and I hope they do that in the future.

Phil Anderson [00:07:57] Thanks Brad. I would note too that in our previous agenda item under potential management measures in the GMT report they identified the consideration of annual catch targets for short belly rockfish understanding that's for the next biennial cycle and we'll have an opportunity to discuss that relative to 2020 when we get to our planning agenda item tomorrow. Other discussion? Maggie.

Maggie Sommer [00:08:29] Thanks Mr. Chair. On short belly, I just also wanted to thank the GMT for the detailed information in the appendix to their report and also to the GAP and then to our folks who gave public testimony today and really provided a lot more information to help us understand the situation. Certainly support our acknowledgement that the, of the voluntary accountability measures that were implemented by the whiting fishery participants and also recognize that, that is really a very impressive technical and self-governance system that the whiting co-ops have developed. You know you have a, the nature of your fisheries means that you have the ability to take very large amounts of bycatch in, in, very rapidly and I believe that comes with an obligation to, to monitor and mitigate it and you really have, have risen to that challenge and we appreciate that in your efforts to keep us informed. I do appreciate the difficulty in avoiding bycatch of so many species that was illustrated by Mr. Halflingers presentation and in Heather Mann's and Sarah Nayani's testimony. You know I think this Council would probably agree that avoiding chinook salmon bycatch is a priority as well as avoiding the other longer lived rockfish species like dark blotched and POP. I appreciate the desire to have a priority avoidance list. I suspect that will probably change inseason as circumstances change but also I suspect that NMFS and GMT staff as well as state staff you know are always receptive to requests for input and feedback on that as well as probably requests to reconcile any differences in the answers you might get. So again just thank you I wanted to recognize those efforts.

Phil Anderson [00:10:39] Thanks. Further comments? Corey.

Corey Niles [00:10:44] Yeah thanks I think and I agree with what Miss Summer just said and Mr. Anderson about talking about the path forward on short belly tomorrow. I do, I'm thinking back to the exchange with the GMT and with Aja about NMFS is not certain about taking any accountability measures and I just want to, I don't want to go on too long here but I could go on for a long time about why we, I don't think NMFS should do anything inseason and the point of the National Standard Guidelines about you know not exceeding an ACL more than once in four years and thinking about management measures if, if you go over that but I think just quickly back to the original purpose of this ACL. It was Oceana had a, it was their idea and we are very much behind the idea. It was ahead of its time in terms of what this, this Council has done on the forage fish and then that we're preemptively preventing targeting of species we think have high ecosystem value. It was before we really got used to the new National Standard Guidelines and annual catch targets and we set an ACL at a level where we thought we would not have to worry about anything and then did it and raise it again so it was never intended to be a hard cap. I think as Maggie just said if we were to come up with an accountability measure to keep to an ACL or ACT I think this Council would go with the at sea co-ops would be the best accountability measure we have to do that. So again, if NMFS has concern I do want to speak to that concern but I don't think we, we very much respect the ACLs and managing to ACLs here but this is a situation, a complete surprise if you looked at the graphs about how low the bycatch was for years and years and then all of a sudden it wasn't. So I just wanted to speak to that. I don't think closure, inseason closure to keep to the ACL is justifiable for this, for this case.

Phil Anderson [00:12:41] Aja.

Aja Szumylo [00:12:44] Thank you Mr. Chairman. I'd like to thank Mr. Niles and Miss Sommer and Mr. Pettinger for their comments on this issue and I won't spend much time reiterating what you all just said and also again thank our industry partners. Everyone who put thought into this issue at the GMT. Everyone who put thought into this issue coming into this Council meeting said that we were prepared to discuss it so well. I, I do want to highlight what came through to me the most and what I, in comments from industry today and from Oceana and something that I reiterated earlier in this meeting but it, what was most troubling was that there was confusion about what we should do in response to this ACL overage and so I will, let me get into the specifications process for 21 and 22,

try to again remind the Council the importance of setting up a system to communicate to the public and to NMFS what the intent is for, for accountability measure responses for each ACL that we have. I think that's an important step for us to take and will reduce that confusion in the future.

Phil Anderson [00:13:46] Thank you. Bob Dooley.

Bob Dooley [00:13:48] Thank you Mr. Chairman. I'll be brief. I just wanted to note that I really appreciate the comments of all my colleagues here and agree with them. I would note that this problem manifested itself on the 7th which was a Friday and the co-ops had something done in avoidance areas established on the 9th which is a Sunday, and I don't think there was a, there's a system that we normally recognize that could do that. I really appreciate the, the proactivity of the, of the offshore sectors to do that and the inshore sector as well. I'd also note that you know this is not a sideboard for that, for that sector. It's not an ITQ species and it wasn't on the radar for anyone that I know of. It certainly wasn't on my radar but the one thing I would precaution as we go forward on our agenda item tomorrow and maybe give some thought to is what we're going to do to establish a number, and what I would like to point out is in the GMT report and they have a table, the table is table 10 and it shows 2017, 2018, 2019. What it doesn't show is the years prior to that and I would note that the years prior to that if you look at the public comment from Heather Mann and Brent Paine that's in the public comment, in open public comment I believe, it has a chart on page 7 of their letter that they sent in and that shows from 2002 and you'll get an idea there of how this problems ramped up and it, and it's in those last three years because in 2016 only 30, 30 tons was caught and then it went to 320 tons and then it went to 400 and, well now we know 508 tons and so and now we're at 409 and we're not even halfway through the season. So I, I would, the reason I flag this is because I think we need to think of what we need to do to not be in the same position next year or year after so I think that it's a, it's a very, it's a problem you hear it in the cowcod from Lisa what she's talked to, things are changing and when we talk about our climate scenarios and I know from our discussions on that, that we were trying to come up with the tools we don't have in our toolbox to, to deal with changes that we may predict. Well this is a pretty glaring example of tools that we need to establish to deal with things like this. So anyhow I will stop but thank you.

Phil Anderson [00:16:49] I had any, I had one comment I wanted to make but I don't want to, it's not on short belly so I don't want jump in front of anybody. So we had some discussion the other day about the issue South of forty ten and cowcod that was brought to us again today and I think we're, I think my impression from listening around the table is that when we looked in our toolbox as to how we might address this issue we didn't have many tools to choose from and part of that is because of our machine. I don't know whether the analogy of an old time locomotive driven by steam and you got to sit there and shovel coal and build up pressure before you can move is the right one or not but it came to mind, but we have a history of, of when someone come, an industry comes to us or a segment of the industry comes to us with a serious problem we have a history of trying to find a solution and my understanding is that really the only solution that could get at this issue this year is an EFP and maybe there are, there is another tool in the box and I'm not aware of but I think there's been a lot of pretty bright folks that are smarter than me that have been looking in the toolbox and it's the only one they've been able to come up with and I could, there's all kinds of issues around precedent and, and only in this special circumstance would we consider this or you know there's lots of caveats that there's talk about slippery slopes and all of that, that I think are valid to think about but I'm convinced with the case that's been made, with the circumstance that we have with the lack of a conservation concern in that there the EFP kind of approach that they put forth keeps them within fish that they have essentially in their bank that, that I would not want to stand in the way as a Council from National Marine Fisheries Service considering that as a solution to get out for this one year to get them out of the box that they find themselves in. It's just my opinion but I think, my guess is that

National Marine Fisheries Service would not want to go down that path if they thought the Council was in opposition to it. It's my guess and I wanted to at least express that from my single position here on the Council. Maggie.

Maggie Sommer [00:00:00] Thank you Chair Anderson I share that opinion. I found the, the testimony and the specific circumstances compelling. I note that we ask our fishing industry partners to be responsive and flexible and I just commended them for that in comments a few minutes ago and I think that they have the same hopes for us. I'd like to, I almost said expectations but that might be not quite correct but I know that we want to be responsive to the needs that they bring to us and you know I won't repeat my comments but just refer to my response to Miss Damrosch's testimony earlier and I would certainly support NMFS considering an EFP approach to addressing the situation.

Phil Anderson [00:01:02] Thanks Maggie. Marci.

Marci Yaremko [00:01:07] Thank you Mr. Chair. I'm caught a little off guard here. I've been in sidebar discussions with the GMT and with others really indicating that no solution was possible in 2019 and been focusing a lot of discussion and energy on looking to solutions for 2020. I heard concerns under Agenda Item I.2 with this approach. I was not thinking we were discussing it here now under inseason. That said I, I don't you know I as I said under open comment and I think under I.2 as well, this is a critical issue and the, the need is now but I, I guess in that sense you know since we haven't really had a full scoping of the issue and that the EFP and the terms and conditions that we would normally do through our process you know it is at NMFS discretion but certainly I would be interested in the input that our advisors would bring us on a draft EFP and that is the way we usually do business and as we discussed earlier this week even out of cycle EFPs are a two meeting process so I don't, I guess I'll, I'll just say I, I am concerned with us deviating from our processes and then our alternative processes where we consider out of cycle EFPs in an accelerated manner, but that said I, I, I think I would echo your findings that you know I don't see us taking an opinion on it here and now or I guess as you put it stand in the way of NMFS proceeding for 2019.

Phil Anderson [00:03:36] Well let me offer my apologies. I, and I, I may be out of order and I maybe I should be calling myself out of order but we're, when I look at where we are in our meeting felt like we were running out of.... if we were going to say anything at all that we were running, we're running out of time and opportunity to do that so I apologize for making these remarks and taking any, any of you off guard. The testimony that was provided to us under this agenda item is what spurred my thinking and really off, offline I was had, and I haven't been involved anywhere near to the degree that you have of exploring options or what those are with the GMT, but I also was aware that if we were going to if, if, if there was anything our, our fishery management process regime machine could do about the situation they're in the, my understanding was that the common belief was the EFP was the only approach to do something in time to help them and so I just, I wasn't at all suggesting that we take a position on the EFP but at the, because of some of the things we talked about the other day we haven't had a chance to fully look at it or get our comments from our advisors, those kinds of things but at the same time the situation that people find themselves in is, is, is severe and, and to, to not look for potential ways and solutions to help them survive this year because our fix maybe by the time we get our fix in place next year it's too late for them and so I, I wanted to express my thoughts as a single member of this Council that I personally don't, would not object to National Marine Fisheries Service having consideration of the EFP that was proposed and working to potentially find a solution. Bob.

Bob Dooley [00:06:29] Thank you Mr. Chair. I really appreciate your comments but it's close to my backyard so I've been trying to stay kind of not too vocal about it because of that and it's, but it is

important and I agree that if there's something that can be done in, in and I agree with the comments earlier in the week too that were made there were precautionary about this issue but I, I think you said it well and I can't say it any better but I definitely support it. Thank you.

Phil Anderson [00:07:07] Corey.

Corey Niles [00:07:09] Quickly I can't, I can't speak to the right vehicle, EFP or emergency rule but I would, the thing that sticks out to me and is that we're not going to achieve the original policy purpose the vessel limits exist for by leaving them in place. They're, they're having the opposite effect potentially that they're supposed to. Remember they're supposed to create more jobs by keeping more boats in the fishery and it's the observation that's what sticks with me it's going to have the opposite effect if, if we do nothing potentially.

Phil Anderson [00:07:44] Aja.

Aja Szumylo [00:07:46] Thank you Mr. Chairman. If the Council is comfortable with us moving forward with reviewing the EFP and our internal process for it I note that we do a public comment period on it. All the EFPs that we do even the ones that the Council reviews through its two meeting process or processes that are related to specifications we publish notices for them in the federal register and then set an open public comment period for that, so that would be another opportunity for, for input. I just wanted to offer that. Thank you.

Phil Anderson [00:08:25] Marci.

Marci Yaremko [00:08:26] Thank you Mr. Chair. Question for Aja or maybe for NMFS generally. When is the last time that NMFS issued an EFP without a recommendation from the Council?

Phil Anderson [00:08:40] Aja.

Aja Szumylo [00:08:40] Thank you Mr. Chairman. I don't know that answer for this Council. In other regions I know that industry groups often apply directly to NMFS for EFP approval and we do the review without, without this level of input from the Council so part of, part of why we have this level of input here is because of our, our operating or the Council's operating procedures.

Phil Anderson [00:09:07] Go ahead Marci.

Marci Yaremko [00:09:09] Yeah thank you. Appreciate that answer and I guess again I'm caught off guard but I just find procedurally this not to be a good way for us to support doing business moving forward. I understand why we're making an exception but I think in general terms we would not want to pass an opportunity to provide input and comment and review on NMFS issuance of EFPs affecting our federally managed fisheries so I'm just flagging that as a concern. Thanks.

Phil Anderson [00:09:53] Corey.

Corey Niles [00:09:56] Hey Marci, I don't mean to keep putting you off guard and I'm really deferring to a sister agency here but the, just so for history and I don't know if it was the last time I think NMFS did issue an EFP on their own, an IFQ fishery to test gear, some gear excluder type thing, I don't remember what year it was there but at the time I don't think the Council was very happy with that because of workload concerns but one more on the out of cycle EFP as a member of the Endangered Species Workgroup we almost came to you and asked for one for the seabird issue

because the reason we typically do the EFPs in cycle is because it affects allocations, those the biennial allocations you spoke about earlier, but in IFQ fisheries I think it's, it's different in that we don't have to do that. They're using their own IFQs so there's not, those aren't, that's not an issue. I was just putting those again not to put you off guard but I'm just, those are thoughts that popped in my head it has happened before. IFQ fishery is a bit different in that they're using no one else. They're using their own quota and no one else's and there aren't the allocation issues.

Phil Anderson [00:11:05] I don't disagree with anything you said Marci. I don't, I, I think this is just an extraordinary circumstance and the, the sideboards around it in terms of the issue, the, the, the issues like allocation and set asides and all that. If there was an implication there to any other sector, any other quota pound holder, any of that I'd be right where you are and I'm right where you are anyway frankly, I'm just, I frankly loathe to think that we can't figure out a way to help this situation and then when I think back at all the things we've done when other people have come to us I just thought it was worth talking about so I apologize again for taking you off guard and frankly if there is an, if there's any objections around the table you know but I don't want to push this but I was just looking for a solution. Herb.

