

DRAFT COUNCIL MEETING TRANSCRIPTS
251st Session of the
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

5. Agenda

Phil Anderson [00:00:00] So next up is the consideration of the approval of the agenda. So we have a proposed Council meeting agenda under agenda item A.5 and consider a motion to approve. Pete.

Pete Hassemer [00:00:21] Thank you Mr. Chair. I move we adopt the agenda as printed without modification.

Phil Anderson [00:00:29] Thank you. Is there a second? Seconded by Louis Zimm. Motion to approve the agenda as presented. All those in favor say 'Aye'.

Council [00:00:36] Aye.

Phil Anderson [00:00:36] Opposed no? Abstentions? Motion carries.

B. Open Comment Period

1. Comments on Non-Agenda Items

Phil Anderson [00:00:00] Thanks, any questions for Brian? Louis Zimm.

Louis Zimm [00:00:06] Thank you, thank you Brian for your presentation and I will look up the video and I appreciate this work...however the National Weather Service did a similar thing and getting back to Marc's question on how easy this is gonna be to be used on these little devices. When the National Weather Service did it, it actually became more difficult when you were trying to link to various things locally, you got pulled back to the national site and it actually became much more difficult. I just want to make sure that you avoid that, that kind of thing of anytime that we're trying to work here regionally we get pulled back to the national website and then have to go back through the menus to get back to here and I'm sure that you've, you you understand that problem and I hope you meet that.

Phil Anderson [00:01:09] Other questions of Brian? All right. Thanks very much. Is there anything else under open comment? All right. That closes any discussion on what we've heard.

C. Administrative Matters

1. National Marine Fisheries Service Strategic Plan

Phil Anderson [00:00:00] Okay that takes us to public comment. Do I have any public comment under this agenda item? We do not. So that takes us to our Council action. We're being asked to provide comments by September 20th I believe it is on the West Coast Geographic Draft Strategic Plan and a short, short period of time to do that. We've had some good comments come from our advisory committees and that I think we could make part of the record that we provide to the, to National Marine Fisheries Service. Chuck's just provided some initial thoughts of his, in terms of comments that we might make so... and also advanced the idea that we have our Council staff take what we've heard and put those together in some sort of a written document that would be provided to National Marine Fisheries Service and I understand it. So other comments or particular points that you would want to make sure were included in the response that we provide to National Marine Fisheries Service West Coast Region? Caren.

Caren Braby [00:01:35] Thank you Mr. Chair and thanks for bringing this plan to this discussion so we can think about those long term strategies and provide comments. I think that we've heard a lot of very thoughtful suggestions from our teams, in particular ones that resonate for me are the prioritization of other uses over the core work that the Council does and, and that I'd like to see the emphasis on the resources rather than other uses and that's probably a very expected comment from the Council given what we are here to do so to the degree that those comments can affect change within this draft strategic plan I would, I would like to see NMFS find a way to, to really emphasize that core fundamental work of, of managing the resource and the fisheries in a sustainable way and management of other uses as a secondary objective. So I guess that, that's my personal thought of where my, my head is going just hearing these comments and reviewing this draft and I, I support the idea of having staff take the comments from all of our advisor, advisory bodies and, and drafting a letter as you suggested earlier as you fleshed out during the question and answers and, and delivering that more formally to NMFS.

Phil Anderson [00:03:25] One of my concerns in looking at the document and it is touched on although it's, you have to maybe read between the lines a little bit to get it, but I think one of the biggest, I don't know whether, it is a risk and I know it's a challenge but is our ability to continue our stock assessment work and our ship time. I just think it's such a fundamental cornerstone of our management both for groundfish as well as coastal pelagic species and it is crumbling before, right from under us and in the absence of finding a way to address that challenge the risks to our resources and our ability to manage them in a responsible way is, is really called into question and so I would advocate that we include something about that in our comments that it's clearly identified and that you don't have to read between the lines to ferret that out from the document. Marc.

Marc Gorelnik [00:04:46] Thank you Chair Anderson. I'm not sure to what extent the document is more aspirational. I see a number of things addressed in here that I suspect are somewhat less fundamental such as streamlining energy development that, that may be a laudable national goal but that does take resources and as Chair Anderson has mentioned and others have mentioned we don't yet have adequate resources to attend to our most fundamental tasks so I guess I endorse Chair Anderson's point and I, I wonder a bit about, I wonder to what extent this document suggests some co-equal goals that perhaps ought not to be so co-equal. Tend to our, tend to our knitting, so to speak before we seek to expand or address or other issues, not well stated but that, I hope you understand what I mean.

Phil Anderson [00:06:07] Thanks Marc. Other comments on this agenda item? We'll look to, I don't know what's reasonable to expect in terms of maybe on day last having a look at something or, or were you anticipating bringing something back or did you want a blank check?

Chuck Tracy [00:06:31] A blank check sounds pretty good but, but I think we can probably put something together or at least attempt to and do our best to bring it back to the Council under workload planning...that's the Council's wishes.

Phil Anderson [00:06:48] Okay. Sound good? All right that'll close out this agenda item.

2. Legislative Matters

Marc Gorelnik [00:00:00] That completes reports and public comment and takes us to Council discussion on the Legislative Committee Report. Recommendations including the draft letters we have before us so let me look around the table. I mean maybe we should, I don't know what, maybe we should take the letters one at a time and first look around the table and see if there are any comments on the letter to Representative Bishop. Pete.

Pete Hassemer [00:00:43] Thank you Mr. Vice-Chair and excuse me I just wanted to make sure I stepped in at the right time here that this is on the letter to Mr. Bishop. Yes and regarding the, the Driftnet modern, Modernization and Bycatch Reduction Act, these are just my thoughts. As I listened to the advisory body and the management team reports the, the tone of our comments focus on alternative fishing methods which Mr. Bishop requested information about but it, it comes across as these are alternatives to the current fishing practices that would be put in place and that, what I was trying to, excuse me I lost the document here, in the HMSAS, the advisory body report they may have a couple of sentences at the bottom of page 1 that says H.R. 17,1979 would result in the phase out of the DGN gear type for harvestin, harvesting HMS off the West Coast in favor of alternative practices. On its face H.R. 179 assumes an economically viable replacement for DGN and I thought that was important. Our comments, I don't know why this doesn't let me look at those, here it is. The comments don't reference and I think should reference National Standard 1, optimum yield while minimizing bycatch. The, the tone is really focusing on alternatives and minimizing bycatch and it misses this fact that we're trying to manage the fisheries for optimum yield. The AS had a lot of details about what harvest levels have been for various fisheries and I don't think we need to include that but and hopefully this doesn't need to be done through motion or anything but where our letter states. I guess the start of the second paragraph and the comments about driftnet modernization, it says the Council has several methods for minimizing the incidental catch, maybe the lead in to that is as the Council manages fishery or a reference to National Standard 1 and this Council manages these fisheries for optimum yield. We have numerous methods to minimize bycatch so there, there is that reference to, we're trying to achieve some yield here and the sole purpose isn't to minimize bycatch, which is very important, I'm not arguing about that but where it just misses the charge about the yield side and maintaining an economically viable fishery so if staff can edit that and might take one sentence but referencing the National Standard 1 and the yield portion of that. Thank you.

Marc Gorelnik [00:04:20] Let me look around the table and see if there are any comments from other Legislative Committee Members. I will say that the scope of our response was discussed in Legislative Committee because there's certainly a lot of things that could be said about the bill but we focused on the specific language of the request which was in two parts to analyze the current status of alternative fishing practices to minimize bycatch. That was the first part of the request and the second part of the request was alternatives to current fishing gear. There was no, nothing in the request about the economic viability of any of these, of these methods and I think the legislat, Legislative Committee felt that we needed to stay within the four corners of the request because once we go outside the four corners you know the kitchen sink can come in, so I think that was the thought of the Legislative Committee but of course the letter's coming from the Council it's not coming from the committee so, Bob.

Bob Dooley [00:05:40] Thank you Mr. Vice-Chair. Yeah I do appreciate Mr. Hassemer's comments and I note optimum yield while reducing bycatch to the extent practical, practicable or that, that word that's in there would also be a good addition to that and I just think that doesn't necessarily change the charge it just points, points to the issue.

Marc Gorelnik [00:06:11] Rich.

Rich Lincoln [00:06:13] Thank you Vice-Chair. I don't have any particular problem with a simple, simple reference to optimum yield. I, I would have a problem with us delving into some kind of lengthy discussion about how we manage the fishery or how we've been precluded from managing the fishery by actions that NOAA chose not to take or the economic kind of analysis on the fishery that I think that is outside the bounds of the request and I think it probably is a benefit to us in this case to where we've had a narrow request to try to, respond to it in basically the same narrow context and there's a lot of stuff going on around this whole issue that the Council's not involved in and I think there probably would be a lot of interest from constituents on both sides for us to take positions on a bill for various reasons. That, that isn't what was requested here and it's not something that I think we need to stay away from.