Herb Pollard [00:12:20] Thank you Phil. I agree with you and Mr. Fitz asked us about an EFP when he talked to us three or four days ago and I think if it's a, if it's a possible way to work there's certainly, I would not be opposed to, to moving in that direction. I think it's a really extraordinary situation and I, I have the same memory that Corey has relative to this having been done rather quickly in some cases so certainly I would not oppose what you've suggested.

Phil Anderson [00:13:15] Anything else? Okay we'll close this agenda item out.

J. Highly Migratory Species Management

1. National Marine Fisheries Service Report

Phil Anderson [00:00:00] That concludes public comment on this agenda item takes us to any Council discussion regarding the National Marine Fisheries Service Report. Is there any discussion on their report? Caren.

Caren Braby [00:00:14] Thanks I, thanks Chair. I have a question for NMFS for Ryan on this issue of the port of call and the pre-notification comments and I understand that you've collected a lot of input on that pre-notification requirement and I'm sure you have thoughts on how to adjust that but this the one part of it of needing to have a, a port of departure, can you talk about that the rationale and the intent of that part of it and what you heard today from the AS?

Phil Anderson [00:00:49] Ryan.

Ryan Wulff [00:00:51] Thank you Chair. Thank you Miss Braby. I don't, I don't have specific recollection of the intent behind the port of call at the moment. I will say we have done a lot of thinking based on the HMSAS Report as you'll hear under J.2. We are calling and when we talk about the stakeholder workshop we heard this there as well so we've been doing some thinking. I think everything they have mentioned in their report is actually consistent with the intent that was behind what's in the current measure. It is also something that is within the bounds of our existing NEPA analysis so it would not require.....it would be able to be done relatively easily especially as they propose in the, in the upcoming rulemaking for their next measures.

Caren Braby [00:01:39] Thanks.

Phil Anderson [00:01:42] Other questions or discussion on the NMFS Report? Corey.

Corey Niles [00:01:47] Thanks Mr. Chair and a question for Ryan on the, excuse me, the advisory subpanel brought up the issue of the loggerhead closure and the El Nino and dropping from a 70 percent probability to 66 percent. I don't know if that's a big drop, it doesn't sound like a big drop to me but I've never really tracked how you all do that is reading your report is just for those of us who are not as familiar, is this something you all track like weekly or like continuously to see when, when conditions change back to where we think the loggerhead risk is, is acceptable?

Phil Anderson [00:02:28] Ryan.

Ryan Wulff [00:02:29] Thank you Chair. Thank you Corey. Yeah so when we, obviously we don't have a set metric that's directly related to the percentage that, that CPC gives us. We do, that's why I highlighted in my report that we utilize both the CPC information as well as looking at the NOAA coast watch maps. The Climate Prediction Center obviously is another aspect of NOAA as something we work very closely with on. They do monthly reports so the most recent one was June 13th. The next one is July 11th which we'll be looking at, so that's coming up. If it were to show a change we can, we could reopen it but just through a federal register notice although I would say just projecting out using the monthly averages and the fact that we won't get an update till July unless there's changes in this most recent one most likely the closure will remain through the end of August because the next one after that's gonna be the second week of August but we do check it monthly. We do continue to look at not just CPC data but also NOAA coast watch maps of sea surface temperature.

Phil Anderson [00:03:45] Any other questions of Ryan or any other discussion on his report? Okay I believe Kit that completes our work on this agenda correct?

Kit Dahl [00:03:57] Yes Mr. Chair.

Phil Anderson [00:03:59] Thank you.

2. Recommend International Management Activities

Phil Anderson [00:00:00] That concludes public comment, takes us to our Council action which is to review progress on the albacore and bluefin tuna management including strategy evaluations, provide recommendations relative to U.S. positions at upcoming meetings of the Western and Central Pacific Fisheries Commissions and Northern Committee and the IATTC as appropriate. Remind....reminding my colleagues that we did get some advice, recommendations from our advisory panel as well as our management team so I leave it in your good hands. Caren.

Caren Braby [00:00:45] I have a couple of thoughts to share and appreciate all the information that was brought to the table. I wanted to start with Pacific bluefin and as we've heard the MSE process, the workshop's stakeholder meetings have been successful for the most part, maybe some room for improvement but it's a positive thing and so I want to just express support for moving forward with those and engaging Council participants in those processes, so we heard both from the management team and from the AS that participation from those teams is desired for upcoming meetings and I'd like to express support for that. I, without going back to J.1, I do want to just touch on the stakeholder meeting on Pacific bluefin and appreciate the report that was filed that was just the collection of ideas that came up at that meeting, I think that's really helpful and I wanted to reflect on some of the thoughts we heard related to the pre-trip notification process in particular and just recall in front of everybody the reasons why we have those in place is because we had significant and very rapid overage in Pacific bluefin take and so they're in place for a reason. They were needed and that doesn't mean that they're perfect and so being open to ways that we could manage that inseason and improve on that is, is good but I'm glad that we have those measures in place so that we don't have the same kind of situation happen that we had a couple of years ago. We heard in J.1 about being in port before you had to notice, it would be nice to kind of move forward with that thought and think about is that really necessary? How do we change that? Is something like VMS possible for identifying where a vessel is, what they're doing, and what kind of notice they need to give, but I do want to caution on this thought about post capture notification, pre landing notification because I don't think that meets the intent of why we have the notification in place. If the fish are already on board and we're over our quota then that notification call doesn't meet the intent, it doesn't prevent those fish from being harvested. There is one other thing I wanted to touch on in terms of guidance for the delegation and that's an appreciation for the continued attempt to look at long line and improvements that can be made with gear to level the playing field between international fisheries and U.S. fisheries, particularly relative to circle hooks and fin fish bait for reducing bycatch. So thanks for the information. Thanks for taking a continued precautionary approach on these stocks forward to the international arena and thanks to the Council for supporting staff and AS participation in those meetings.

Phil Anderson [00:04:30] Caren, if I could ask you a question. Would the SAS, or the HMSAS in particular was requesting support to send four members to the upcoming Northern Committee meeting in Portland. Is that consistent with your remarks?

Caren Braby [00:04:50] Thank you Chair. It, it is consistent but I don't know what the funding is relative to sending representatives there so I don't know what the appropriate number is or what the possible number is but I just want to encourage the support to do so at whatever level we can, we can support.

Phil Anderson [00:05:08] Thanks. Other comments? John Ugoretz. I forgot to welcome you to the table too. Pardon me for that.

John Ugoretz [00:05:16] Thank you Mr. Chair and thank you Dr. Braby for those comments. You just stole several of mine but I do, I want to support what she said about pre-trip notification. We, we very intentionally made it a pre-trip notification and I also support the request for that notification to be made at sea as long as they can make a notification and get a response that meets our needs but I do not think a post capture notification does. I also wanted to support the existing and ongoing efforts to recommend to the other countries in, in the processes to include the same bycatch measures that we hold our own fisheries to for turtle bycatch. I think that's wholly appropriate, and then the last thing I had was I think it's a question for NMFS. We heard I think some impassioned but good testimony regarding illegal fishing effort on the high seas and, and I just want to know what the IATTC and other organizations are doing in respect to IUU fishing?

Phil Anderson [00:06:48] Ryan.

Ryan Wulff [00:06:52] Thank you Chair. Thank you John for the question. Yeah and I'm very sympathetic to the remarks that have been made. The U.S. has made combating IUU fishing a priority both domestically and internationally for some time so I can touch on a number of things. For the IATTC specifically we have IUU vessel lists so if there is evidence or documentation of IUU activity they can be put on the IUU vessel list and that list is, is maintained at the IATTC. In addition we annually review compliance through their compliance committee of every measure, of every binding measure that has been adopted by the IATTC and go over any violations that or any countries that are, are not in compliance and they, each country has to report out and is, has to discuss any instances along those lines. We have addressed some other issues. You know some of our main focus with our domestic measures, our IUU Enforcement Act from 2015 focuses a lot on port/state measures. We've been successful in getting that and I think are ratified by 29 countries has been successful in some RFMOs not, not the IATTC as of yet but we do discuss it there. We have some measures on transshipment already there for specific species. There is anticipated to be another transshipment proposal I believe from the EU at this year's meetings so we do anticipate additional discussions coming up and the U.S. has been supportive of those in the past. And then finally the U.S. houses the kind of administrative body for the international monitoring control and surveillance network so we do a lot of coordination with other countries on that. We do a lot of work specifically to go skilled, we work collaboratively with other coast guards on that, other or other similar measures we work on that in the Pacific and elsewhere and then we have domestic measures that are outlined in Magnuson specifically on IUU where countries can be certified and we have ongoing process happens every couple of years and so we have a number of measures that are available to us both domestically and internationally and that's raised also at the IATTC, I point out domestic measures. I know you're asking internationally but we have a number of countries that frequently want to talk about compliance and IUU issues internationally because they do not want to be certified or acknowledged under the U.S. domestic law so that's another thing that has held some weight and helped us in discussions internationally.

Phil Anderson [00:09:45] Other comments? Corey.

Corey Niles [00:09:51] Thanks Mr. Chair and thanks to the comments so far from the fellow Council members and this is, this is a question for NMFS maybe and maybe not for Ryan so much as, as the science center leadership but I'm thinking about the management strategy evaluations we've got going for albacore and bluefin, and I think we all very much support those and see that there's, I don't have much input into the, to the schedule or specifics. It looks like we're on a good track here but I'm kind of wondering if I guess I'll start with I think that the management strategy evaluations we've seen some international realms with just two countries and they're hard to coordinate. They benefit from good collaboration, good leadership so we've also, I missed the beginning of the meeting so I don't, I

didn't catch all of the news but I know there's been a change at the center in terms of who's leading, who was leading the Fisheries Research Division and the previous person holding that position was, was very much providing leadership in the international arena and in the science world and in the management strategy evaluation, so I see in the NMFS Report 1, NMFS is looking for input on how, how to get, how to arrange the stakeholder coordination et cetera in these MSEs and so I'm wondering if we're going to hear from the science center on the plans forward for doing that or maybe it's coming from, from the west coast region now but, so just yeah I have strong support for the processes and kind of, kind of looking for how we maybe not at this meeting but in September when, how we best can provide input and understand how the science center is going to move forward from here on, on providing that, that strong coordination and leadership to, to make these difficult to organize processes work.

Phil Anderson [00:11:54] Okay. Ryan.

Ryan Wulff [00:11:58] Yeah well I'll start and then if Kris or anyone wants to come up and add but at least it's, I mean we understand the ISC has expressed the need for, for two people to work on the bluefin MSE. We know Japan has hired one and it would be very beneficial I think from the U.S. perspective if we had one as well. I know the science center has been looking into it. I know both the region and the science center are looking for a little bit of guidance from the Council here that that is still something you want us to prioritize pursuing next steps when it comes to the bluefin MSE so I think that would be helpful to hear if that is the case, and then how, who that might be and the specifics due to the changes in personnel at the science center I think we would have to determine number one after hearing that input from the Council this week but also hopefully hearing similar preferences for prioritizing this work from the IATTC next month. Maybe I'll stop there.

Phil Anderson [00:13:05] Kristen.

Kristen Koch [00:13:07] Thank you Chairman. Members of the Council. Good afternoon. I'm Kristen Koch with the science center. Ryan's correct, I think we're looking for a little direction from the Council ourselves as well as from IATTC later in July as to the relative importance of these MSEs. You heard a little bit from Dr. Teo about the, the outcomes of the current MSE for albacore and the plans for that moving forward. In the case of bluefin and the MSE I think we've had some beginnings of the process shown between the two workshops, both one in Japan and then, and then one in San Diego and we are looking at the science center to provide some leadership there between us and the regional office. I, I think I know relative importance and that it, that it is a point of an area where people want us to move more fully into and so we're looking at who on our team either permanent staff or, or, or at what level do we need to provide leadership and or technical support for for, for bluefin MSE, so we're looking into who, who on the landscape can provide that, who we have in-house as well as outside that we could tap. So that's, that's about what I can tell you but I'm, I'm open to hearing more input from the Council.

Phil Anderson [00:14:31] So just a question. Have we done or said something that makes you think we've changed our perspective on the relative priority of those two MSEs or I'm just wondering or do you need some affirmation of where we are or...?

Kristen Koch [00:14:49] No, I think just.....thank you Chairman. I think just following on what, what Ryan said here earlier that further affirmation would help us along in the prioritization process. We've got a number of benchmark stock assessments next year as we indicated under CPS. Those people tend to also be involved in, in this type of activity as well so looking to kind of balance those activities would, would help but I'm not, I'm assuming we'll continue on the Council desiring the

MSE for bluefin to go forward.

Phil Anderson [00:15:25] I mean it's frankly for me at least it's a little bit hard to answer that question when there are tradeoffs between different species that I'm not, but I don't know what they are so you know I think we've expressed strong interest in, in meaningful participation in the MSE process, both those MSE processes. I think if the science center came to a point where we can only do this or that or only do each one of them and do just put half an effort into it, you know I think it would be important for you to come back and at least tell us or explain to us what the tradeoffs are but absent knowing what that is I don't think that we've done or said anything that would alter the relative importance that we see.

Kristen Koch [00:16:21] I think one other thing, thank you Mr. Chairman, that I might note is the timing of a bluefin MSE is also important. I think we've got a number of years before the first rebuilding target and some discussion has been had about whether or not we have to ramp up immediately on that or whether we have a little bit of time to get somebody positioned in place so we're, we're, we're looking, we're taking the time I think to find the right person to get involved as I said at a leadership level and at a more technical level so I think you can be assured that we are moving forward, the center is moving forward on trying to identify that expertise so....

Phil Anderson [00:17:00] Okay. Any other comments to Kristen while she's here with us. Great thanks for coming up. I just, I had a question of the team. Liz you indicated in the team's statement a desire to have a subs, I believe you used the word a subset of the team and could you give us a sense of how many team members you were hoping could be supported to go to the meeting in Portland?

Liz Hellmers [00:17:33] Thank you Mr. Chair. The team discussed it and with the limited number of team members we have currently we were thinking one to two would be able to attend.

Phil Anderson [00:17:47] Great thanks. I would just say that we are in a, find ourselves in a little bit of a unique situation where we do have sufficient funds I think to meet both the advisory subpanels request of four and certainly two from the team, so I don't think the funding is an issue for us, so unless there's some objection that I haven't heard from doing so we, I think we can move ahead in planning for that support. Okay what else? Christa.

Christa Svensson [00:18:28] Thank you Mr. Chairman and thank you for bringing up for both of those. I think this is quite the opportunity for us to show our representation and give folks both on the management team and the advisory subpanel an opportunity to really learn what's going on at relatively low cost compared to sending folks to Japan or somewhere else. The question that I had and I'm hoping that Mr. Wulff can help me out on this one just because it came up in the NMFS report is with regard to the draft resolution that was presented in the advisory subpanel and I, I realize this was not even on your radar screen when the General Advisory Committee met and that the window is rapidly closing for the first so I guess I'm just wondering what sort of gymnastics do you think would be required to get this possibly involved in and if that is even an option at this point?

Phil Anderson [00:19:35] Ryan.

Ryan Wulff [00:19:36] Thank you Chair. Thank you Christa that's a good word to use. Yes as I mentioned in the NMFS report, the proposal deadline is July 1st so we are time-limited also in order to come up with a new proposal, new language in our typical vetting process you know that's even at its quickest still has to involve legal review from both NOAA, from State Department policy side as well and then of course our new commissioner who I mentioned earlier and probably our other U.S.

commissioners so it's possible that, that is a lot of coordination. Being that this being an albacore proposal too we would want, even though I know the intent is not to target Canadian vessels, they are a very key partner of ours when it comes to albacore management at the IATTC so we'd want to try and do some outreach to them prior to putting out any proposal without their knowledge, so there are a couple, there's quite a number of boxes to check. You know that said we did talk about this in concept at the GAC. We didn't talk about the proposal. We normally would go through the GAC and the advisory committee especially since it was so recently that I do note Peter mentioned that a lot of them are under delegation. We do have some communication that has happened already here so I think we could if we met all of those it, it's possible. I do want to point out though you know the U.S. has requested of the IATTC a number of data on a number of other things that have been raised. We have specifically been requesting vessel data on albacore and on long line fisheries and we're hoping to get that from the IATTC staff and we were planning to get that in conjunction with the stock assessment next year so even if we are not able to put this proposal forward within the next week there is nothing that stops the U.S. delegation from laying the groundwork for such a proposal at the next meeting from further requesting data and information both of the scientific staff and of countries at this upcoming meeting so we can still address the issue even if we don't have time to get a proposal through. So those are at least the current state, but we will take this back and especially anything we hear from the Council and I will coordinate with all the relevant members of the United States government, parts of the delegation, and then we will see what can happen.

Christa Svensson [00:22:16] Thank you for the thorough answer and thank you.

Phil Anderson [00:22:21] Okay and we do have some recommendations that were contained both in the team and in the advisory panel that we can make available to our representatives that they have that. Okay trying to work toward wrapping this up. I want to make sure I don't cut anyone off but are there other comments here on this agenda item? Kit how are we doing?

Kit Dahl [00:22:52] Thank you Mr. Chair. Well I think a number of recommendations have come out of your discussion. What, from what I've heard there was support expressed for the U.S. proposal on you know mitigation measures for sea turtles in the long line fishery and, and that being put forward at the IATTC with hope for success on that. Some discussion around this issue of some, some possible problems with the pre-trip notification process for the bluefin catch limits and as, as NMFS moves forward you know with any future changes to the regulations considering ways that those problems around needing to declare a port could be addressed given the example in a AS report. Support for sending the requested number of members from the HMSAS and management team to the Northern Committee meeting. I'm trying to think what else I've missed but because there was a lot of other discussion I guess the other thing is just a general level of support for continuing both the development in the MSE processes for the two species and ways to continue Council engagement in those processes and participation by our advisory bodies and our stakeholders in those processes and so we'll just see as those develop, and there was the discussion there about the U.S. sort of leadership related to the bluefin management strategy evaluation and I think the Council's support for the, the U.S. through the science center to continue in a leadership role with regard to, to that management strategy evaluation, and then I guess finally there was, the last bit of discussion around the proposal that was included in the advisory subpanel report and just generally a question about the feasibility of that becoming a U.S. proposal at the IATTC. I don't, didn't hear a recommendation one way or another but I guess there is some interest by the Council that NMFS, the U.S. government pursue that to the degree that, that's feasible. So that's what I'm wracking my brains what I pulled out from your discussion and certainly if I've missed anything that you want to reiterate please do.

Phil Anderson [00:26:01] Corey.

Corey Niles [00:26:01] Thanks Mr. Chair. That was impressive Kit. I have one question on where on Ryan's answer to Christa I had the same question on how, on the specific proposed resolution that was brought up by the advisory subpanel. I think they're asking good fundamental questions. I think I'm always uncertain on, on how to best engage in the international realm because I've never done it, so I think if I were to maybe restate and I don't know Christa might have a different view on, on the how, I would say I would recommend that the U.S. delegation investigate you know the ways forward on the questions being asked by, by the advisory subpanel about, about effort in the North Pacific and albacore. I think the U.S. delegation would know how to pursue those questions in the most effective way so I think that's kind of how the takeaway I was getting but yeah Kit that was an impressive summary and I would just add that one question. I almost asked it before Mr. Anderson asked you for that summary.

Phil Anderson [00:27:10] Christa. That sounded consistent.

Christa Svensson [00:27:13] That is very consistent so while I didn't make the recommendation I guess I would recommend that to the extent practicable that we pursued down that path based upon albacore being such an integral part of both the Council in terms of what we're doing and the state of Oregon and Washington as well.

Phil Anderson [00:27:35] All right. Ryan.

Ryan Wulff [00:27:37] Yeah thank you that's, that's helpful on that point. Just one point of clarification, you Mr. Chair referenced the MT and AS reports, I thought that might have been in, I know that was in conjunction to that discussion we just had on the AS resolution. There was a couple other things in the MT report in particular were you're also trying to capture those. I raise this in particularly one thing we haven't discussed was the MT recommendation that the U.S. highlight a new stock assessment for EPO swordfish and something that the IATTC staff might prioritize and I wasn't sure if you were capturing that? It was a little unclear in your comment or if you were solely commenting on the MT and AS reports as it related to the resolution?

Phil Anderson [00:28:24] No my, my comments were or intended at least my intent was to ensure that the recommendations that were contained both in this advisory panel and the management team were conveyed to our representatives like yourself and Dorothy.

Ryan Wulff [00:28:41] Thank you.

Phil Anderson [00:28:41] Okay anything else on this agenda item? Okay.

3. Yellowfin Tuna Overfishing Response

Phil Anderson [00:00:00] Okay that takes us to our Council action which is to review the status, develop a Council position on overfishing response for yellowfin tuna for public review as appropriate. John.

John Ugoretz [00:00:19] Thank you Mr. Chair. You know I think that the level of consistency in the three reports is telling and that everything we've heard shows a no, no real need for significant action if any action. I think that clearly we're looking forward to additional data and additional review in the next assessment and in that the hope would be that using the information that was discussed with the SSC and will be included next time that the assessment would be more favorable.

Phil Anderson [00:01:04] Thank you John. Other discussion? Corey.

Corey Niles [00:01:11] Thanks. I don't have much to add other than on this question of the best available science and I think we're awaiting the determination on that and I think all we can do is wait but in just reading this assessment and I would invite people to come to a Groundfish Star Panel and watch how much your assessment changes during the week and I don't know what an F multiplier is that's something new to me, but the change we're talking about here it seems of the magnitude that happens from Monday to Wednesday at a Groundfish Star Panel and if we threw an assessment out every time that happened we wouldn't, we wouldn't have declared POP rebuilt for example but I think we have....waiting, given the small level of catch contributed by our coast and waiting for, for the next round of assessments seems very sensible to me.

Phil Anderson [00:02:06] Other discussion? So we have a path forward which is.... John.

John Ugoretz [00:02:17] I do have a motion that might help.

Phil Anderson [00:02:20] Oh good. All right. Thank you.

John Ugoretz [00:02:27] I move that to address the overfishing status of the Eastern Pacific Ocean stock of yellowfin tuna pursuant to section 304 (i) Magnuson-Stevens Act the Council recommends, One, to the Secretary of Commerce making no changes to domestic fishing regulations at this time and two, to the Secretary of State and Congress, the tasks intended to improve the assessment model for Eastern Pacific Ocean yellowfin be prioritized among others in the IATTC Scientific Staff's work plan including examining sensitivity of the model to the 2018 catch per unit effort long line data and obtaining the necessary additional data to explore spatial and temporal factors, for example fleet behavior.

Phil Anderson [00:03:15] Thank you John and the language on the screen accurately reflects your motion?

John Ugoretz [00:03:19] It does.

Phil Anderson [00:03:20] Thank you. Is there a second? Seconded by Marc Gorelnik. Go ahead and speak to your motion please.

John Ugoretz [00:03:27] Thank you Mr. Chair. Regarding the recommendation number one to the Secretary of Commerce, fishing mortality in the 2018 assessment only exceeded the maximum fishing mortality threshold specified in the HMS FMP by point zero one. The fishing mortality estimate F

2015 to 2017 found in the 2018 assessment did not consider fishing mortality in years in which the latest management measures were in effect. As pointed out in the advisory panels subpanel report the U.S. catch of Eastern Pacific Ocean yellowfin tuna in 2015 to 2017 was less than 3 percent of the total catch during that time. Therefore, I think it's important to be cautious about overreacting to the determination of international overfishing with additional domestic regulation without a reliable estimate of fishing mortality based on data from more recent years including 2018 and 2019.

Regarding the recommendation to the Secretary of State and Congress, as I noted with respect to domestic recommendations it's important to understand whether existing measures adopted by the IATTC and implemented for U.S. fleets in 2018 have reduced fishing mortality below the maximum fishing mortality level. It will also be important to have an updated and reliable estimate of fishing mortality from considering measures for the EPO stock for 2021 and beyond as the measures under the current resolution to the U.S. regulation expire in 2020. Because the inclusion of the long line catch per unit effort index led to such a large increase in fishing mortality in the 2019 assessment, I felt it was important to provide some additional direction on specific tasks to prioritize as recommended by the SSC. Thank you.

Phil Anderson [00:05:20] Thank you John. There discussion on the motion? Caren.

Caren Braby [00:05:31] Thank you and thanks for the motion John. I intend to vote for it. I just wanted to voice my interest in moving forward but, but having an eye to making sure that this stock is sustainable and what you've laid out is you know a response to what we've heard today for bringing more science to the table to understand exactly what's going on so I appreciate that. Thanks.

Phil Anderson [00:06:05] I have one I think discomfort with the motion and it has to do with recommending something to Congress and if we were recommending to the Secretary of State and National Marine Fisheries Service or something like that I, I would, I can certainly support that. I think having the Council recommend something to Congress is a, is something I'm, I would question whether that is appropriate or effective. Ryan.

Ryan Wulff [00:06:49] Thank you Mr. Chair. I can speak to that. That's actually verbatim from the Magnuson Act. It's required under 304 (i) for the Council to make a recommendation to the Secretary of State and Congress so that language is just verbatim from the Magnuson Act.

Phil Anderson [00:07:02] So be it. Other comments or discussion on the motion? Louis Zimm.

Louis Zimm [00:07:15] Thank you Mr. Chair. I also will be supporting this. I think it's very well thought out and it appears that, that there's not an overfished status problem right now but as Caren pointed out we want to keep a close eye on it and I am going to take this opportunity to shout out to those people that are involved in both our process in and in the IATTC process having had a little bit of time with the MSE bluefin thing I see how challenging it is and so I wish I was wearing my hat right now because I'm cold but if I was my hat would be off to those people we have here in the room that are involved with the IATTC and thank you very much.

Phil Anderson [00:08:06] Thanks Louis. Further discussion on the motion? Corey.

Corey Niles [00:08:10] Just thanks Mr. Chair and thanks for the motion John. Just quickly to recap what I said before I'm, I'll support this and I'm believing there's a decent chance that overfishing will be higher than point oh one percent or whatever it was the next time we see this but again acknowledging that we are a pretty minor source of overall catch of the West Coast fleets but yeah won't be surprised if the answer is much, much different the next assessment.

Phil Anderson [00:08:37] Any further discussion on the motion? Seeing none I'll call for the question. All those in favor say aye.

Council [00:08:43] Aye.

Phil Anderson [00:08:43] Opposed No? Abstentions? Motion carries unanimously. Kit does that complete our work on this agenda item?

Kit Dahl [00:08:55] Mr. Chairman yes it does. So the process that we have done in the past when these notifications have been received is staff drafts letters that capture the Council recommendation which are sent to as noted and required in the MSA for domestic regulation to the Secretary of Commerce and which is really to the fisheries service and then a letter or letters to the Department of State and Congress. We typically just send them to the Chairs of the relevant committees and the two houses of Congress. I guess my, so we can go ahead and do that and that could be the end of this action. As I sort of stumbled at the outset when I was reading the action which was displayed on the screen there is this one thing that gave me pause as the mention of public review, so if you're comfortable with just proceeding with staff drafting letters and sending them off that is fine. That's what we've done in the past. The other option would be to bring the drafts of those letters back to the Council at the September meeting, it would have to be at the September meeting soliciting any public comment and any further consideration the Council may wish to make but I defer to you in terms of that process question.

Phil Anderson [00:10:31] Thanks Kit. Are there any, are any of my colleagues around the table wishing to bring this back in September to look at the letters? All right. We, we're comfortable with moving forward and having you draft those letters consistent with the Council direction and there will not be a need to have this on the September agenda.