Marc Gorelnik [00:07:23] John.

John Ugoretz [00:07:25] Thank you Mr. Vice-Chair. I do have a slight concern with one sentence in the letter on page 3 that says 'at its November meeting the Council is scheduled to consider initiating an HMS FMP amendment to authorize shallow set pelagic longline gear', while that may be technically correct I think as written it perhaps sends a message that the Council is further down the road than we are on that discussion. I believe the November agenda item is for public scoping on that and would recommend that we rephrase it to say scheduled to hear public scoping on a potential et cetera.

Marc Gorelnik [00:08:19] Chuck.

Chuck Tracy [00:08:20] Thank you Mr. Vice-Chair, Mr. Ugoretz. Thanks for your comment. I will note that there's a couple of places in here where we would want to update the letter based on the results of what happens at this Council meeting and that is, that is one of them. That being said you know I think we, I think we were....let me find the spot here before I speak to it, yeah so we said that it is scheduled to consider initiating so we got, we were as careful with that as we could without trying to insinuate that the Council has already started...we're going to consider initiating so I think we tried pretty hard to characterize that so I guess maybe I'll just see if after pointing that out if you'd still like to soften the language somehow.

John Ugoretz [00:09:25] Thank you Mr. Vice-Chair. Yes I did read it that way. I don't know whether everyone would take that subtlety and I think by adding that you know what's currently on the draft November agenda is to receive public scoping after which we would do exactly like you say consider that would be a simple change.

Marc Gorelnik [00:09:55] Chuck.

Chuck Tracy [00:09:55] Thanks. Well I don't want to get too deep into this now because I'm not sure it's the right time but, but I think, I think that will be the, you know I think the way Council Staff is currently thinking about this agenda item the Council action would be to let you know at this, at the November meeting if that stays would be to you know take, take that step towards initiating or not an amendment to that, that's the way Council Staff is viewing that agenda item in November.

Marc Gorelnik [00:10:43] John.

John Ugoretz [00:10:44] I think given that I think as you say we need to have that discussion in agenda planning then perhaps the letter is, is adjusted based on the result of agenda planning.

Marc Gorelnik [00:10:59] Great solution, but we do have, Pete did suggest that we incorporate a reference to National Standard 1 and I think Rich had indicated that a simple statement would be fine but not go beyond that. Christa.

Christa Svensson [00:11:17] Certainly and thank you. I agree with Mr. Hassemer in terms of having statement one and I you know as part of the Legislative Committee agree with Mr. Lincoln and with yourself that we do want to stay within the parameters. I likened it in the meeting of hey there's a thread on my sweater and if I pull it off is it a thread or is it actually part of the sweater and I'm going to unravel the whole thing? I don't think we want to unravel the whole conversation and in adding too many parts and components we may move down that path. That being said I, I don't think having a sentence with reference to National Standard 1 is remiss and I do think that it is appropriate within the letter.

Marc Gorelnik [00:12:06] Okay. Pete do you want to repeat your suggested sentence or do you have a suggested sentence?

Pete Hassemer [00:12:14] I'm not sure I should say thank you Mr. Vice-Chair...(laughter)... I did not have a suggested sentence but.....

Marc Gorelnik [00:12:25] Well you don't need to I just....

Pete Hassemer [00:12:28] What, I did have a thought there and this was at the second paragraph under our, the comments under H.R. 179 that starts 'The Council has several methods for minimizing incidental catch', starting that sentence and I can't craft it exactly here but under the Council's mandate or, or however word it, under the Council's actions to or guidance under National Standard 1 to provide optimum yield and minimum, minimize bycatch that we, or we manage the fishery to provide this yield and... you know that's bad wording but capture the fact that we're guided by National Standard 1 in our management trying to achieve yield and minimize bycatch and here are methods that are used to minimize bycatch.

Marc Gorelnik [00:13:31] What I would suggest is we simply ask the Council Staff to insert a reference to National Standard 1. I'm not sure that it needs to be as lengthy what you suggested because referencing it, National Standard 1 incorporates by reference the terms of National Standard 1, so is that acceptable to the Council, and Jennifer do you think you have adequate direction?

Jennifer Gilden [00:13:56] Yes Mr. Vice-Chair.

Marc Gorelnik [00:13:57] Oh and Dr. Brady.

Caren Braby [00:13:59] Thank you Mr. Vice-Chair. I do think that the words should be in there, it should be National Standard 1 to, for optimum yield and to minimize bycatch. I don't think it should just be referenced to National Standard 1.

Marc Gorelnik [00:14:10] Okay.

Caren Braby [00:14:10] If that was your suggestion I would like some brief description of what National Standard 1 is.

Marc Gorelnik [00:14:17] Okay fair enough. Is that fine with everyone around the table? Okay I think everyone is nodding their head. Is there a further discussion on the Bishop letter which of course

touched on two different bills? Okay I'm not seeing any now let's turn to the draft letter to Senator Cantwell regarding the Wicker Bill. Rich.

Rich Lincoln [00:14:47] Thank you Vice-Chair. Sorry I was a little slow on the draw there but back on the, back on the Bishop letter with respect to the Forage Species Bill, there was a part of this that seemed to me to be a little bit, I don't know if irrelevant's the right word but may be distracting. There's a, there was a section in the letter, I'm trying to find it now that referenced the requirements in the, or the provisions in the bill that would restrict financing to fisheries that had been declared overfished unless the secretary declared that there, that fishing wasn't a factor and then we get into a whole discussion about depleted versus overfished which I really think is not relevant here because I don't think any of us would disagree that providing disaster relief to a fishery that actually had practiced overfishing is a, is a good idea. So even if we use the word depleted, somebody's going to have to still look at that situation to see if fishing was a primary factor so I'm not, I'm not sure that, I'm not sure that I share the concern expressed here or that this is getting into discussion about overfished versus depleted is actually useful in this context.

Marc Gorelnik [00:16:22] Brad.

Brad Pettinger [00:16:23] Thank you Mr., thank you Mr. Vice-Chairman. I think relating to what Rich just said there, I think that as an example of how it might, that might not be true, if you look at this Council we followed the advice of the managers and we did overfish but it wasn't because we were wanting to overfish or we were doing, in retrospect we were overfishing, so I think it's kind of, you got to be careful about that as far as was it, people weren't actively doing that intentionally so I just kind of point that out. On the other thing on the letter here we have Senator Cantwell, I see you have Dear Ms. Cantwell in this draft and in the, the one in July 11th, 2019 you have Dear Senator Cantwell and I'm just kind of curious is which one is proper? Point that out.

Marc Gorelnik [00:17:15] Right and also the letter to Bishop says Dear Mr. Bishop rather than Representative Bishop. I'm not sure what the appropriate salutation is but Chuck.

Chuck Tracy [00:17:25] Thanks Mr. Vice-Chair. Thanks Brad for that comment. We actually went around a little bit with this very recently in a letter that was sent to several people. I think it was in regards to the Jordan Cove issue or maybe something else but I think we determined that, that actually the proper salutation is Ms. or Mr. and had a thorough analysis of that so.....

Marc Gorelnik [00:18:04] Rich Lincoln has made a suggestion. I'd like to see if there's agreement or disagreement with it. That had to do I believe with simplifying the paragraph which gets into the details of overfished versus depleted. Is there, what do folks think? Do people generally agree with Rich's thoughts on that? Do you not have any, does anyone object to Rich's thoughts? I think it's a reasonable thing to do. Anyone disagree with that so we can move this forward. Chuck.

Chuck Tracy [00:18:43] Thank you Mr. Vice-Chair. I guess I will, I would just put out there that even if we wanted to keep it there's, there are issues with this paragraph and how we use the terms 'overfished' and 'overfishing' and I would certainly welcome any opportunity to revise or, or otherwise deal with this, the rather confusing verbiage.

Marc Gorelnik [00:19:12] Well may I suggest that folks provide the Council Staff any suggested edits to the letter that could be incorporated whether with regard to this paragraph or otherwise. I realize the Councils not had much of an opportunity at all to, to look at it. Phil.

Phil Anderson [00:19:35] I would like to suggest we bring this back on Wednesday under our administrative items so we have a chance to..... I have a couple of, of concerns about it as well but I'm, I don't want to try to edit it on the floor and so agree with you that providing edits to staff between now and then sooner rather than later is, is a good plan and then obviously it sounds like Chuck wants to do some additional editing to it as well, so take a look at a, a refined version on Wednesday.