Kit Dahl [00:11:00] Okay thank you Mr. Chair then we're done with this one.

Phil Anderson [00:11:03] All right. Okay that completes this agenda item.

4. Drift Gillnet Performance Metrics Review

Marc Gorelnik [00:00:00] Well that concludes public comment and brings us to Council discussion, action, guidance, et cetera. So what say ye. John.

John Ugoretz [00:00:20] Thank you Mr. Vice-Chair. You know I have to start by commending the team. I think we gave them a fairly heavy lift here and asked them to use a variety of new science to take a look back at what we have been doing for the drift gillnet fishery in terms of looking at performance and in our many discussions about the bycatch performance in this fishery. I think often we've leaned back and forth towards the difference between a hard cap for a protected species and performance over time, and when I think about performance in terms of bycatch in a fishery I want to see is it improving, getting worse, or randomly moving back and forth as, as might be expected with, with rare events, and I think that the method proposed by the team gives us a very good way to do that in a scientifically solid manner and I, I am hopeful that we can move forward. That we can continue to hold all of the fisheries that we manage accountable for, for bycatch as we do and we strive to maintain sustainable fisheries and I think we're well on our way towards that.

Marc Gorelnik [00:01:53] Thank you John. Corey.

Corey Niles [00:02:06] Thanks Mr. Vice-Chair. First of all I'll echo John's condemnation, condemn, or just thanks to the team, I was trying to pull off a big word there, but to the science center and the team for, for all this work. My head is still spinning a bit on the method. I think to speak of John's overview of what we should be focused on is change over time, and I think to me the one of a couple of key observations far as you know is how important the, the uncertainty in observer coverage is, and it's been a concern for a lot of us about how much could we know giving the observer coverage we have and it becomes, it's really simple when you have 100 percent observer coverage you know what, but it's expensive is the tradeoff. There's also the unobservable boats issue we keep hearing about, but in speaking to John's, you know we want to know how things are changing over time, is it going up? Is it going down? But I think the key piece to us, one of the key pieces to know is whether anything can be done about it and is or is behavior changing? The hard caps were there because that's the strongest thing we can do to create incentive for people to change behavior and do what's practicable to, to lower the bycatch rates and maybe it is randomness and there's nothing that can be done and then it becomes a question of is it acceptable for, for a variety of reasons, and so I can see, I'm supportive of the team moving on here...on the bycatch rate estimate if I'm understanding it, that factors out effort going up and down. Maybe in honor of her last meeting here and not to try to do some math on the floor, I can't do it like he can but it's, it's pretty simple of what, it catches, what your catch is what you get is, is the amount of effort you had times the catch per unit effort and I think most of the randomness is in that catch per unit effort and why it changes sometimes we don't know. The effort part goes up or down that's easier to handle so I see why the team, the team's method takes that one the effort factor out. I don't know if it really helps us much understand why CPUE changes and but again I think asking them to do more over the next year is good progress, and again very appreciative of all the thought and effort and especially on the observer coverage tool again that's been something we've been asking for, for quite some time so thank you.

Marc Gorelnik [00:04:41] Thanks for that Corey. More discussion around the table or a motion? John.

John Ugoretz [00:04:50] I have a motion.

Marc Gorelnik [00:04:51] I think we're ready for it.

John Ugoretz [00:04:56] I move that the Council adopt the bycatch per unit effort rate approach to evaluating performance and the drift gillnet fishery as proposed by the Highly Migratory Species Management Team, Agenda Item J.4.a, Supplemental Report 1. The Council will task the Highly Migratory Species Management Team with providing bycatch per unit effort for the 22 species of interest at the Council's June 2020 Meeting. Additionally, the Council will task the Highly Migratory Species Management Team with reporting any single year bycatch events with exceptional levels in developing an action line suitable for detecting these exceptionally high bycatch rates for these same species.

Marc Gorelnik [00:05:38] John does the language on the screen accurately reflect your motion?

John Ugoretz [00:05:41] It does.

Marc Gorelnik [00:05:43] Thank you, is there a second? Seconded by Bob Dooley. Please speak to your motion.

John Ugoretz [00:05:53] Thank you Mr. Vice-Chair. As I said earlier the Highly Migratory Species Management Team has developed a very logical and well thought out method to determine bycatch performance in the drift gillnet fishery. This method takes into account not only the interannual variability in bycatch but consideration for rare events and the need to understand change over time. My motion includes both the BPUE rate and the single year rate metric in order to more rapidly respond in the case of a significant and unexpected change in the fisheries performance. Fisheries performance is not a hard cap nor is it intended to respond if a single species rate is marginally exceeded in a single year and another species in other years. The concept is to see if overall the bycatch is increasing, decreasing, or continuing to fluctuate in a random manner as expected in a rare event bycatch. I'm confident that over the next year the Highly Migratory Species Management Team can finalize this method, make any necessary refinements, and produce useful information for our June 2020 Meeting.

Marc Gorelnik [00:07:04] Questions for maker of the motion? Phil.

Phil Anderson [00:07:07] The third line from the bottom, bottom the use of the word 'exceptional'. Can you give me, can you help me understand what that word. What would constitute an exceptional level?

John Ugoretz [00:07:26] Thank you Mr. Chair and Mr. Vice-Chair. I was struggling with understanding sort of Dr. Stohs comments about being able to look at this until he stated that they could develop these new action lines that, that give us the merit species by species for what 'exceptional' is and they would take into account the variation, variance in the data sources, so it's tied quite closely to the following words about developing action lines suitable for detecting those exceptionally high levels. So I can't give you a number right now but I, as I understand it they can create those numbers.

Marc Gorelnik [00:08:17] I guess my understanding is there empirically developed depending upon historical data. Corey.

Corey Niles [00:08:25] Yeah I guess I think I have a similar question but I'm kind of wondering, John, why the specificity here instead of a general go forward with what you, with the approach why, why are we, why are we so specific here and for example I think we heard interests, and I don't have the counts in front of me but some people were talking about adding back the species that were taken

out of the, I think elephant seal was an example that I believe we took out of consideration because they're not rare and we have a good idea of how many are being caught just using standard methods, which does not mean we are not interested in tracking them over time, we just didn't think that special methods were and all the effort that's put into the special efforts were needed to track those species so again why, why being so specific now? Why not see.....it seems like I don't understand a lot of this stuff and how it all fits together so why, why, why the specificity now instead of just please keep, you're on the right track, come back with some, some better you know some more developed products when we all, and where we all have better time to understand them?

Marc Gorelnik [00:09:38] John.

John Ugoretz [00:09:39] Thank you Mr. Vice-Chair and thank you Mr. Niles. I feel that the annual look the way we used to do it was not getting us anywhere. What we were seeing is that different species each year were greater than the stated rates and they didn't continue over time and I wasn't getting any sort of feeling for whether or not performance was changing in the fishery. The reason I have specified in my motion that they should not only use the bycatch per unit effort rate approach and that we're adopting that as our way to measure performance but also this addition of the line that Dr. Stohs spoke about is I am cognizant of the fact that there might be in a single year a significant change that we would want to take action on and consider, so I did specifically add that in. I do think we should stick with the 22 species that was in my motion from I think a year ago. Exactly as you relayed, this is about rare events. It's not rare to catch a sea lion in a drift gillnet. We know that occurs. We know it will continue to occur as long as that fishery exists. We know that the fishery has never caught a scalloped hammerhead shark but if it did that, that would be significant because that is a protected species so which added the specificity of scalloped hammerhead sharks and I think it is a, a comprehensive enough list to give us a feeling for performance in the fishery.

Marc Gorelnik [00:11:41] Dave.

Dave Hanson [00:11:41] I'm also troubled by the term 'exceptional'. To me it doesn't have any tie to anything and I don't, the explanation of drawing some of those lines doesn't really help me much. Seems like 'exceptional' would be something like exceeds PBR or some would argue exceeds PBR, some would argue some percentage of PBR but it seems to me it's worth taking a look at trying to put a little bit harder numbers into those or some explanation that ties to the MMPA and our other actions.

Marc Gorelnik [00:12:21] Caren.

Caren Braby [00:12:24] I have a very weedy comment which is that looking back at the original motion from September of last year...there are in fact 20 species not 22 and so a clarifying question for the maker of the motion is are you intending the original motion from September 2018 just to clarify for the record?

Marc Gorelnik [00:12:55] John.

John Ugoretz [00:12:56] If I may respond, respond to both of those. Thank you Dr. Braby. Obviously I'm not a doctor and couldn't count from letter A to letter B quickly enough but I am referring to the list that was provided in the past Council motion which, if you say it's 20 I'll believe you, and with regard to the exceptional unfortunately, many of these species are not marine mammals so we do not have PBR for them so that does not work and if PBR is exceeded for any of the species, any marine mammal species then we would be required to take action regardless of our performance

metrics evaluation. So I struggled with how to capture what Dr. Stohs had said he could do and that is the language I came up with and I think the important part of that text is that the developing action lines to detect rates that exceed the variance for that species is what I'm, what I'm shooting for.

Marc Gorelnik [00:14:23] Corey.

Corey Niles [00:14:25] Yeah I guess I... Thanks Mr. Vice-Chair, Thanks John. I have an exceptional too like I don't want to, this is just an example what I'm thinking, I don't understand why something that we know with better precision like elephant seal bycatch which is not rare why that too would have higher variance and be exceptional but I guess my, my so we're conflating kind of how well you're able to estimate something with whether the bycatch was at a level that one is unusual and then whether we should do anything about it so there's a lot of conflation there but I guess my specific question to you is if we vote for this is there, what are we precluding the team from doing? Are we intentionally telling them don't go down a certain road or I think what your answer to a couple of questions ago is your general purpose here is that you want some, some more thought on using these estimates to let us know when action by the Council is warranted, so to me that's kind of the overriding goal here and so I kind of I, I'm on board with that goal but I'm kind of not understanding, having my head wrapped around all what the team presented to us, what we'd be possibly telling them not to do by passing this motion?

Marc Gorelnik [00:15:44] John.

John Ugoretz [00:15:48] I'm not intending to tell them not to do anything. I am intending to say yes we approve of the approach you have laid out and given the questions regarding which species they should use. I included that information and again adding intentionally adding to these just long term approach of looking at rate over time, this, this concept of what do you do if there's very high bycatch in a single year not, not estimated.

Marc Gorelnik [00:16:31] Phil.

Phil Anderson [00:16:31] Thanks Mr. Vice-Chair. I'm looking at the team's recommendation. The first one was adopt the bycatch rate approach which you have included in your motion which I support. The second was task them with providing BPUEs for all species at the June 2020 meeting and so when you say when your response to the question of what are we not asking the team to do it seems to me that by designating 20 or 22 that we're asking them not to do what they recommended which was to have the BPUEs for all species at the June 2020 meeting. So it seems to me we are asking them not to do something that they recommended. If, and the third point I would, if we were going to, if, if I were going to support this motion on the third point I would want them to come back and give me an idea, give us an idea of what their threshold is for 'exceptional'. Just, just exactly how are they going, because we're leaving it in their hands to determine what is 'exceptional' and then we're saying if you determine that it's 'exceptional' then we want you to develop the action line suitable for detecting 'exceptional', and I'm not comfortable with just leaving that to the team carte blanche without coming back and having an understanding of what that is and whether from a policy perspective we think that level makes sense. So those are the, the concerns I have with the motion. Number one we're telling them not to develop BPUEs for all species as they recommended, and two we're essentially adv...I can't say that word at the end of the day. We are essentially giving to them the responsibility for determining what constitutes an 'exceptional' level without any review by the Council and as to whether or not those are the correct thresholds or not and those are my concerns.

Marc Gorelnik [00:19:02] Let me ask John a question. Was your term 'exceptional' over there is that

the synonymous with the action line in the management team report or not, or not necessarily?

John Ugoretz [00:19:17] Thank you. Thank you Mr. Vice-Chair. It is not synonymous with the action line that was presented on the slide or in the report. It was intended to be based on my discussion with Dr. Stohs and his response that they would have to develop a third line as I think he said it, that is based on that variation with for each species in the catch, so it's the, there, again the reason I have that last sentence is that they have their basic bycatch per unit effort rate approach which was shown on the slide and in the report and then they talked about potentially responding to some public concern over not being rapid enough by developing an additional metric. In terms of abdicating that authority and I came up with the word Phil because you hinted at.

Phil Anderson [00:20:21] That was the one I was trying to spit out.

John Ugoretz [00:20:21] I thank you for that comment because I appreciate that and would not want to do that. I think we do need to bless that extra line and I think that the appropriate time to do that would be next June because I don't want to put unnecessary workload on them to get that done before then. So I think given, given that this motion likely needs at least a technical amendment to get rid of number two maybe we could craft something that would say that or someone could offer a, a way that says that better than I did.

Marc Gorelnik [00:20:59] Let me look around the table and see if anyone wants to offer an amendment or a further comment on the motion? Phil.

Phil Anderson [00:21:06] Before I were to attempt such a thing, John could you also respond to my concern about the difference between the team's recommendation in terms of providing the BPUE for all species versus the 20 or 22 that you have?

Marc Gorelnik [00:21:25] John.

John Ugoretz [00:21:26] Thank you, and I put 22 in there which should have been 20 because it was my understanding that they certainly would not be doing this for every species in the world or potentially every species caught in the fishery but I think it probably merits bringing the team up to clarify that because my assumption of what they meant could be incorrect.

Marc Gorelnik [00:21:56] Why don't we do that. Dr. Stoh?

Stephen Stohs [00:22:08] Your interpretation sounds in line with what I understood our discussion to mean.

Phil Anderson [00:22:18] I don't understand what you're....

Marc Gorelnik [00:22:24] Phil.

Phil Anderson [00:22:27] Dr. Stohs just responded to the question and I number one don't know the question he was responding to nor do I understand his...

Stephen Stohs [00:22:34] I was, I was conferring with John's explanation that you just gave of the interpretation of how we would deal with a, an unusually high bycatch rate in terms of developing an additional action line based on the long term variation in bycatch rates in the observer data alone.

Marc Gorelnik [00:23:07] Phil. Phil.

Phil Anderson [00:23:12] And relative to the team's recommendation on providing BPUEs for all species was there some in terms of all species, what were you thinking there? All species that are taken as bycatch in the fishery? Or is there some subset?

Stephen Stohs [00:23:34] No, sorry. All species in the represented in the current list of species in our team report, including the categories and these are related to the March 2019 Council motion.

Marc Gorelnik [00:00:00] Does that clarify anything?

John Ugoretz [00:00:04] Thank you. If I may. I believe that the team responded to the motion which included a list of species. So in my mind, yes.

Marc Gorelnik [00:00:22] Rich.

Rich Lincoln [00:00:23] Thank you. Thank you Vice-Chair so that, I mean it's a helpful discussion because that leads me to the need for some additional clarification. So is it the intent of, this is a question to John and then the team, is the, is it the intent of the motion and was it the intent by the team's recommendation that estimates of bycatch would only be produced in the future for, for a list of 22 species or that estimates of those species would only be reported to the Council on an annual basis? I mean what, what, what now concerns me about the motion is that there is perhaps some intent not to make estimates based on observer data of anything that's caught in the fishery which pretty much says that it's not important information and I, that would cause me some, some concern whether we look at information on a regular basis for some subset of species but I mean there's a reason that we're observing the fishery.

Stephen Stohs [00:01:33] Yes so I, my understanding is the Council define its categories for which it wanted us to produce performance metrics in the March 2019 Council motion. That's the list of species for which the team has done this year's version and we're proposing to continue working off that list. I'm not sure about the legal question of whether that precludes looking at some other species of concern in the future and possibly changing the list.

Marc Gorelnik [00:02:14] John.

John Ugoretz [00:02:15] Yeah thank you Mr. Vice-Chair and thank you Rich. So we have always looked at a subset of the species taken as bycatch in this fishery and back in September of 2018 we were discussing this same issue, and I made a motion that was adopted unanimously that quite specifically took out a few species with reason because they were not providing the type of information that we needed for a rare event bycatch. The observer program continues to exist and is required and reports their findings annually. I'm just saying that the team shouldn't spend their time developing estimates for every single species ever taken as bycatch in the fishery.

Marc Gorelnik [00:03:20] Corey.

Corey Niles [00:03:21] Yeah I think I'm, I'm confused but I'm gonna try to just limit it to Phil because we, it's easier just to my, I'm confused because it's easier to calculate what for those species? We voted for that, at least I did because it's easier to calculate it. It doesn't mean that we don't care about tracking the performance, but Steve on to Phil's concern which I think is goes to the heart of a lot of, of my concerns is that at this stage being so specific but what I interpret exceptional is Phil, is I

think correctly saying that it's the Council's policy decision to decide when performance rises to a level where we want to do something about it. So by 'exceptional' and in terms of someone amending this motion what I think you're saying is that basically your method that the team is proposing standardizes effort, so that's not a changing from year to year and so that better tells you that you have an estimate that was unusual in terms of just both the uncertainty in estimating it after factoring out the change, differences in effort, so by 'exceptional' you're saying we're flagging something to you that we think is beyond just uncertainty, and you might want to look at it but and then you're part of that you're going to help us also decide that the causes of why that happened and then it would be discussion about whether we should do anything about it. So is that kind of, am I accurately capturing what, what you mean by 'exceptional'? It's just really helping us sort out the noise a bit and say you want to think about this and the reasons why it happened before you take action.

Stephen Stohs [00:05:01] Yes, and for clarification the discussion of 'exceptional' as I understand the motion this is addressing this issue of the need for a rapid response in case the known level of interactions for a given species seems unusually high in a given year, it would provide an additional action line to try to separate what is 'exceptional' from in the current years observer sample from what it's not, so this is in addition to the suite of performance metrics that has already been developed.

Marc Gorelnik [00:05:50] So let me recap here. I think...we have a motion before us. It states 22 species but I think there's been some clarification that we're really talking about the 20 species from the September 2018 Council motion that was approved and we're also saying that the term 'exceptional' is something that the management team is going to work on and bring back to us in June 2020 for the Council's review because that's a policy issue for us to decide. Phil.

Phil Anderson [00:06:25] Well let me just voice what.....if I were to amend the motion this is what I would do.

Marc Gorelnik [00:06:38] Please proceed with that hypothetical.

Phil Anderson [00:06:42] So the Council will task the, I'm going to.....the first sentence is fine. The second sentence, the Council will task the HMSMT with providing BPU for the species specified in motion eleven at our September 2018 meeting, period. Additionally the Council will task the HMSMT with developing an action line suitable for detecting exceptionally high bycatch rates for those same species and so they would, they would come back, then that brings it back to us first of all. I, I'm not speaking to my amendment because I didn't make one but I have the list of species that we did and it is A through T but there are three species in I so it's not 20, it's not 20, it's, it's those but I have the list and so it would reference the motion and that list, do the analysis on the providing the BPUs for those species, come back and give us a develop the line business on what he believed the exceptional rate trigger is, let us look at that and we can take it from there. That's if it were structured in that manner I'd be good with it.

Marc Gorelnik [00:08:29] John then Caren.

John Ugoretz [00:08:33] Thank you for 19 plus three being 22. I, what I heard you say I think the only thing that was lost was the when and it might just be the way you said it so or maybe it's just ongoing forever but....

Marc Gorelnik [00:08:57] Phil was it, just briefly was it your intent to change the, the date of June 2020?

Phil Anderson [00:09:01] No, that would stay. All I would do with that sentence is specify motion eleven at our September meeting, so the species contained in motion eleven at our September 2018 meeting that way I don't have to sit here like an idiot and count these things and maybe come up with the right answer and then there was no, you know and then rather than having them determine, you know have them go back and do that work and come back and allow us to look at it from a policy perspective.

Marc Gorelnik [00:09:34] Caren.

Caren Braby [00:09:34] Thank you Mr. Vice-Chair. I was going to make a friendly amendment to the motion but I see that Corey has his hand up. That may be relevant before I do that.

Marc Gorelnik [00:09:48] I couldn't quite hear you.

Caren Braby [00:09:52] I would be happy to offer an amendment but Corey may have something he wants to say prior to that.

Marc Gorelnik [00:09:56] Corey

Corey Niles [00:09:58] Yeah thank you Mr. Vice-Chair, and I think if, if we're gonna go this direct I'm not fully comfortable even putting this motion out there but that sounds like a fine change but while people were conferring on that language, Steve said something I think is kind of important and I wanted the, the maker of the motion just to clar... maybe this takes care of my...Steve, please Steve correct me if I'm putting words in your mouth but said that this, this effort to do the BPUE is intended to not to replace the other information, it's to supplement it and help us interpret the other information but you're not, you're not intending to replace the other statistics that are being reported regularly?

Stephen Stohs [00:10:42] Correct.

Marc Gorelnik [00:10:42] John.

John Ugoretz [00:10:46] I don't know what other information we're talking about but my intent would be that annually we would see a series of graphs like the one we saw for manta ray and with the addition of this extra line, and that if something is either above the warning line for three years in a row or above the action line for one year or above this new line for one year that we would ask the team to take action as, as suggested in the report. I am, if, if you are asking will we still see the, what I think was maybe table 1 report I would not be expecting that nor would I want to see it because I don't think it provides what we're trying to get at.

Marc Gorelnik [00:11:35] Caren.

Caren Braby [00:11:38] I'd like to offer an amendment. You're going to have to work with me Sandra. In the second sentence would you please strike the number '22' and after the word 'interest' add in from motion eleven from the September 2018 Council meeting, period. After, after 2018 Council meeting put a comma instead of a period and deliver to the Council at the Council's June 2020 Meeting. Thank you. The last sentence strike the words 'reporting any single year by catch events' with 'exceptional levels' and, and strike the word 'these'. Sorry the one above that Sandra, these exceptionally, yep that one. Let me read it please. I think that meets my intent.

Marc Gorelnik [00:14:14] All right Caren does the highlighted and struck through language

consistent with your amendment?

Caren Braby [00:14:20] Yes.

Marc Gorelnik [00:14:22] Is there a second? Seconded by Christa. Speak to your amendment as you feel necessary.

Caren Braby [00:14:32] Thank you Mr. Vice-Chair. Per our previous discussion I think there were some adjustments that needed to be made to constrain the motion to the right references and to convey the Council's interest in developing a third metric to add to the graphs that were described in the management team's report with a warning line and an exceedance line. This third line would be based on observer coverage in that year instead of a, a threshold line that is based on continuous long term estimation and so we had a good discussion on that. I think that, that intent is more or less reflected in the new language here and that is the intent of my amendment.

Marc Gorelnik [00:15:44] Thank you very much Caren. Questions for Caren? Pete.

Pete Hassemer [00:15:49] Yes thank you Mr. Vice-Chair. Question for clarification and I tried to get to this just before the amendment but as I see it now there's three parts. We are adopting the bycatch per unit rate approach. That's okay. The second part is tasking the HMST and I am assuming you applied or implied providing BPU times series such as we saw in there which will be fact, it's based on past performance and lastly the question then is the tasking them with developing an action line? They would be proposing to us an action line or value rather than give us, giving us a number and we are adopting it in advance of seeing what it actually is. So I, I don't know if we are going to see a proposed action line then that we would then take action on or we are leaving it to them to develop those action lines for whatever number of species and we're automatically adopting those now.

Marc Gorelnik [00:17:20] Corey.

Corey Niles [00:17:20] Yeah thanks Mr. Vice-Chair and Pete. I don't know if this is the same I'm hearing it. That's kind of what I'm asking too, but first as, as someone who held off on asking about the details for the sake of time but and not understanding them and if everyone else understands them I'm, I'm way behind you all, but I'm okay with this. I'm uncomfortable with this motion directing the team's focus of the next year, that's acceptable but then adopting an approach that I don't understand and if Pete, maybe sorry again I know you wanna go but it says adopt a bycatch rate effort which John's last answer to my question was that we're going to ignore the absolute numbers of bycatch. We're not going to look at those anymore so by adopting a bycatch per unit effort we don't care if there is 2000 hauls or 500 hauls we just care about the rate and I don't think that's, so if I'm reading that too much into it that we're going to ignore the numbers, absolute estimates I don't know that we're ready to make that decision but if, if we're instead focusing the team on their work for the next year and, and Steve's answer to my question was that this bycatch unit, the BPUE is supposed to be a way of helping us interpret those absolute estimates not to replace those, so if we're talking about replacing the absolute numbers I think that's way premature and that's, that's my concern and I was going to see if Caren's intending with her amendment to, to keep that and maybe and Pete excuse me if I'm, went way far afield of what you're asking but we're talking about absolute amounts versus relative amounts, and that's the first sentence of the motion and adopting a method which we just kind of barely understand. At least I do right now.

Marc Gorelnik [00:19:13] Caren and then John.

Caren Braby [00:19:17] Thank you for the question and I want to address Pete's concern but I'm not sure I fully understand it. So I apologize for that but I, the intent here is that the HMSMT, my intent would be that the HMSMT would bring that action line back for Council adoption later and that, that is not adopted by, it's not adopted implicitly in here but that was my intent there and the, I have not changed the intent of the first sentence which is to adopt the bycatch per unit effort, not to the exclusion of other metrics, but to have the HMSMT use this method and bring that information back to us for decision making. So I don't see anything in this motion and it was not my intent in amending the motion that excludes us looking at other information.

Marc Gorelnik [00:20:27] John.

John Ugoretz [00:20:29] Thank you and getting to Mr. Niles question...the, the intent of the last sentence is to cover that instantaneous annual amount of bycatch. They are developing a line that would be compared to the observer information where the rest of this is dealing with the estimated total bycatch. Okay that, that they would develop this action line that if in that individual year there is excessively high known bycatch of one of these species that we would hear about it, so that is the intent of that last line. We're definitely not ignoring the total bycatch and in addition to that in the method total bycatch is part of bycatch per unit effort so you're, you're getting it two ways.

Marc Gorelnik [00:21:36] Corey.

Corey Niles [00:21:37] Okay well thank you, thank you. I just want to make that clear and this, this amendment is incorporating that intent if this is how it works. So I, but I heard you say that we will no longer look at the point estimates from Table 1 and so I must have heard that incorrectly and if as long as we're looking at those in conjunction with one another, I'm not as uncomfortable with this amendment.

John Ugoretz [00:22:01] Thank you and I just want to make sure that we're understanding each other because I would not expect to see a table similar to table 1, however the last sentence is dealing with creating a new line where if total bycatch in that year exceeds it we are taking action so you are seeing the annual bycatch numbers.

Corey Niles [00:22:30] Okay John so I guess, excuse me for being not, not understanding here so if, how do we if we're not seeing table one, how do we not ignore the absolute estimates in terms of numbers of actual bycatch? That's what I'm not getting.

Marc Gorelnik [00:22:45] John.

John Ugoretz [00:22:46] Thank you Mr. Vice-Chair because they are compared to the line that the team has developed and the team reports to us if there is anything exceeding that.

Marc Gorelnik [00:23:00] Corey.

Corey Niles [00:23:00] Again maybe emphasizing the point that we're not quite understanding and I don't want to bring Steve into the middle of a Council discussion but I think that action line, and maybe I'm, is based on not total effort but it's, it's based on something that ignores effort so it doesn't have to do.... it could be that you could have a rate and have 500 sets, you can have a rate and have 2000 sets you'd have the same rate. The rate would be unusual. The absolute number of estimated bycatch would be way different between the two.

John Ugoretz [00:23:33] Thank you and this is spoken to in the team's report that the, the action you take is for the team to look at the cause, and if the cause is additional effort they can report back to us on that. If the cause is the fact that they're all fishing right off shore Catalina you know where something's breeding then they'll report back to us on that.

Marc Gorelnik [00:00:01] Phil.