Marc Gorelnik [00:20:19] All right. I think that makes sense to bring this back for hopefully a brief discussion on Wednesday and I would encourage everyone to provide your comments to Council Staff as, as was said as early as possible to increase the likelihood that we get a draft ahead of our Wednesday session and I guess based on the discussion between John and Chuck there may be a slight change to the Bishop letter as well based upon what we do during workload planning. Corey.

Corey Niles [00:20:56] Yeah thanks Mr. Vice-Chair that sounds like a good suggestion. I just, maybe it's a quick thought here in connecting what Brad said to Rich's comment I think, I think the issue about the, whether we can differentiate the causes of a low population status from one another is, is kind of a nuance thing but you can't just do it by replacing the word 'overfished' with 'depleted' but that contributing factor to the fishery resource disaster might be not a very, 'contributing factor' is kind of an imprecise term. I think Brad's example if I'm reading his mind is like for petrale sole we, we thought we were following the, we were following the best available science and yet in retrospect in the 2009 assessment it looked like we were overfishing the stock for a couple of decades so if, if that resulted in a disaster we had been following the best available science but with that updated we would have, overfishing would have been a contributing factor so I think it's, the key to the issue is, is how fishing should be factored into the decision of whether there's a disaster relief.

Marc Gorelnik [00:22:10] All right.

Corey Niles [00:22:11] And it's complicated.

Marc Gorelnik [00:22:12] Thanks for that Corey. Is there any further discussion on either of the letters? Is there any further discussion on the Legislative Committee Report? Bob Dooley.

Bob Dooley [00:22:28] Thank you Mr. Vice-Chair. I noticed in the staff summary of federal legislation that I didn't, I did not see SS 2297 which is Sullivan's Coast Guard Authorization Act of 2019, I think there are some provisions in there that might be, that we should look at and just be informed of, that some of the provisions talk about the use of AIS as pingers on, on fixed gear and there's a discussion about that. There's fishing vessel safety grant training, there's a bunch of provisions but I just, I'm not, nothing specific that I want to point out but I think it should be on our radar because I know that for instance marking fishing gear is pertinent to one of our agenda items in HMS coming up and how that might interact and inform us in our decision so just, just pointing it out.

Marc Gorelnik [00:23:24] Great Bob. I think we'll make sure we include that at our November Legislative Committee meeting.

Bob Dooley [00:23:31] Thank you.

Marc Gorelnik [00:23:33] Anything further on this agenda item? Jennifer are we good for now? I know we'll come back to this on Wednesday so we're not closing out the agenda item.

Jennifer Gilden [00:23:47] Yes Mr. Vice-Chair. I will not be here on Wednesday but I will follow up with these drafts of letters and provide them to other Council Staff who will be remaining here.

Marc Gorelnik [00:23:58] Great and let me just emphasize again for folks I realize we're on the floor all day but if you can get comments to staff sooner rather than later that'd be terrific. All right so we'll set this agenda item aside for now.

Revisit

Phil Anderson [00:00:01] So then let's go back to C.2, I believe it is the Leg Matters. Pass the gavel over to Mr. Gorelnik, Vice-Chair Gorelnik for this.

Marc Gorelnik [00:00:11] Thank you to your Anderson. Just distributed this morning and available on Dropbox and online are the revised draft letters to Representative Bishop and Senator Cantwell. Do folks want a few minutes to look at these or otherwise I'll simply ask. Let's taking first the Bishop letter and try to get input from folks on that. I see people looking down at their screens so perhaps they're looking at the letters so maybe Craig and shoot, can cue the Jeopardy music, no just kidding. Phil.

Phil Anderson [00:01:04] Just a question on the Cantwell letter dealing with fishery disasters. Chuck you mentioned that you thought there was some additional work or is there some particular points that you feel need to be added to or is there, is it more just a polishing of the language that's there?

Chuck Tracy [00:01:29] Thank you Mr. Vice-Chair, Mr. Anderson. I think it's mostly polishing up what's there. Again we did a you know quick perusal of the analysis that Pacific States did which is rather thorough, kind of picked out some highlights. You know there probably are some other issues that could be identified and commented on but at this, at this time I guess I'm not anticipating any unless the Council has some specific direction that they're interested in going or some specific issues that they would like to have us develop comments on.

Marc Gorelnik [00:02:18] Let me just since you started with the letter to Cantwell, Senator Cantwell regarding Senator Wicker's bill let me look around the table and see if there is any concern or comments about either the content of that letter or the path forward that Chuck described. Joe.

Joe Oatman [00:02:39] Thank you Mr. Vice-Chair. So the tribes did review the draft letter. We do have a proposed addition to that. Not too sure how best to get that to folks or do you want me to read that at this point?

Marc Gorelnik [00:03:03] Sure. You have something. I didn't quite, couldn't quite hear you but you have something to read?

Joe Oatman [00:03:14] Yes. The tribes would like to have an additional...

Marc Gorelnik [00:03:19] Sure please go ahead.

Joe Oatman [00:03:20] Read that?

Marc Gorelnik [00:03:22] Yeah.

Joe Oatman [00:03:22] Okay thank you. So we propose adding a tribal reference to section 2.d.2.a so it reads as follows, "The Secretary shall complete a review within the timeframe described in sub paragraph B using the best scientific information available in consultation with the affected state or

tribal government'. So I think in the section as it had read was just referencing state and so we'd like to have tribal government included in.

Phil Anderson [00:00:00] All right. Thank you very much and that brings us to the end of our meeting agenda. Anything else to come before the group? Marc Gorelnik.

Marc Gorelnik [00:00:13] Chair Anderson I think we have one small matter. The Legislative Committee the letter to Representative Bishop.

Phil Anderson [00:00:20] Oh pardon me. Yes I'll turn to you.

Marc Gorelnik [00:00:24] All right. Thank you. A revised draft has been circulated. It's online and it's also in the Dropbox and those of you who get paper have a copy of it. I have one proposed edit but I'll look around the table and see if anyone else has any comments or edits to the letter.

Phil Anderson [00:00:52] Corey.

Corey Niles [00:00:53] Thanks Mr. Chair and Mr. Vice-Chair. This is, to the extent staff could work this in, I'm looking at the first full paragraph on page three and I made a similar comment when we sent the letter to Senator Cantwell in the final sentence it says reads 'we would be concerned however if legislation required detailed quantitative estimations of factors', so on so forth and I just see an opportunity there to just rephrase a bit or change the tone and just talk about how that, doing that, requiring that would equate to a large commitment in terms of federal resources for monitoring. I'm getting to that clearly just again an opportunity to educate about our resources for, for conducting such studies and it's so where the concern comes from is that current budgets don't, don't leave a large gap in our ability to do that. So yeah again just to the extent that we give staff leeway to think about changes there, there's a slight change in tone I think would be good for educational purposes an explanation of budget circumstances.

Marc Gorelnik [00:02:06] Thank you Corey let me look around the room. Does anyone object to asking staff to incorporate some language consistent with what Corey has mentioned? I think people are fine with that. Any other comments around the table on the draft letter? Pete.

Pete Hassemer [00:02:26] Thanks Mr. Vice-Chair. Just a reminder this draft doesn't include the other change we made on the driftnet modernization, that one sentence but I'm assuming that just got lost in all the drafts going back and forth.

Marc Gorelnik [00:02:42] Right. I think we can stipulate that the changes we agreed to before would also be incorporated into this draft. John.

John Ugoretz [00:02:56] Thank you Mr. Vice-Chair. On a similar note I think given our discussions surrounding shallow set longline we, we would add the outside the U.S. EEZ to the end of paragraph three on page two.

Marc Gorelnik [00:03:09] I think that's consistent with our earlier discussion. Anything else looking around the... Mr. Dooley.

Bob Dooley [00:03:19] Thank you Mr. Vice-Chair. I assume it's the same thing with the Dear Mr. Bishop that we're going to fix that.

Marc Gorelnik [00:03:25] Representative Bishop.

Bob Dooley [00:03:26] Yes please.

Marc Gorelnik [00:03:27] Okay.

Bob Dooley [00:03:29] Thank you.

Marc Gorelnik [00:03:29] Anything else around the table before I get to my one small change? I want to defer to you folks first but I'm not seeing any other hands. If you look on page 2, the second paragraph under.....the second paragraph of our response on the forage fish there's a sentence that ends, well it starts 'The Pacific Council has taken action to proactively protect managed, unmanaged forage fish resources without legislative guidance beyond the MSA', and there was a change in an earlier draft that somehow got dropped and I would add their comma 'as could any other Council if it chooses'. Folks okay with that? All right. Let me look around the room and see if there's any other comments on this letter or legislative action and if not I will hand the figurative of gavel back to Chair Anderson to conclude the meeting.

3. Approval of Council Meeting Record

Phil Anderson [00:00:00] So let's go right to agenda item C.3 which is consideration of the approval of the draft meeting record for the June 2019 meeting. You have that under agenda item C.3, Attachment 1 and so we'd entertain a motion to approve the draft June 2019 Council meeting record. Pete.

Pete Hassemer [00:00:30] Thank you Mr. Chair. Excuse me while I find the correct reference here.

Phil Anderson [00:00:41] It's agenda items C.3, Attachment 1.

Virgil Moore [00:00:42] You have the screen.

Pete Hassemer [00:00:42] Okay sorry too many screens. I move the Council approve the draft June 2019 Council Meeting Record as shown in agenda item C.3, Attachment 1 draft council meeting record 250th session of the Pacific Fishery Management Council June 19 through 25, 2019.

Phil Anderson [00:01:09] Thank you. Is there a second? Seconded by Marc Gorelnik. Any discussion? All those in favor say 'aye'.

Council [00:01:18] Aye.

Phil Anderson [00:01:19] Opposed no? Abstentions? Motion carries. Mike how are we doing on that agenda item?

Mike Burner [00:01:26] Great.

Phil Anderson [00:01:26] Good.

4. Membership Appointments and Council Operating Procedures

Phil Anderson [00:00:00] So you want to do the hard one first or leave it till last? All right hearing that let's take the hard one first and do the COP. Maggie.

Maggie Sommer [00:00:17] Chair Anderson I'd like to propose a motion. I'm on a roll.... (laughter)... I move the Council adopt COP 22 with the changes proposed an agenda item C.4.a, Supplemental ODFW Report 1, Supplemental HC Report 1 and Supplemental STT Report 1, September 2019.

Phil Anderson [00:00:40] Language accur, language on the screen accurately reflects your motion?

Maggie Sommer [00:00:45] Yes thanks.

Phil Anderson [00:00:47] Is there a second? John Ugoretz seconds. Go ahead and speak to your motion as needed.

Maggie Sommer [00:00:54] Thanks. The revised COP would apply to EFH review processes for all Council fishery management plans providing a clear and consistent process. It, it was designed to outline a clear general approach to reviewing EFH provisions of our FMPs while allowing the flexibility to design the specific process and schedule for a particular EFH review so that they mesh with the FMP in question and the relevant circumstances at the time. I do agree and, with and appreciate the recommendations from the Habitat Committee and the Salmon Technical Team and note that I believe the hab, one of the Habitat Committee's recommendations was modifying one of ODFW's recommendations and the Habitat Committees should win the day and become the final language. I believe that the CPSMTs suggested edits are encompassed in those proposed by ODFW, okay so those should be covered and I appreciate the thought they gave to this and then regarding the GMT I appreciate the discussion of habitat conservation purposes and agree in general that we, we do want to be broad and think about our goals for habitat conservation specifically in the, the relevant wording here I am retaining 'objectives' since we, one of the modifications ODFW made was to put 'measurable' right before that, those habitat conservation objectives and that is to put it into the sense of say a quantifiable habitat conservation target which may be a somewhat aspirational goal but I think something we will be trying to get to when we take up our next EFH review. Thanks.

Phil Anderson [00:02:51] Thanks Maggie. Question for Mike. If this motion passes is it clear on the edits that would, that would be made to the draft?

Michael Burner [00:03:03] Yes thank you Mr. Chair. I agree with Miss Sommer that the comments in the CPS Management Team are encompassed in the ODFW edits and so I think those are encompassed. I appreciate her clarification that the Habitat Committee edits to the ODFW Report should take precedence so, yes I believe this is clear.

Phil Anderson [00:03:19] Thank you is there discussion on this motion? Corey.

Corey Niles [00:03:27] Yeah thanks Mr. Chair and thanks Maggie for the motion. This maybe, your last mention of measurable objectives you're not suggesting that, it doesn't sound like you're suggesting you just want to clarify that if we don't have measurable objectives a review shouldn't go forward and I'll caveat that statement with one of my favorite quotes from Chuck about the only time we ever really pay attention to our COPs is when we're getting ready to depart from them so there'll be flexibility at the time and that should be a phrase, a paraphrase of Chuck, not a direct quote, but so is that, am I

getting your sense you said aspiration is what I'm keying in on for measurable objectives noting back earlier in the meeting about our ecosystem discussions and how measurable can be difficult.

Phil Anderson [00:04:16] Maggie.

Maggie Sommer [00:04:17] It is my intent yes to provide that flexibility but suggest that the Council should at least consider setting measurable habitat conservation objectives in the EFH review process.

Phil Anderson [00:04:33] Further discussion? Okay. Go ahead and call for the question. All those in favor say 'aye'.

Council [00:04:45] Aye.

Phil Anderson [00:04:46] Opposed no? Abstentions? Motion carries unanimously. Thank you. Let's take up the vacant National Marine Fisheries Service West Coast Region position on the Groundfish Endangered Species Workgroup. Ryan Wulff.

Ryan Wulff [00:05:04] Thank you Mr. Chair. I move the Council, oh thank you Sandra, I move the Council appoint Mr. Brian Hooper to the vacant NMFS West Coast Region position on the Groundfish Endangered Species Workgroup.

Phil Anderson [00:05:22] Thank you. Is there a second? Seconded by Pete Hassemer. Any discussion? All those in favor say 'aye'.

Council [00:05:31] Aye.

Phil Anderson [00:05:31] Opposed no? Abstentions? Motion carries unanimously. Thank you Ryan. Let's now turn to the vacant Washington Department of Fish and Wildlife position on the Groundfish Management Team and Mr. Niles.

Corey Niles [00:05:44] Yeah thank you Mr. Chair. I would move that the Council appoint Miss Erica Crust to the vacant Washington Department of Fish and Wildlife position on the Groundfish Management Team.

Phil Anderson [00:05:55] Is there a second? Seconded by Virgil Moore. Any discussion?

Corey Niles [00:06:01] Just quickly we're excited to have Erica here. Erica has been with our ocean sampling program for as long as I've been with the agency and been producing our yelloweye estimates as long as I can remember. She was here this meeting and I just saw her leave for the airport and she still had a smile on her face so, but I think she always does but so we're, we're lucky to have her and appreciate your support.

Phil Anderson [00:06:27] Thank you. All those in favor say 'aye'.

Council [00:06:32] Aye.

Phil Anderson [00:06:32] Opposed no? Abstentions? Motion carries unanimously. We then have the matter of the vacancies on the SSC and I think, I know we had a I'll call it a robust number of applicants when we had our most recent solicitation for nominations to our advisory panels and, and including the

SSC and so and we have Mike could you refresh my memory on how many vacancies we now or we anticipate to have?

Mike Burner [00:07:15] We currently I would say have two At Large vacancies, those left by Dr. Sharma and Dr. Berger and we anticipate that the ODFW seat on the SSC will become vacant at the end of the year and ODFW would be working on that vacancy, so we would be going out, if it's the will of the Council, we would be soliciting for nominations for two At Large seats on the SSC. We have also heard from the SSC that with, with those folks leaving they have some concerns about some expert, losing some expertise in the HMS realm as well as the groundfish stock assessment realm, so those are two things we've heard from the SSC that they might want us to put in such solicitation. I think they would be open to any nominees but those are two, two areas of expertise that they are losing with, with these folks leaving so...

Phil Anderson [00:08:06] Okay so is there any objection to Council Staff moving forward with that? Okay and then the vacancy on the Ecosystem Workgroup does not require a motion, is that correct to replace miss, or Dr. Scully with Dr. Copeland?

Mike Burner [00:08:29] Correct. That, that's in place and there's no further Council action required there.

Phil Anderson [00:08:37] And then relative to the Budget Committee I did have a chance to talk with the Chair Pete Hassemer. We do, we have seven members on the Budget Committee and we have membership from the each state and National Marine Fisheries Service and as a result of having that discussion and looking at the members that we have we did not feel it was necessary to appoint another person to that, and then relative to the Legislative Committee, we're down to four members of the Legislative Committee and so I have talked with both Bob Dooley and Virgil Moore and they have both agreed to serve on the Legislative Committee so that would bring our committee up to six and give us some good cross representation of different perspectives. Virgil indicated that he has a conflict with the November meeting but I told him not to let that stand in his way from serving so he won't be, he won't make the November meeting but there, from thereafter probably will so thank you very much to both of you for your willingness to do that. So with that Mike what have I forgotten?