Phil Anderson [00:00:01] Two things. We could have worded this a little bit differently but my, what were relative to the date of June 2020 we're looking for two products. The, the one that is dealing with providing the BPUE for the species that were in motion eleven and we would be looking for them to bring back their work product associated with developing an action line suitable for detecting the high bycatch rates that, though I mean the June 2020 comes after the first one but I'm assuming what we're, we're also looking for that second product in June of 2020 without going into the trouble of restructuring the verbiage on the screen just to make sure I'm understanding what we would expect and when. And then on the matter of, of what we see in terms of information, I think what this mos.....to me what this motion says is we're, we're gonna use this bycatch per unit of effort as our method to evaluate performance but I think going so far as to say we're going to exclude certain pieces of information and that we don't want to see it and maybe some of us do and some of us don't and for those of us that don't you know have to look at it, but I think we're going too far by taking the leap to say what information we're not going to see here, we don't want to see or that we can't request from the team. That's a conversation that goes way beyond in my mind this motion. So I think we're saying we're going to use this too for evaluation, this tool for evaluation. Here's the two pieces we need to further develop that tool. We're going to look at those in June in 2020 and we're gonna go from there but to suggest that somehow from this point forward that there's some piece of information relative to the bycatch data we get out of the observer program to me is that, that's off the table.

Marc Gorelnik [00:02:41] John.

John Ugoretz [00:02:42] If I may and I'm sorry if I'm just being obtuse here but the, my intent in my motion in particular with relation to table one in the report. Table one in the report is, said that we have used to look at performance in this fishery up until this time and no I do not expect to see that method used anymore. In saying that I have repeated here several times that we will continue to look at overall bycatch in this fishery. That we have the NMFS observer data which is reported publicly annually for all people to see and bring to us if they have a particular concern but that this methodology allows us to simply and clearly get an overview of performance.

Marc Gorelnik [00:03:50] The tools to look for bycatch performance not bycatch in gross. Two different things.

John Ugoretz [00:04:00] Correct.

Marc Gorelnik [00:04:04] All right. Rich did you have something?

Rich Lincoln [00:04:07] Well I really hate to belabor the point since it's getting late but John I think.....

Marc Gorelnik [00:04:12] Microphone.

Rich Lincoln [00:04:15] I think it's really important to be clear here. So earlier John you said that well in the discussion of what we would do with kind of performance metrics I think Dave brought up

the question of PBR and you said well geez if something exceeds, exceeds the PBR there would be an action. So having a table of observed bycatch is not going to provide a basis for anybody to understand what was potentially was actually taken as bycatch in the fishery, and I think the issue that we've been trying to raise is I have no problem with using some kind of BPUE thing to understand from a performance point of view how the fisheries performing over time, but I have to say that I believe the Council has an obligation somewhere in its process of evaluating the fishery to be able to make some statement about what was taken in the fishery as bycatch especially for species that we may have some obligations in meeting legal, legal obligations, so I, I can't, I haven't heard yet in your description of what information is available of where somebody would find that information.

Marc Gorelnik [00:05:38] Phil.

Phil Anderson [00:05:38] So just I would like..... we have this, we have an amendment to the main motion.

Marc Gorelnik [00:05:45] Just so we get it on, the on the books.

Phil Anderson [00:05:47] Yes and so the debate now is, or the discussion, debate, whatever you want to call it is now transitioning to the bulk of the motion, so my suggestion is that we confine our remarks, comments to the amendment. Take action on the amendment that'll put whether it passes or not it will then bring the main motion back before us which has the broader suite of issues that are suitable for discussion.

Marc Gorelnik [00:06:23] Fair enough. So restricting discussion only to the amendment 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 [00:06:37] Aye.

Marc Gorelnik [00:06:37] Opposed No? Abstentions? The amendment passes unanimously and now we're back to the motion as amended and any further discussion? Caren.

Caren Braby [00:06:50] I think we ended with a question of where would we go to find the information on just the observed bycatch in this fishery and so I have that question. I don't know immediately where I would go. I'd probably go to Cyreis who doesn't work for me anymore.

Marc Gorelnik [00:07:10] Ryan.

Ryan Wulff [00:07:11] Thank you Mr. Vice-Chair. I can answer that question.

Caren Braby [00:07:17] Thank you Ryan.

Ryan Wulff [00:07:17] Yes we have, I can provide the link if that's helpful but we do have the annual data summaries and report for our bycatch that would still be available while the management team would be focusing per Council direction on those species that's identified we would still be producing these for all species interacted. We have those tables. They're provided annually. They're stored and you can look all the way back through prior years so that would continue to be provided in addition to this and just to clarify the, the other first two points of this John's motion is mainly to adopt what the MT was recommending, and so the table one is the performance metric previous used as a switching to that rate approach but yet NMFS would still continue to provide and present these annually and

shore them up so you could look at them for all the ones we have.

Marc Gorelnik [00:08:12] Caren.

Caren Braby [00:08:13] Thank you for that answer Ryan and so for me what we asked the team to do was to give us an additional metric. An additional set of tools not to replace anything or not to exclude anything that we currently had and so I am comfortable with this motion because it is defining additional tools and we have asked them to compare this performance metric on an annual basis versus this BPUE basis and that is in the motion as we are deciding which performance metric we prefer and I've heard several of us around the table say BPUE rate approach is acceptable and is appropriate as the performance metric not to exclude the table that Ryan can so handily provide a link to me for.

Marc Gorelnik [00:09:21] And just, just to help us refocus on the task at hand, it's...according to our situation summary it's specifically related to providing guidance on a proposed process for potential bycatch reduction measures. This isn't a tool writ large to examine bycatch. We're talking about bycatch reduction measures here to help us identify the needs so...Corey.

Corey Niles [00:09:52] Yeah Thanks Mr. Vice-Chair. I think I know I'm, this is important enough to me that I think if we might have if extra time tomorrow if we pause and, and think about it because this first of all on that point I don't see, I was not coming in here thinking we would adopt anything. The Council action does not say adopted and my guess my question to make kind of my point maybe to Ryan what would those observer estimates be produced using the regression tree method or would they be the ratio estimate and so that's kind of are we losing this idea that we can make better estimates of what actually happened in the year using these different techniques and so again we're not, I wasn't coming here adopting thinking we'd be adopting anything and are we saying we're not going to use a regression tree method anymore to give the public a better, a more, what we think is a more accurate estimate of what actually happened in a year and again maybe it's the hour and I'm reading too much into it but that's, these are, these are the concerns I have and wasn't prepared for given that we weren't really adopting or closing down avenues at this point.

Marc Gorelnik [00:11:01] John.

John Ugoretz [00:11:02] Thank you Mr. Chair and I just....the teams proposed method uses the regression tree process. They must generate bycatch estimates in order to generate bycatch per unit effort and they use the regression tree to do that it is inherent in the process they've provided us. With regards to whether or not we can adopt something I think it is fully within the agenda to allow that. No it does not specifically state it in the situation summary but when the Council is considering something I think we have the ability to, to choose to do something and you know again my motion is saying that we would no longer use the method that is used to generate table one. That method was based on a static five year trend and bycatch comparing, in this case using the regression tree numbers to it and rather than doing that we would use this bycatch per unit effort rate approach. That does not preclude having the estimated bycatch for the year because that number is required to do this process.

Marc Gorelnik [00:12:32] All right. Is there further discussion on this motion? Corey. Thanks. I don't mean to be difficult so I, if someone else is gonna be producing annual estimates using the regression tree method then I think that's all....and I think we're going to hear more when this is, when this is brought back in September. I don't know if to force a vote on the issue by amending the first sentence but it's, it's almost to that level for me that why we would ignore a new method that we have that actually tells us a much better idea in absolute amounts of bycatch. If NMFS can do that on their

own and then we use it in conjunction to, to look at these action line which is then gonna be a discussion like we have all the time about whether we need to do anything or not then, but this is way cart before the horse if we're gonna be adopting anything. Again I don't want to push it because I think it's going to come back naturally anyway in a year from now, but that's, it is, I'm not just, this is a big concern and, and I don't want to lose these annual estimates of absolute bycatch and I don't know the public was on, was even aware that we would be doing, even contemplating that.

Marc Gorelnik [00:13:52] All right.

John Ugoretz [00:13:54] I'm sorry I have to be on the record for this. I am not saying we are losing annual estimates of bycatch and I just said that.

Marc Gorelnik [00:14:03] All right. Any further discussion? Seeing none I'll call the question. All those in favor of the motion as amended say aye.

Council [00:14:10] Aye.

Marc Gorelnik [00:14:12] Opposed No? Abstentions? The motion passes unanimously. Looking around the table is there further action on this agenda item from those around the table? I'm not seeing any a return to Kit and see how we're doing?

Kit Dahl [00:14:37] You're doing fine. So you did just.....

Marc Gorelnik [00:14:42] Music to my ears.

Kit Dahl [00:14:45] You just, just passed a motion that provides guidance to the management team on some methods that they will continue to work on and will be brought back next year as a tool that the Council can use in considering the, the status the fishery in terms of impacts and potentially inform any decision or desire or you might have to take some action to mitigate impacts that you see as a result of that information. So that's I guess I think it covers the, the list there of, of what you were tasked with under this agenda item as the actions and we'll look forward to further development of the team's approach.

Marc Gorelnik [00:15:57] All right thank you very much Kit.

5. Exempted Fishing Permits

Marc Gorelnik [00:00:01] This concludes public comment and brings us to Council discussion and action. Kit, you want to remind us.

Kit Dahl [00:00:10] Certainly. Thank you Mr. Vice-Chair. So you have this set of applications before you. I'm not going to try and remember the number because we have that in duplicate but I think it's around 17, and you have some recommendations from both of your advisory bodies on issuance so you should make a recommendation with regard to these applications, and then as noted in, on the screen there, consider making a recommendation in terms of extending or renewing the currently issued EFPs beyond to 2019 into, for 2020, and finally not listed in the actions there but was raised by both the team and the subpanel is this question of well two things, one is prioritization of applications both the current ones and previous applications where a permit has not been issued in terms of issuance, and also some cutoff date for no longer considering applications where EFPs, where the permit has not been issued and you had a couple recommendations there, one from the team I think was if they are not issued by the end of this year and the subpanel suggested one year from I guess the federal register notice that NMFS issues that they have received the applications and they are under consideration so that may be, I can't recall if, if or how many notices were put out but maybe Ryan can if you need to get into that he can help with that so those are the tasks...

Marc Gorelnik [00:02:21] I think that's clarified during Council discussion here. So let's have some discussion and when we're gonna hopefully we'll resolve this with a, with a motion that someone might have. So let's just start with discussion on the tasks ahead of us, these, the applications et cetera. John.

John Ugoretz [00:02:44] Thank you Mr. Vice-Chair. I think the management team has done a nice job of summarizing the issues. We've seen a lot of deep-set buoy gear EFP applications over the last couple of years. I think we've got familiarity with the issues involved in them and that the current set of deep-set buoy gear applications are good to go to NMFS for final action, noting that NMFS has the ability to go back and forth with applicants over minor details and if there are questions they have already shown the ability to use that process to finalize applications. I do call out the, the one Perez-Carson EFP application. I, I do not consider it a buoy gear application. It doesn't fit the definition of deep-set buoy gear that the Council is working from in our range of alternatives. That said I think it's a very interesting proposal. I think it provides for another use of this equipment in a different way and that we should probably move that one forward in the normal non deep-set buoy gear process which would require a second meeting and some public comment and discussion and input from some of the other teams and the enforcement group but that it would not be part of the deep-set buoy gear range of alternatives analysis. It wouldn't, it's a, it's a separate thing.

Marc Gorelnik [00:04:26] Thanks John. Further discussion? Caren.

Caren Braby [00:04:35] Thank you Mr. Vice-Chair. I'll ask the question of Ryan to clarify whether there's any NMFS position on the two suggestions for defining applications that have not been issued to individuals whether December or a year from the FR notice makes sense. Is there any difference in NMFS opinion on those two options?

Marc Gorelnik [00:05:03] Ryan.

Ryan Wulff [00:05:03] Thank you Mr. Vice-Chair. Thank you Dr. Braby. Yeah I think it's, we haven't, we're trying to run through all of the federal register notices right now to see exactly which

would expire from what one year. I do think the, if we had to issue a preference probably the expiration at the end of this year, the one that the management team would probably be the easiest and I think would be our preference although again we're flexible I just need to run to ground some of the dates based on the advisory subpanel's report.

Marc Gorelnik [00:05:43] Further discussion or a motion? John.

John Ugoretz [00:05:49] Thank you Mr. Vice-Chair. I do have a motion that I have just now sent so I don't know if we want to wait a moment for the, or if you just want me to read it?

Marc Gorelnik [00:06:00] Let's just stand by a moment. Let me just ask you, you anticipate your motion being comprehensive of all the issues we have before us?

John Ugoretz [00:06:17] I feel it addresses the three bullets on the screen and is consistent with the team's recommendations. You got it? Thank you.

Marc Gorelnik [00:06:48] There we go.

John Ugoretz [00:06:48] Okay there it is. Thank you.

Marc Gorelnik [00:06:51] You have the floor.

John Ugoretz [00:06:52] Thank you Mr. Vice-Chair. I move that the Council consistent with the Highly Migratory Species Management Team Report, one, approve the new deep-set buoy gear exempted fishing permit applications with the exception of Attachment number five, Mason Smith which is a duplicate of Attachment number one. Two, recommend that National Marine Fisheries Service prioritize issuance of these EFPs over previously approved applications within the limits in the existing protected resources consultation. Three, preliminarily approve the Perez-Carson EFP for night set buoy gear under 100 percent coverage and consider final recommendation at the Council's September 2019 meeting. Four, recommend that National Marine Fisheries Service extend the currently approved EFPs through 2020 and to consider any EFP applications previously approved by the Council that have not been issued due to inaction by the applicant by December 31st, 2019 as invalid.

Marc Gorelnik [00:07:59] John I think in number three after, just for clarification, preliminary, preliminarily approved the Perez-Carson EFP that's as you read it correct?