Mike Burner [00:10:08] Thank you Mr. Chair. I believe that is everything for as far as appointment business and the COPs. You've approved the COPs as amended per your motion and Council Staff will work to get that updated and posted on the Council website. We will move forward with Mr. Hooper and Ms. Crust appointments to your advisory bodies as appropriate. Welcome Mr. Moore and Mr. Dooley to the Legislative Committee and we will update the roster in that regard and look forward to their participation and following this meeting we will move quickly to solicit nominations for the two At Large SSC seats and request that, with an emphasis I should say on folks perhaps with groundfish assessment and highly migratory species expertise. As you mentioned we did have quite a few nominees for our last round. I was in contact with both the successful and unsuccessful nominees back then and I can reach out to those, those folks just to let them know that we have vacancies again there so thank you very much.

Phil Anderson [00:11:04] Okay so that will close out agenda item C.4.

5. Future Council Meeting Agenda and Workload Planning

Phil Anderson [00:00:00] So we're continuing to make our way through our last agenda item, future Council meeting workload and November agenda business so for the discussion I'll turn the, the mic over to Chuck and let him walk us through the issues.

Chuck Tracy [00:00:20] Thank you Mr. Chair. So I have already given a quick summary of the updates that appear on Supplemental Attachments 3 and 4, the November Quick Reference and the Year At a Glance. I think, I think at this time I'd like to just focus on November and kind of get that settled. I guess the couple issues I wanted, well just confirm, so we are at this time planning on six full days and we have filled that up pretty well. There are two specific requests still out there that are asking for agenda time. One of them is the Enforcement Consultants had a request to include their Tri-State Report which they have not been able or not presented for the last two years so their time is due. Initially we had the Coast Guard report on recreational fishery incident responses in the candidate box. They indicated that they would consider or maybe prefer to have the Tri-State agenda item appear in November rather than that and perhaps that Coast Guard report could be included in the mar, I think it's March or April Coast Guard update report though that's one, that's one issue. The second issue is this Modernizing Recreational Fisheries Act, a report to Congress whether the Council wants to include that on their busy November agenda. As I mentioned that this request just came down from a short time ago from NOAA Fisheries Headquarters. There's already been some pushback from other Councils in terms of being able to comply with the deadline so I guess I would just ask the Council's thoughts on whether to try and accommodate this or whether to push back with the, try and gain some more time on the deadline for later this next spring or, or what their preference there is. So those are the kind of two things in the candidate box and I think the other issue that has been percolating quite a bit here is to have some discussion about what the Council would like to accomplish under the shallow set longline scoping agenda item. So I think I'm going to be brave and I'm going to suggest we do that latter one first. It seems to be what people are most interested in, in resolving and so I think I'd just like to get that out of the way and then we can move on with our, the rest of our normal business for November. So with that just open it up to Council discussion.

Phil Anderson [00:03:40] Christa.

Christa Svensson [00:03:42] Okay so I am prepared to talk about longline scoping. I am going to say that some of what I talk about as I talk I want you to keep in mind may not involve the November Agenda Council meeting but I do think that the whole concept is worth talking about in terms of future planning and I think everybody is aware I have spoken about the scoping, the longline scoping on a number of occasions. I know I've spoken at the last three meetings for the need around this topic and I'm still recommending that we talk about scoping in November and in a lot of the conversations that I've had you know I hear this fear it's, it's like we're opening Pandora's box if we talk about scoping, but the reality is we already opened that box in November of 2014 when we made the decision to put this on the agenda in the Year At a Glance, and in that five years the landscape for highly migratory fisheries has radically changed but these years of delay have meant anxiety for our NGO community who are afraid that pelagic longline is not the way forward, and it's also meant five years of frustration for commercial stakeholders who'd like to have a conversation, some of them about pelagic longline but some of them about what a higher catch fishery or fisheries that meet modern environmental standards might look like. Now I think we can all agree that five hours in November is a significant block on our agenda but at the June Council meeting this year we heard an hour and 46 minutes of public testimony and my preference in November since we're going to be in Southern California is that we have a meaningful conversation on the subject rather than around it. I'd also like to note that November will be the fifth anniversary of this topic's introduction and I think that that's meaningful.

Five years is a long time. I mean I've been on here one year and it feels like a long time so I can only imagine what it feels like for the rest of you. I'd also like to note that we should be concerned about what happens if we continue to make no decision around scoping and I'm going to present this as a worst case scenario and it's a positive about buoy gear, but in this worst case we're forced to rely solely on buoy gear and harpoon fisheries in our West Coast suite of options and to meet today's current demand we currently import about 6,000 metric tons of swordfish from Pacific waters and most of those tons come from longline fisheries, and again most of those fisheries they don't utilize the same environmental standards that we want for our fisheries, that we have in the fisheries I've just mentioned. Many of them don't have any environmental standards and they often exploit workers with either little pay, no pay, excuse me no pay or by condoning dangerous working conditions. So now I'm going to give you the numbers and these are from the NMFS Supplemental Report 3 and the supplemental presentation under Agenda Item 1.a. for...at this meeting. The economic forecast under the option we authorized for buoy gear is about 210 metric tons at a value of 3.5 million dollars. The 10 year mean average from PacFIN for the harpoon fishery is about 20 metric ton valued at 212,000 dollars. That leads to a combined total of 230 metric tons at a value of 3.7 million or thereabouts. So to illustrate our potential I'm going to contrast those numbers with the high of our swordfish fishery which was in 1985. In 1985 we landed 3400 metric tons at a value today of approximately 25 million dollars and I want you to realize this number is low. If you consider that if we could convert that 6,000 metric ton of imports into domestic landings it could capitalize on the higher value that sustainable fish appears to be bringing to our markets. That number grows to almost 76 million dollars for our communities. Our unwillingness or our fear as Council members and stakeholders to have a conversation around a positive way forward means that we're leaving at a minimum 21.3 million dollars in landed value in our waters and we're utilizing only 6.7 percent of our potential. So for those of us not numbers oriented I'm going to pause in my role as a Council member and I realize swordfish isn't something that we do in Astoria or in Ilwaco where I work but I want to talk about what those numbers represent for communities like mine. I've been an Oregonian for almost 30 years. I live in Astoria with the 10th largest port by volume in the nation and I work in Ilwaco, which Butch Smith who's pretty reliable would tell you is the fourth most dependent port and county in the nation based upon the Brookings Institute and I can tell you right now that a number of 6.7 percent in our fisheries would be devastating, both for those communities and for our state's. I also happen to be the fleet manager which is basically the conduit for fishermen and for my processing companions or work colleagues and what those numbers would represent if I were to have that across the board I'd be needing to tell guys like Bob and like Brad, hey 3 in 5, or excuse me, 3 in 50 of you have a future in our fisheries, and from the shoreside component I need to tell everyone that I work with we have about two days of work maybe a month. If I were to expand that to HMS, if this were the North Pacific albacore fishery which has about 600 vessels we'd be looking at a reduction of about 37 boats and I think that number is within reason fairly similar to what we've seen in DGN over the course of time so I do think that this is, it's, it's a bleak future and it seems impossible at times but I do think with a conversation about what we want our future to look like in a positive venue and with good management around, excuse me around the environment and around you know what we want our fisheries to look like I think it's possible to achieve that. So I want to reiterate and I want to reframe because I really think this, this conversation around scoping, you know whether it's specific to pelagic longline or we are widen that, I think it's too important to our fishermen, to our communities and really to our nation to not have a conversation about what we want our future to look like. So I do think scoping and the data from our current EFPs is a starting point to in visiting, envisioning a more positive future and like I say well I know that our original topic here today and what we do need to talk about is titled longline scoping, I'd like to float the idea that in addition to the two EFPs we focus our discussion around what the future of a successful large volume commercial fishery or suite of fisheries looks like and as part of that discussion I think we should consider removing the preferred preliminary alternative from the Year At a Glance calendar because I think we need to recognize this is a longer and larger conversation that can happen in one

year. Secondly I think we should consider forming an ad hoc committee with a balanced number of commercial, conservation and recreational constituents to have a holistic conversation around what a successful version of our shared future looks like. This dialogue could potentially guide us as we return to the swordfish management plan discussion, we had that last September and if you want to look forward it's agenda item H.6. This kind of discussion could also help us to talk about when and where to incorporate species like opah into our fisheries management plan for HMS as requested in public comment earlier this week. As we create this vision we'll be better able to identify potential areas where EFPs can help us and still as we plan for our future we need to live in today. Today we have two separate EFPs researching new opportunities to increase pelagic fisheries landings into West Coast ports. I've spoken to both Mr. Hall and Mr. Gibb about their mitigation strategies to minimize environment, environmental impacts whilst developing these gears types and I'm encouraged that we're willing to try it and willing to have a conversation around it and I would like to and hope we can have a conversation about that as part of this, this scoping that I'd like to see in November. But I'm going to recommend that we work with them and other potential EFP applicants to help us bring better science and more science and technological changes to HMS fisheries that will help us bridge the gap between where we are today with limited sustainable options and what we want for a future with optimum, optimum sustainable options. So I'm going to wrap this up. In conclusion this week we've heard enthusiasm around scenario planning for the Climate and Communities Initiative, Agenda Item E.2 and we've had an equally positive and more historic milestone with the authorization of deep-set buoy gear. If approached with this type of positive lens, pelagic scoping has the intent has the potential to generate an equally valuable conversation and range of scenarios. So with that I'm making the following recommendations. I'm recommending that we keep scoping on the November agenda. I'm recommending that we consider forming a committee to talk about what the vision and an overarching goal so that we can work towards achieving something much closer to optimum yield with environmental needs and concerns addressed and I'm also asking that we take that PPA off the Year At a Glance calendar so that we can really give the thought that we need to around this conversation and around fisheries for HMS swordfish.

Phil Anderson [00:15:22] Thank you Christa for those thoughts and recommendations. John Ugoretz.

John Ugoretz [00:15:31] Thank you Mr. Chair. The State of California and California Department of Fish and Wildlife are interested in a robust and open public process and we want to hear from the public on the issues surrounding a potential West Coast shallow set longline permit outside the U.S. EEZ. We do however have significant concerns regarding the gear type, potential bycatch issues and a variety of operational details that past scoping and past public comment have already raised. We're eager to hear the National Marine Fisheries Service response to these concerns which would need to be adequately addressed in order for California to be in favor of moving beyond a scoping discussion. While I'm interested in scoping this issue and hearing what all the public and our various constituents and advisory bodies have to say, I'm concerned about several comments I've heard on the periphery of the meeting here in Boise and highlighted by the Executive Director's response to my proposed change to the Representative Bishop letter this morning. Several people have come to me asking about the geographic range intended for shallow set longline scoping and whether it includes scoping a fishery inside the U.S. EEZ. This has never been the case for this item. As Miss Svensson noted we've been discussing and rescheduling potential scoping of a shallow set longline fishery outside the U.S. EEZ over the past several years. The last significant discussion of the timeline for scoping occurred one year ago at the September 2018 Council meeting. At that meeting we had a lengthy discussion of the draft Swordfish Management and Monitoring Plan which Council staff had amended with input from the National Marine Fisheries Service and Highly Migratory Species Management Team. This draft plan is included in the September 2018 team briefing book as Agenda Item H. 6, Attachment 1. It includes what was titled a roadmap for implementing actions under the plan and specifically in item for I quote 'scoping

of FMP amendment authorizing a shallow set longline fishery outside the U.S. EEZ as the first step. At that same meeting National Marine Service, Fishery Service also provided a timeline including scoping shallow set longline authorization and I quote 'on the high seas' in their report under Agenda Item H.6.a, Supplemental NMFS Report 1. Finally and most importantly my motion on the item was clear and specific with a detailed timeline for a reason. As this Council will likely recall I was questioned regarding why I was including a timeline and specific items in a motion when it could be discussed under agenda and future workload planning and would be harder to change if it was in a motion. I responded at that time and on the record that it was my intent to put the details in a motion in order to avoid it being changed without careful consideration. The discussion at that meeting, at meetings prior to it and in various discussions since September of last year have always focused on scoping a potential FMP amendment for shallow set longline fishery outside the U.S. EEZ. I recommend that all documents including the Year At a Glance and draft meeting agendas and quick references be updated to include the words outside the U.S. EEZ with regard to scoping of shall offset longline fishery. Thank you.

Phil Anderson [00:19:06] Thanks John. Other discussion on this item? Corey.

Corey Niles [00:19:21] Thanks. Thanks Mr. Chair and thanks Christa and John for the, the thoughtful thoughts. I couldn't think of a different way to say that there but I think we, we are also committed to scoping and share, share some of the same thoughts that California just expressed. I guess all I'll try to add right now is something that I have brought up in past discussions on this topic and just one, one thought on, on Christa said it's been, it's been five years since we've had this topic going but I think it's been much longer than that. We, we tried to authorize this back, and I don't remember when it was 2009, 10 and it was discussed even as part of the development of the fishery management plan so it's been a topic, this Council has, has been thinking about for a long time and with that I think those of us who have been involved kind of have an idea of somewhat, what the threshold topics might be so I'm wondering as I've asked before if there's a way we could focus the scoping in November on some of those, some of those key questions that, that the Council would like to hear and Christa touched on a lot of those and suggested even, even a step beyond that of a working group, it sounds like a post scoping which might be a good idea to think more about, so I guess I would suggest if people were interested and Chuck this would be a question for you on how we might prepare the meeting notice and give you input on some of those key questions that could really focus the public on what we want to hear. Have you already heard today from, from the public? There's, there's positions already out there and I think what we want to hear is more about the specific issues and I think for example one issue in my mind is this always, this is going to come back down to leather sea back, leatherback sea turtle take, that is Christa mentioned optimum yield but I think even before you start thinking about optimum yield we have to have more information about what the leatherback sea turtle bycatch constraints are going to be, so that's an example of information I think would really help focus us on scoping and move us beyond the public testimony we've, we keep hearing mostly under this agenda item or when we're trying to schedule that scoping. So Chuck do you see it, sorry to be long winded here but is there that opportunity for us to some of us to provide input on questions either now or after the meeting on how we might give the public guidance on, and NMFS and others on providing information that will make scoping as constructive as possible as, as Christa is getting at?

Phil Anderson [00:22:31] Go ahead Chuck.

Chuck Tracy [00:22:34] Thank you Mr. Chair. Thank you Mr. Niles. So we will structure the situation summary to identify the topics of interest for the Council which and if there are particular topics that the Council is seeking feedback on we can identify those in the situation summary. That being said you know it's the process to do that usually, so it's usually staff interpreting Councils direction, so to the

extent that that direction occurs here today I think that would, you know we could accommodate that. Once we move beyond the Council meeting it gets a little more problematic unless the Council identifies a specific process or and I think I heard maybe thoughts of some people working on it so the Council would have to identify you know a working group or something like that if that's what I'm interpreting from your comments and be satisfied that they were going to represent the Council's interest. You know beyond that working with individual Council members you know it can be, that can, that can be difficult I guess, we do want to be fair so I guess I would encourage the Council if they have some specific items they want feedback on at the November Council meeting that if they could identify those here today so that we could include them in the situation summary and I think that would, I think that would be the best way to proceed. Beyond that it's, it's up to the Council to provide that guidance.

Phil Anderson [00:24:50] Marc Gorelnik.

Marc Gorelnik [00:24:52] Thank you Chair Anderson. I didn't want to rely on my memory so I went back and looked at our decision summaries from September 2018 as well as the written motions and it's very clear that what the Council wanted to consider down the road was the scoping of a shallow set longline fishery beyond the U.S. economic exclusive zone, so that has been my understanding. That was I think agreed to by the Council in a motion and changing that decision during workload planning doesn't sit well with me.

Phil Anderson [00:25:44] Christa.

Christa Svensson [00:25:47] Thank you Chairman Anderson. I think in listening to what I have heard from everyone, particularly the State of California that, that is reasonable based upon the discussion that we've had in the past. I think it, scoping again is, is an opportunity to you know we can keep it focused on that and I have asked folks to consider how we'd like to move forward and I do think that this is a reflection of that, having the ability as a group to talk about what our overarching goal is that we're working on I think will help us to more easily identify say projects or topics for HMS that we want to talk about and what that scope is and whether it meets that objective or goal and I think it will help us for things like the Swordfish Management Plan that we're now talking about. I certainly don't think that we need to have that discussion about what that looks like at the next meeting but I do want us to, to start maybe thinking about what that could look like. Maybe it's a committee, maybe it's a topic on our agenda, I don't know but I do, I did want to put it out there that, that some of the stress that I think we all feel surrounding any of these topics could be addressed by having kind of that bigger overarching picture.

Phil Anderson [00:00:00] I have a.....oh Maggie.