John Ugoretz [00:08:10] Thank you. Yes.

Marc Gorelnik [00:08:11] Insert EFP there just for clarity. Now does the language on the screen consistent with your motion?

John Ugoretz [00:08:17] I see a hand by Mr. Dahl.

Marc Gorelnik [00:08:19] Mr. Dahl.

John Ugoretz [00:08:20] Dr. Dahl excuse me.

Kit Dahl [00:08:21] A very minor point. Just that the erroneous Smith application is Attachment 2 so if you're, I think you can make that correction now. Is that, is it possible?

Marc Gorelnik [00:08:35] Not yet been seconded...so.

John Ugoretz [00:08:36] Thank you, yes, so I intended to say two after the word number in point number one there at the end of the sentence.

Marc Gorelnik [00:08:47] Thanks for that Kit.

John Ugoretz [00:08:48] Switch, switch one for two.

Marc Gorelnik [00:08:56] All right. Now is the language on screen what you wish the mot.... how the motion should be read?

John Ugoretz [00:09:03] Yes it is, thank you.

Marc Gorelnik [00:09:03] All right I'll look for a second. Seconded by Herb Pollard. Please speak to your motion.

John Ugoretz [00:09:09] Thank you. What I said earlier in regards to the review of these EFPs, I think we have experience in the approval process and that we can move ahead with the ones that have been submitted. We discussed the erroneous Nathan Smith, you may never live that name down and that the, the issue of prioritizing, there are a number of EFPs that the Council previously approved to go to NMFS. There is a relatively easy process in which to complete those applications by attending a single protected species meeting which has been offered online as well and then having the boat approved just guaranteeing that it is a safe and legal fishing boat. There are several EFPs that have not completed that process in many months and we want to be able to open up options for these new EFPs because there is a limited number in the consultation with protected resources and that similarly in point four that if, if people simply do not complete the process with NMFS there's no need to hold up other options there. And then finally in point number three the Perez-Carson EFP I do feel that it is a very interesting proposal. I think that there could be some great benefit to seeing whether this gear type can be fished at night in a manner that provides more swordfish opportunity and does not harm protected resources or cause significant bycatch. So I'd like to have that considered at the next meeting.

Marc Gorelnik [00:11:04] Thanks John, other questions for the maker of the motion or Council discussion? Corey.

Corey Niles [00:11:12] Yeah thanks Mr. Vice-Chair. Thanks John for your leadership on this issue and I'm very supportive of the motion. I also want to you know recognize the, the management team and NMFS for all, this is a streamlined process but this is also a lot of work and a lot of effort and appreciate all the applicants and all the reports we got back and all the information. This is a lot of effort and for people to be commended by and we're getting good information from it. Just a question I guess for Ryan on number three and we could hear back. I guess my ques.... We'll hear back from you all in September about what the workload consequences and additional analyses that one will acquire and what it means for other workload? Is it...

Marc Gorelnik [00:11:58] Ryan.

Ryan Wulff [00:11:59] Yep thank you Mr. Vice-Chair. Thank you Corey for the question. Yes this would be outside of the scope of what we consulted on under our current consultation and analyzed under our previous NEPA work so we would need to have some of those discussions. We can start to

internally have those discussions prior to the September meeting. We will need to do a separate analyses in order to support this so doing a motion here that would preliminary approve and then revisit in September won't affect the overall schedule and we'll be able to come back with a better handle on workload for, at the September meeting.

Marc Gorelnik [00:12:38] Thanks Ryan. Further discussion on the motion? Herb.

Herb Pollard [00:12:44] Thank you Vice-Chair. I think this motion agrees with the management team and the advisory subpanel and the discussions that we've had and our testi....or our public comment and it's not always that all of those things line up so well so I think this is a good motion for moving this forward.

Marc Gorelnik [00:13:12] All right thanks Herb. Louis.

Louis Zimm [00:13:16] Thank you Mr. Vice-Chair. I too will be supporting this motion. I think it's a very thoughtful motion taking advantage of all the expertise that we have here in the Council and also taking advantage of the expertise that we have in the, in Southern California from the Southern California commercial fishing fleet. I really would like to thank them for their efforts. Many of their efforts have, have not paid off as a pay day, yet they still maintain their experimental fishery work to inform, form this and I just want to say that San Diego has a wonderful history of supplying seafood to, to the nation and this hopefully will encourage the continuance of this and continuance of, of our wonderful culture that we have here in San Diego with fishing. Thank you.

Marc Gorelnik [00:14:24] All right. Any further discussion on the substance of the motion? I'm not seeing any so I'm going to call the question. All those in favor say aye.

Council [00:14:35] Aye.

Marc Gorelnik [00:14:35] Opposed No? Abstentions? Motion carries unanimously. Let me look around the table see if there's any further business on this agenda item before I turn to Kit. I'm not seeing any hands so I'm going to turn to Kit and ask are we, how we doing on this agenda item?

Kit Dahl [00:14:57] Thank you Mr. Vice-Chair. I think with that motion you have completed your work on this agenda item.

Marc Gorelnik [00:15:04] All right, thank very much.

6. Deep-Set Buoy Gear Authorization

Marc Gorelnik [00:00:00] That concludes public comment. It takes us to our Council discussion and ask, and Kit, would you just remind us of the scope of the task at hand?

Kit Dahl [00:00:16] Thank you Mr. Vice-Chair. As shown on the screen there this is really an opportunity for you to provide input, guidance to NMFS in terms of you've seen a sort of preliminary peek at the direction they're going in terms of the analysis, I think there's been some good discussion both with, with some of the, with the NMFS people in terms of other components of the analysis that they are working on. You've heard a lot of public comment about some of the other or related social issues so it's really just providing your input in terms of what you would like to see in September. If there are things you think may be NMFS is not addressing in their analysis that you think is important you could, you could ask them if they can to include some additional information or analysis on those issues so.....

Marc Gorelnik [00:01:23] All right, thank you very much. So let's open the, open some discussion here. Caren.

Caren Braby [00:01:34] Thank you Mr. Vice-Chair. I do have a request for Ryan to explain what the timeline and kind of just high level steps that will be taken after we select an FPA in September in terms of continued data analysis such as for the 2019 season. So we have a 2019 season of, of EFPs. We're going to select an FPA in September but as that analysis progresses within NMFS on what those final alternatives are, my understanding is that data analysis will continue as, as the NEPA analysis progresses. The full season of 2019 EFP activity would be incorporated before final decision would be made and so that's, that's what I'm trying to understand and make sure that, that assumption on my part is accurate.

Marc Gorelnik [00:02:43] Ryan.

Ryan Wulff [00:02:48] Yeah thank you Mr. Vice-Chair. Thank you Caren for the question. Yes, additionally FPA data will be included in our DIS that goes out for public comment after the Council final preferred alternative and will incorporate the most recent data available that we can as to the final EIS.

Marc Gorelnik [00:03:18] Caren and then John.

Caren Braby [00:03:21] Thank you and I, I have already asked a number of questions about the crowding issue and about effort and that's obviously one large question mark in my mind about how to characterize that, and so I would like to just formally request from my perspective that as, as you move forward with the analysis both for September and beyond, that the socioeconomic piece of this is of high importance in terms of balancing workload and, and effort. I think moving into this authorization we are moving forward as a with the presumption that the biological impacts are low, that's why we're enthusiastic about the gear, and so the need to really dig deep into the biological analysis seems less of an urgent situation than resolving some of the uncertainty and comments and questions around effort, crowding, right number of permits and, and although we've had some information in the past, I don't feel like we necessarily have updated information at hand to really answer those questions. So that's kind of a you know a personal request to NMFS that may be joined by other Council members but that is something that's very much on my mind.

Marc Gorelnik [00:05:02] You want to respond to that Ryan?

Ryan Wulff [00:05:03] Yeah thank you Mr. Vice-Chair and thank you...yes, I appreciate the request. I appreciated your comments. Your line of questions during our explanation and presentation and just a reminder you know in March when we last discussed this we did highlight we would only have the biological analysis available for this June discussion but again did underscore the importance of the socioeconomic aspect but were unable to have that ready for this, so that's always been our target for September. This has been on our radar and I do appreciate the comments.

Marc Gorelnik [00:05:37] John and then Chuck.

John Ugoretz [00:05:40] Thank you Mr. Vice-Chair. And yeah I think I'd echo the comments regarding in particular the analysis of crowding and where EFP effort has occurred. I think the map we saw in the previous agenda item can be a little misleading because it's in an entire year of effort and obviously all of those boats did not fish the same day, at the same time, in the same location. I think that the EFP logbook data and observer data could really help with showing where there may have been crowding issues and whether those are consistent or unusual. I also think the team had done some previous analysis in several of their reports that talked about historic fishing effort with gillnet and other gear types and compared the footprint of buoy gear to the area available including some analyses of where they're likely to fish, so I think we could look back to those analyses as well. Otherwise I think we've heard a lot of good input today that we can consider in September when we make a decision and I'm certainly not seeing anything that would prevent me from feeling like we'll be able to make a good decision at that time.

Marc Gorelnik [00:07:04] Chuck or Phil.

Chuck Tracy [00:07:07] Thank you Mr. Vice-Chair. I wanted to go back a little bit to the question about additional analysis beyond what's available in September. I guess I just wanted to express a little bit of concern about the possibility that there would be, you know that the Council wouldn't have all the information necessary to make an informed decision in September. That there would be some analysis that would perhaps dictate a different out, decision by National Marine Fisheries Service after the Council has taken final action and that's why it is so important for us to get you know analyses like what's presented today, and the economic analysis will be presented in September in front of the Council so they can make that decision. When additional information is added to, to NEPA documents subsequent and decisions, different outcomes result. That is the problem for the Council and so I guess I would hope that, that the information that's available in September would be sufficient for the Council to make that decision and that would also be adequate for National Marine Fisheries Service to complete their analysis as well.

Marc Gorelnik [00:08:31] Ryan.

Ryan Wulff [00:08:32] Yeah thank you Mr. Vice-Chair. Thanks Chuck for that and I do agree with your point. It's NMFS perspective at this current time though that the analysis we will be able to put forward in front of you in September, taking into account of course everything we're hearing today to help update, it will still be sufficient enough information to take final action on, and we can lay out at that time too based on these comments here exactly how any other information in between time of final action and implementation would be incorporated, and we can do a more detailed presentation of that in September when we present this.

Marc Gorelnik [00:09:11] Phil.

Phil Anderson [00:09:16] Well I have, I'm pleased to hear that some of you have a great deal of

confidence that the analysis and the information that we will get by September is going to be enough to, may help us make an informed decision on a final, on a final decision. I don't have that same level of confidence, and I'm hope, I'm hoping that you're right and I'm wrong but I, the area where I have my greatest concern is around what the analysis and the limitations of the analysis on the total permit issuance is going to be, and so I need some, maybe some clarification or assurances that if we decide that a less aggressive approach in terms of the number of permits that we issue and the number both initially, and over time is something that's less aggressive that then what we have in the alternatives at this point. That we would have the information necessary and the record to base that kind of a decision on and so if, if on the other hand the analysis is going to be confined to what some might characterize as a fairly aggressive approach in terms of initial, initial issuance and ramping up of licenses, then that would be of concern to me. So I'm not sure if you're able to provide me the assurance that the analysis is going to be broad enough in scope that will allow us to consider something that's less, less what I'm characterizing aggressive then as what, than what is in the alternatives at this point.

Marc Gorelnik [00:11:30] Louis. Oh wait Caren and then Louis.

Caren Braby [00:11:36] I was thinking that might have been a question but maybe that wasn't and were you.... that was a comment Phil?

Phil Anderson [00:11:42] No, that was a comment with a question to Ryan.

Marc Gorelnik [00:11:45] Okay.

Phil Anderson [00:11:46] I'm thinking about it a little bit.

Marc Gorelnik [00:11:53] Go ahead Ryan.

Ryan Wulff [00:11:54] Yeah thank you Mr. Vice-Chair. Thanks. I'm not sure I can give you a complete confident answer at this point in time. I mean I do think we won't know that completely until we consult with our protective resources division which may come after DIS is published but we can report back to the Council as we gain a better understanding of that. It is also my interpretation there has been some discussion and maybe General Counsel can correct me if I'm wrong here, but if the Council did want to do something more conservative than is currently in the range of alternatives but is within the scope of that, I do think that would be in the, would still be covered in the analysis we've done.

Caren Braby [00:12:45] Thank you. So I had a conversation exactly to this point prior to the agenda item being on the floor and the way that the range of alternatives reads is up to 25 permits and add up to an additional number of permits, and the assumption is that there could be an issuance of 0 up to 25 in the first year if that first alternative was chosen or even if the current PPA of the Council is chosen it could be 0 up to 50 in that first year that, that would be within the range of analysis. Is that a correct reading?

Ryan Wulff [00:13:38] Yes, thank you Caren. Yes that's correct. You only get into issues if you go outside, if you exceed the upper boundary.

Caren Braby [00:13:47] So then a follow up question if I may. Thank you Mr. Vice-Chair, would be a question on how we move forward on working with the Council and NMFS on deciding how many are issued each time that there's an additional decision point. I'm unclear once we establish the fishery

what that process would look like. How, how would we choose in subsequent years an additional 25 permits for example and I assume that that would be agenda-ized within the Council and we'd have a discussion and a decision point to be made.

Marc Gorelnik [00:14:33] Ryan.

Ryan Wulff [00:14:33] Yeah, I mean I think we'd have to think about that. I mean you, we've laid out a specific pace of permit issuance in the ROA so I think we have to do a little bit more thinking about how that might play out if it was at a significantly, significantly different pace but I think we can be, I mean we're hearing the comments along those lines we can be ready to discuss this further I guess when we come back with full analysis in September.

Marc Gorelnik [00:15:02] John. I think you had your hand up?

John Ugoretz [00:15:03] Thank you Mr. Vice-Chair. I think my issues were covered by that last discussion.

Marc Gorelnik [00:15:10] Okay great. Louis.