Maggie Sommer [00:00:03] Thanks Chair Anderson and thanks Christa for, for those thoughts. I share the interest in, in some of the big picture and broadening the discussion issues. I certainly agree with a desire to increase swordfish production off in the West Coast under our management with clean gears. I understand the issue that much of the swordfish we consume here is imported from countries with less stringent regulations and conservation measures and enforcement. I've spoken to that on the floor before but I am finding it very difficult to square our commitment to bycatch reduction in clean fisheries and conservation with development of a longline fishery regardless of geographic area so that, that's really what leads to my interest in, in this discussion and you know I really liked how Gilly worded it earlier in her suggestion that instead of working on how to do longlines better we focus on how to do better than longlines. So that's a general comment I know we're talking about the November item in particular and I think Christa suggestion of a committee is worth consideration. It is a, certainly a time

commitment for committee members but this has obviously been a challenging issue for the Council and that is potentially a path forward that we might want to give some thought to between now and November.

Phil Anderson [00:01:41] I would just offer a couple of thoughts. You know we've, I think the Council has struggled with trying to figure out how to enhance the swordfish fishery and it hasn't and you know there's been a lot of activity around within the Council process as well as within the State of California on the issue. I think the, the, we ought to, I'm supportive of moving forward with the scoping session in November as we've discussed and this is on our November agenda with the sideboards that John Ugoretz and Marc Gorelnik spoke to. I think that what I would hope is in the process of that pro, there we go process of that process, and that as we go through that the five hours or so we have allotted to this and when we get to Council discussion and decide where we're going that many of the conversations that we're having now would mature and we'd have an opportunity to talk about it further. It may be that the putting together some sort of a work group to look at what we want this fishery to look like in the future is the right way to go. I'm not prepared to, to support or not at this time nor do I think it's the time to do it but I do think that as part of that discussion and that scoping in November it ought to be a part of our conversation because my guess is after we hear from our advisory groups and our members of the public there will not be a clear direction for us to go and that won't surprise any of us but I do think it's incumbent upon us to lay out as clear a pathway as we can in terms of where we want to go with this fishery and if, if it isn't shallow set longline gear, you know then, then what? We've had the Swordfish Management Plan kind of laying on the shelf for quite a while, that may be the vehicle that we take up and establish some sort of an ad hoc group to work on, on looking for the appropriate future. So I'm hoping that we will have that as part of our discussion when in there scoping in November. So are there other thoughts around the scoping item for shallow set longline gear on our November agenda? Corey.

Corey Niles [00:05:00] Thanks Mr. Chair and yeah thanks for all those thoughts and I didn't say explicitly before but I think it, I think we also believe that the outside EEZ has been clear on the record and in a very good first step before I mean, we don't want to run before you walk but I am still interested in trying to focus the November discussion as best we can. I don't think, I wasn't prepared to come up with questions today. I don't, it doesn't sound that like other people are. I've had a couple about what, what other gear types of the shallow set longline. I think the turtle question and how NMFS is going to evaluate that and the net change in impacts to leatherbacks between us and the Hawaii-based fishery is something I want to hear and I think others do, but I know and Chuck said it's difficult to do but if, if, if people I don't think we're getting into a workgroup now but if, if you could canvas or work with staff to, to help and NMFS, I believe NMFS is on the record in past meetings saying that they're already thinking about such things. So just to work with people to get some specific questions and I'm willing to lean on Council staff to use their judgment on what those questions might be but anything that we can do to focus the public would be, would be helpful.

Phil Anderson [00:06:26] Okay. Brad.

Brad Pettinger [00:06:33] Yeah thank you Chair Anderson. I'm with what Corey is talking about, the turtle issue. I think the amount of bycatch that's available for the swordfish fishery is a kind of... is a pool, a pool of turtles that are deemed acceptable I guess at this current time by the agency and if we move forward with a swordfish fishery is it, how much of those turtles would be shared with the West Coast as far...and that question needs to be answered as far as if you know where's, where's West Pacific Council on this and what's the agency's take on that? So I think that's a key component so we need to know what we're dealing with there. If not today certainly at the next meeting we need to, those answers need to be known for the larger discussion. Thank you.

Phil Anderson [00:07:27] Ryan.

Ryan Wulff [00:07:30] Excuse me. Thank you Mr. Chair. Yes and thanks Brad. We've heard that both here I think and in future meetings and the points that Corey made as well. I appreciate that a number of those have been restated here and it will help us provide or help us focus what we provide for the November discussion based on this. I do support this discussion happening then and I also agree with the points that Phil made. I think it will be really helpful regardless of how you move forward on the specific action of a longline outside the EEZ. Some of these broader discussions of, of other questions that the Council might have or other areas that we could present more analyses or more information for to help facilitate the broader question of where the Council wants to go with swordfish. I think that will be helpful to get out of the discussion in November as well.

Phil Anderson [00:08:25] Thanks Ryan. Okay so I think we reached consensus with a lower case 'c' on, we're going to keep it on the agenda. I'm gonna check with folks if making it clear that we're talking about outside the EEZ is an important piece so that there's an understanding of that, that will help focus the conversation at least a little bit. I think our ability to try to focus the input we get we're very limited in our ability to do that so but I think in terms of where we go from there we are, we do have the ability to provide them more focus at that point. So that's my best effort to summarize where we are and so that we can move on with additional conversations we need to have relative to our November agenda. The one point that I didn't though that we didn't talk about and that is that we have that, Christa referenced the PPA that we have on the, I think it's the March or April agenda and the suggestion that we, we remove not the topic but the, the PPA piece of that on the future agenda so we don't, I don't want to put words in her mouth, but set up false expectations in terms of what the action might be on this item in when we get there. What are, are there other thoughts around the table? Louis.

Louis Zimm [00:10:07] Thank you Mr. Chair. I completely agree with that. You know when somebody that is just coming in and looking at this year in advance and sees says PPA I'm afraid someone is going to say the fix is in and that's not the case at all as we can see by our discussions so I agree with, with the dropping the reference to PPA out of that and then the question becomes whether we need to have further discussions at that time and I don't think we're going to need, I don't that we're going to know that until we do our work in November.

Phil Anderson [00:10:51] Okay. John.

John Ugoretz [00:10:53] Thank you. I just wanted to voice agreement with that. It's, I've always been a little concerned about how fleshed out the timeline for this process was and would agree that we don't want to set false expectations about what we'll do.

Phil Anderson [00:11:09] Thanks. Chuck.

Chuck Tracy [00:11:10] Thank you. Thank you for your comments. In regards to the PPA issue, I'm certainly able to drop the PPA term from that agenda item. You know, I know people see that and they don't really read the fine print that all those shaded things are candidates for rescheduling and just to let people know that maybe those in the audience that aren't even here or are listening in that you know often times when we particularly for amendment processes will kind of identify the three critical steps of scoping range of alternatives and final action and sometimes include preliminary preferred alternative selection as well, and I just put those on the calendar so we don't forget about them and just hope that we can, that we do keep pushing them out and leave them shaded so you know that, that should be the Council's expectation that, that's, that's why those are there and not that we are fixing the, the end time with that. So that being said I guess I did want to make one other comment on the

November topic which is scoping and again so that's you know this process that the Council goes through to amend its FMPs is typically a minimum of a three meeting process which I just described, scoping, ROA and final action are the minimum steps and so we, so we've, staff viewed this as the first step in that process to scoping. It doesn't have to be a one meeting process but we do try and provide the Council the flexibility under the Council action to do what, what it might need to do so without other specific guidance on that you know we've, we did or I guess we would you know say that this is an opportunity for the Council to decide if they're going to pursue an amendment or not and to you know develop a purpose and need statement to scope the, you know to identify what actions it's going to take, so all those are, I mean the way you know kind of the base level scoping agenda item, those are all on the table for the Council and if the Council wants to restrict that we're certainly all ears to that but just because we put that on there doesn't mean the Council has to do all those things. We just want to make sure the Council has the flexibility to do what it, you know what needs to be done in order to move the process along. Obviously when you're in a situation where you've got something you want done really fast that's a good thing because you don't want to have to have another meeting to you know to do your purpose and need statement if you want to do that in the first meeting so that's why we do that. So I guess I'm, I'm all ears if the Council has any other questions about, about how we, how we present the Council action that would be allowable under this agenda item.

Phil Anderson [00:14:40] Okay understood. Thank you for that. So back to you and the balance of the matters. Before you take that on I would just like to voice support for giving the state's enforcement entities their 30 minutes that we've allotted them every two years to report to us. We have a very unique partnership on the West Coast between this state enforcement entities and National Marine Fisheries Service Office of Law Enforcement and I would support looking for 30 minutes for them to provide that report.