Louis Zimm [00:15:11] Thank you Mr. Vice-Chair and Ryan this is for you. It's a more a comment than a question. The comment is that the naval op areas off So Cal are high usage areas for the fleet and I would ask that National Marine Fisheries Service discuss this possible fishery and its impacts with the Department of Defense and the Navy.

Ryan Wulff [00:15:44] Thank you Lou for your comment. I'll take that into account. I do love all conversations with my fellow executive branch agencies.

Marc Gorelnik [00:15:52] Great. Phil.

Phil Anderson [00:15:57] So I just sorry to....well I'm not sorry really but I'm going to push on this just a little bit more so I mean we're, we're hearing from our advisors and people that are participating in this fishery, the concerns about crowding and number of participants and the effect on price and all that stuff and just looking at the advisors recommendation was should the Council decide to move forward we'd like to... an alternative to be added that incorporates a slower phase in, and they give an example of five, but so just in that last interaction and in Ryan's, your response and maybe I didn't catch it in its entirety but in terms of a, of a slower phase in is, is that, was that outside the scope of the alternatives in your mind? In other words it's, I believe it's 25 is the slowest ramp up and if, if we were to potentially look at something that was slower than that in September, even that you know is that, is that outside the scope of the analysis I guess is, I want to make, what I'm pushing for is to try to make sure the, the analysis includes information that would inform us about a slower phase in as recommended by our advisors at least so that we can look at that and consider it.

Marc Gorelnik [00:17:35] Ryan.

Ryan Wulff [00:17:35] Yeah thank you Mr. Vice-Chair. I mean we could. I mean in concept like I was explaining it's more conservative than your current alternative so it's generally within the scope, but if you want us to analyze something specifically but to have a detailed analysis of something by September would be challenging I think at this point that unless it was very clear something you're asking for. I do think that having a discussion along those lines in September would still be within the scope at least from a NEPA perspective of the range of alternatives, so I do think we can have that

discussion, but if you want to throw out a very specific example like the AS did and you want that analyzed, doing that by September might be challenging.

Marc Gorelnik [00:18:27] John.

John Ugoretz [00:18:28] Thank you Mr. Vice-Chair and thank you Mr. Chair for your comment. I see two things here, one that the current range of alternatives incorporates a maximum limit per year and a maximum total limit in that anything less than that would be acceptable within the way it's written. I also hear you that while the advisory subpanel has recommended this extremely low rate, I have not heard that echoed by our other advisory bodies and nor have I seen evidence in the EFP data that indicates a reality of crowding. I understand there's a concern about crowding or a concern about economic impact. I think we heard excellent public testimony about the fact that yes sometimes fishery catch does not yield the value a fisherman desires and in those cases the fishermen either chooses to gut it out or stop fishing. I do see this as a valuable gear to authorize and that it is one more tool in the quiver that a fisherman could choose to use and whether or not they make money on that is really their own personal choice issue.

Marc Gorelnik [00:00:01] Further discussion? Rich Lincoln.

Rich Lincoln [00:00:06] Thanks Vice-Chair. So I mean I clearly think there's, I mean there's two kind of separate questions that have been articulated well here that are kind of tied together, one's about the range of alternatives, what's possible for us to consider in September and the other is whether the information we have in September is really sufficient, and I think this was the question Chuck kind of alluded to... whether the information there will be sufficient to, and Phil mentioned as well, to create the record that we need to actually make a decision on a final preferred alternative and then I think John just alluded to the fact that he thinks, I mean I, I'm sensing John that your comments were to the fact that you think you would have the information that you need right now to reach that conclusion, and I, and I guess what the Council discussion suggests to me is that there is an interest in having some better analysis of some of these questions about the, both the level of permits and the speed at which we might ramp that level up that we are continually getting additional information on, and that, of course we haven't seen any analysis yet on some of those topics for the schedule, understandably for the, for the schedule that we have but I think there's, a you know, a reasonable discussion and potential concern that we might if we want to have sufficient information to make a considered decision the question is right now whether we need to ask for some specific analysis or not.

Marc Gorelnik [00:01:48] Corey.

Corey Niles [00:01:51] Yeah thanks Mr. Vice-Chair and I think Mr. Lincoln makes a really, really good point but I have some thoughts, try to get all at once and it may come down to a question and a suggestion for Ryan but I'm kind of with Mr. Anderson and skeptical about what, not skeptical about what we're going to get back in September but I'm skeptical about we're gonna feel any differently that we have any more clear answers than we have now when we see the analysis. Not the fault of the analysts at all. This is excellent analysis. I think Dr. Stohs said something about you can do a Bayesian model without any data and it will give you an answer, but it's going to be a very uncertain answer, and the thought that came to mind here is like we're not launching a rocket to Mars here. Not every, not all systems have to go exactly right to get us where we're going to go. This is going to be, we're not going to find the ultimate number of permits. Maybe a phase in approach is the way to go. I think like Mr. Krebs said this, I kind of tend to think that the fishermen will figure it out. You know some will, whether well how messy is it going to be is, is more of my question and it's gonna be

driven by market. You heard as I said this is about money, making a living and it has to be profitable and it's there's a lot of questions about that and those are the forces that are really going to decide. If we want to open access today there's not going to be 500 people fishing with, with the market being what it is now. So these are really complicated issues that analysis is not going to pop out a perfect number. So also tying back to my earlier question to Lyle about the NEPA analysis and why I find it sometimes distracting and Lyles and I don't, I'm not suggesting this is his own focus but we're doing an EIS because it's on the significant ques...the significance question and no, I'm going to say the answer is no, this is not a significant impact because we've said everywhere across all of our fisheries we haven't found any kind of significant impact, but so to get to my suggestion and question and refreshing my memory, the way we should be approaching this decision under the Magnuson Act under the framework it gives us and looking to our, our legal advisor and NMFS but it is in my mind the way it should be structured is under 303.6, which is establishing a limited access system and my question to get to it is, is the analysis we're going get going to be structured that way where we're comparing there's A through G, we tried to count letters yesterday but I'm not going to do that now but so how many factors we should be considering such as present participation in fishery, economics, so on and so forth so in my mind we should be looking at these alternatives and compare it to these factors and, and the other side of the coin of the economics and a number. If we phase it in is the fairness and equity question about why a phase in would be fair and equitable and I think I'm hoping the analysis gives us the justification to, to make that what is a fair and equitable, if we have to cut people out or have them wait what's the fair and equitable way of doing that? So sorry to go on so long here but is, are we going to see analysis structured around the Magnuson Act factors for, for creating a limited access system?

Marc Gorelnik [00:05:26] Ryan.

Ryan Wulff [00:05:26] I'm sorry can you repeat your question one more time?

Corey Niles [00:05:29] Say restate the question one more time?

Ryan Wulff [00:05:30] Yeah.

Corey Niles [00:05:31] Sorry yeah there was a lot, a lot of words there in the question so I think the way that is, is analysis gonna be structured under Section 303.6? If I'm, if I'm counting the provisions here right which is how the factors for establishing a limited access system which asks us to take into account present participation in the fisheries, historical fishing, economic zones so forth, there's, there's A through G list of criteria there that we should be thinking about.

Ryan Wulff [00:06:01] I'm going to phone a friend.

Marc Gorelnik [00:06:03] Very good. Come on up Lyle.

Lyle Enriquez [00:06:13] Thank you Mr. Vice-Chair. Thank you Corey. While our EIS will be in a NEPA structure, it won't be structured around you know comparing the alternatives relative to all those factors under MSA 303(b)6. We'll definitely include, I mean it won't, it may not be an exact comparison about how each of the alternatives perform under those factors. We'll definitely have some discussion on how the Councils ROA is consistent with those, those factors that we must consider when instituting a limited entry program. So we will talk about that yes.

Marc Gorelnik [00:06:50] Is it okay Corey?

Corey Niles [00:06:52] Yeah thanks Lyle. I just I will, I will, it's not the time to go into it now but I think yeah we'll see what the analysis is but I think our discussion should and our choice of alternatives should speak to those criteria, and I think that's, that's the way the Magnuson asks us to structure our decision and compare alternatives, and I think, it's formatting really is kind of what I'm hearing and we'll, we'll pull the information together to do that so thank you.

Lyle Enriquez [00:07:17] Yes. Yes. Okay yeah so we understand that when the Council is instituting a limited entry program they have to take these factors into consideration and we will have some discussion of that and analysis of those and whether your range of alternatives does consider those and how it will be affected.

Marc Gorelnik [00:07:34] All right. We're supposed to provide guidance here and I guess the, my summary brief summary, leaving out all the nuances, is whether we want to ask for, whether we specifically want to ask for a different number when it comes to the rate of increase in the number of permits year to year or not ask for that analysis. If we ask for that analysis then we may not have the information we need in September from NMFS in order to proceed on the schedule as it sits today. Is that? Ryan.

Ryan Wulff [00:08:15] Yeah thank you Mr. Vice-Chair. Let me, this has been a good discussion. It's helpful to hear kind of the questions and concerns in addition to all the comments we've already heard, so let me be as clear as I can to help facilitate that and I think your, your summary was good. NMFS you know we're comfortable with the analysis that we believe we will have ready in September on the existing alternatives that are out there in the range that we've discussed that we present, and we do have a number of comments that have come here. We've told you how we plan to incorporate some. We do plan to get there. We have about three plus weeks from now is our deadline internally to kind of wrap that up and start that through internal clearance in order to get that into the advanced briefing book, so if you were to suggest a new alternative here, the ability of NMFS to analyze it in the way that we presented today is not going to be ready by September. That said what I was trying to point out and maybe this gets at a better answer to your question Phil is, if you were to do something more conservative, for example like the advisory subpanel has suggested, it's within the bounds at least of what we have already analyzed so it wouldn't require a complete reworking of the analysis, the approach or additional. If that was where you selected in September we would then of course have to take that and turn that in as an alternative in the analysis but we could come back to the Council after that and show you that as opposed to moving forward with just publishing the EIS without you getting a chance to see it. So that's probably how I would see that play out in that scenario if that's helpful and addresses I think where I'm hearing folks.

Marc Gorelnik [00:10:09] So we basically have a short, we have a short internal deadline so any additional guidance we provide you jeopardizes the completion of your work by that deadline? Ryan.

Ryan Wulff [00:10:22] Except unless it's on the existing ROA. Any guidance on the analysis as the range of alternatives as it exists now we are trying to incorporate. That's why we brought it here. We are trying to incorporate as much feedback as we can. It's only in the case of if you're suggesting a new alternative at this point.

Marc Gorelnik [00:10:39] Fair enough. John.

John Ugoretz [00:10:40] I'm good.

Marc Gorelnik [00:10:41] You're good. Phil.

Phil Anderson [00:10:43] Thanks Ryan I appreciate that further explanation of kind of where we are. I am not suggesting a different alternative. I think based on your response we have some different approaches that are in the ROA now with some flexibility to modify them within the bounds of that. Until we get the social and economic analysis that goes with these I'm ill prepared to suggest that we need to do something else and I do think that between three point one and three point five and the others that are in there in terms of where it starts and how it ramps up and it's, and it's a maximum number in terms of the number you would add that you know that with the up to that it gives me sufficient comfort that we will have once we get the information and the further analysis to help us craft a decision if it is something other than the preliminary preferred alternative so thanks for that.

Marc Gorelnik [00:11:52] Corey.

Corey Niles [00:11:54] Yeah and I'm with Mr. Anderson there I just want to.... I might have distracted from Mr. Lincoln's point with my... But I think to the extent that NMFS can within the range provide information you know it's within the range but it would also be helpful to have information to help inform you know the, you know the desirability of doing something slower would be helpful.

Marc Gorelnik [00:12:22] All right. Any further comments here? I know that you've received some suggestions from around the table that don't relate to a different alternative, for example issues of overcrowding and whatnot so I guess I don't know whether to look to Ryan or to Kit to ask, to summarize the guidance you believe, you believe you've received so that we can make sure that we close out this agenda item, we're not leaving any loose ends.

Ryan Wulff [00:12:59] I would hate to deprive Kit of this.

Kit Dahl [00:13:05] Thank you Mr. Vice-Chair. Ryan. Well I think you've had a very useful discussion. I think all of the input from your advisors and the public has raised a number of issues about some of the effects of the fishery. From what I heard a lot of your discussion has been around this question of whether you know what, what would be the appropriate pace for issuing limited entry permits and I think we've heard that in terms of your decision in choosing a final preferred alternative you could consider something that's within that range that may be somewhat different from your preliminary preferred alternative that NMFS will make its best effort to provide the information that can inform a less aggressive schedule. There's also been other input in terms of the analysis, more technical for example the advice provided by the SSC that I think NMFS is taking under consideration and so on... so I guess I really need to I think you've provided some useful input and I would trust that NMFS finds, finds this has been useful and can as to the degree they can well incorporate it into the analysis they bring back in September.

Marc Gorelnik [00:14:51] I just want to ensure that no comments made here get lost so that when we come back in September someone doesn't say 'hey how about...' so, Caren.

Caren Braby [00:15:05] Thank you Mr. Vice-Chair. The only thing I would add to that is kind of more clarity about the process to annually reconsider the number of permits that might be added to the, to the program. If there is some way to have some clarity on what that proposed process might look like moving forward that I think would be a good discussion to have in September as well.

Marc Gorelnik [00:15:32] All right. Ryan's captured that. Any other discussion around.... Ryan.

Ryan Wulff [00:15:39] Thank you just a last point. I'm hoping this guidance to NMFS also comes

with some latitude to allow us to draw on members of the MT and Council staff as appropriate as we try to incorporate as much of this as we can for September.

Marc Gorelnik [00:15:55] I wish you would. All right. Anything further around the table on this agenda item? Kit how are we doing?

Kit Dahl [00:16:09] The little clock on my computer says it's 11:57 so I think you're doing great. Great timing.

Marc Gorelnik [00:16:17] Great. All right. Well I think that concludes this agenda item and it concludes our HMS for this meeting.