Chuck Tracy [00:15:22] Well I believe there are 30 minutes on day one so I think that could probably be fit in there if that works for folks. So I guess the other agenda item that's in the candidate box, well I presume that, that would then displace the Coast Guard report to later in the spring and then the other candidate box is the comments on the modern recreational fisheries, Modernizing Recreational Fisheries Act. Christa did you have a comment on that?

Christa Svensson [00:15:57] Well I do have a comment not necessarily about taking these off or pushing but, but it might be helpful so we heard from both NMFS and the GAP about possibly reducing because it is a basically an update. The SaMTAAC discussion from three hours to two hours and all admit I'm not on the committee I don't, this is not necessarily something that I'm super topicized about but I do trust the groups that have made presentations and reports in terms of if they're recommending two hours instead of three that may give us the opportunity to take up one of these other shaded or non-shaded items. I'm not looking at what color they are.

Chuck Tracy [00:16:47] Do you have any comments on the SaMTAAC business Phil?

Phil Anderson [00:16:51] I think that's a, I think the recommendation to move it back from three to two is, is, a good one. I can't...well I'm very hopeful that we would not need three hours for that. I think the process and the stage at which the process is in within the committee is not such that we would want to come back and have a three hour, that we would have issues that warrant three hours of time for, for that in November. John.

John Ugoretz [00:17:30] Thank you Mr. Chair. Yeah I, I appreciate that, that and I personally I would like to hear from the states on enforcement if we can fit it in I'd like to hear from the Coast Guard as well. I think it would be nice to have all of those reports at the same meeting to give the broad context

of enforcement. So again sort of bowing to the Executive Director as to how much he can squeeze into this meeting that would be nice if we could get both of those.

Chuck Tracy [00:18:05] So, well I guess we'll have to talk with the Coast Guard about that to see if they're, if they would still be prepared to do that night and then I guess the question would be because we, if we reduce the SaMTAAC down to two hours we do have about an hour to fill in there. That's what the Coast Guard recommended. We also have the other competing interests to the comments on Modernizing Recreational Fishery Act.

Phil Anderson [00:18:33] So and we'll get to the Coast Guard here in just a sec but so this, we had a special time set aside for the Coast Guard to give us an update on their at-sea enforcement activities not too long ago, I don't know if it was June or April but it was relatively recent and so this is the state's opportunity to have their part of that. What I see in, and I'll turn to Lee to make sure I'm right on this. I mean this is a special category of, of, of concern or relative to the Coast Guard's report on the recreational fishery incident responses, so it's not a broad report on Coast Guard activities that is similar to what you, we've received from you on an annual basis. Is that correct?

LCDR Lee Crusius [00:19:28] Yes sir. Yes Mr. Chair and I default to my district 13 counterpart Mr. Chris German because it's more specific to Washington and Oregon based on that request.

Chris German [00:19:41] Thank you Lee and through the Chair. Yeah I think this one came up through the, the halibut, the recreational halibut issues that we've had and part of our issue with it is we're looking at 2019 and the data isn't collected for 2019 and we won't have that, we won't be able to write a robust report. So if we can combine it into the annual Coast Guard report which is in March or April we'll be able to collect more data and provide a more thorough analysis and we can just combine it all into the same one and if you look at last year's report we already include some recreational statistics and some cases in there and so I think just making that section may be a little more robust and that allows for the workload issues as well because we can just include it in the hour that we already are allotted every year.

Phil Anderson [00:20:31] Thank you. Okay go ahead.

Chuck Tracy [00:20:36] Well it sounds like we will comply with that request and have that, have that wrapped into the spring Coast Guard Report will have the state Tri-State Report in November, so I again we do in theory have another hour to fill in there. I would also point out that we have scheduled this as six full days so which is a little unusual for us so, but so I guess the question is you know do we, if we're doing six full days we want six full days. On the Modernizing Recreational Fishing Act as well we just very recently got the request, haven't really delved too far into it so it might take a little thought about how to, how to accomplish the objectives of that, commenting on that report but anyway. Marc.

Marc Gorelnik [00:21:35] Thanks Chuck. I just wanted to talk about that last item the recreational, Modernizing Recreational Fisheries Act. We've been asked for comment. I think the deadline for comment was the end of the year. I know another Council has asked for more time but they're planning to meet I think in February to provide that additional comment. So certainly you know we wouldn't have to have it on the November agenda but I notice that our March agenda is already seven days for a five and a half day meeting with candidate items and so if we don't do it in November it may be difficult to do it in March and now we're out to April and maybe NMFS can tell us whether our comment would be timely if we waited that long?

Chuck Tracy [00:22:28] Ryan.

Ryan Wulff [00:22:30] Thank you Mr. Vice-Chair for the question. I'm not sure like I said we got this request September 9th. I mean I can give you a little more information about this. I don't have the due date in front of me when it's due to Congress. I mean this is a draft report specifically addressing improvements in data collection by state and non-governmental organizations to facilitate greater incorporation of that data. It draws on mostly right now existing documents, guidance, guidance documents that are out there like the Stock Assessment Improvement Plan, our NS2 guidelines, our Marine Recreational Information Procedural Directives and then provide some non-binding recommendations for facilitating greater incorporation of state and non-governmental organization data. So the, the, the Act directs NMFS to produce this report in consultation with the SSCs of Councils and the Marine Fisheries Commission so that's why this guidance has gone out so I'm, I'm not aware of the specific guideline I can try to get that out but I think if you were able to get 30 minutes in here because we don't meet again till the spring I think they would appreciate it.

Phil Anderson [00:23:54] Maggie. Sorry.

Marc Gorelnik [00:23:55] I just had a follow up question. This, our inputs required on a draft report because NMFS has a congressional requirement to submit a report and it would be helpful to know when Congress's deadline is, I, I don't have it off....I can't find it at the moment.

Chuck Tracy [00:24:26] So the, so the request says that NMFS is directed to produce this report in consultation thus they're seeking feedback. We request you submit the comments by December 31st or earlier, or earlier if possible. I'm not sure what the congressional deadline is either I guess.

Phil Anderson [00:25:00] Go ahead Ryan.

Ryan Wulff [00:25:01] Thanks. Just it looks like the Act says one year after enactment we're supposed to develop it and I think that was January 1st so I think that's why there's a December 31st deadline but it doesn't say, it says that's to develop this in consultation, yeah so December 31st would be the deadline but it doesn't define further other than developed a draft report in consultation with.

Chuck Tracy [00:25:34] Maggie did you have a comment on this as well or...

Maggie Sommer [00:25:37] Different topic.

Chuck Tracy [00:25:38] Different topic? Well let's see if we can resolve this though it does sound like it's going to, you know I think the idea is to get some state input into this process so I think it's more than just asking the SCC or the Legislative Committee to weigh in on this. It sounds like there's some weightier issues so I think the, I think that would require some homework. We'll also note that the commissions are identified as working with them so I don't know if this is on the Pacific States Marine Fisheries Commission agenda next week or again it was a very late request so I doubt it was on their advanced agenda.

Phil Anderson [00:26:25] I haven't even seen their agenda.

Chuck Tracy [00:26:26] So, so I don't know if that's you know again a source for or an avenue for some of the states to kind of start their thinking about that process but we might tier off of that process to a certain extent. Well I might....Corey did you have something here you're going to suggest or yeah.

Corey Niles [00:26:54] Oh this is maybe in the realm of, it's definitely in the realm a very minor question but I was it was a curious to me and this saves no time really except maybe I think the first day of the meeting is typic...has the highest probability of us finishing early but why do we do the approval of the meeting record at the end of the meeting? I think in other bodies used to actually do it at the very start of the, of the meeting since it's from the last.

Chuck Tracy [00:27:27] Well I'll, I guess I'll delve into that before I suggest something else. I think that would save us about three minutes on the last day. We could do that. Often I, we've, I think we've had, not often but probably at least once we've had feedback that they don't, Council members don't really look at that till they....that's not high on their priority list to in their brief going through their briefing materials and so sometimes you don't get to that till later and so if we're going to pick up errors it's usually somebody finally gets around to reading it during the Council meeting but, but at the will of the Council we could do that. Back on the comments on the Modernized Recreational Fishing Act I, well okay Ryan's got a comment on that I guess.

Ryan Wulff [00:00:00] Well I was just looking at the agenda Chuck and you know this is a draft report to Congress in the morning. We have an hour of legislative matters. I'm wondering if it would be possible to have that draft report discussed then?

Chuck Tracy [00:00:19] Yeah possibly. I'm not sure, again I'm not sure this is a Legislative Committee, a good topic for them specifically. It sounded like they wanted some more specific information about state sampling programs and coordination and those sorts of things. That being said I mean it could be, it could be covered in there. I also, I don't, you know we don't know what to expect in terms of legislative business but I think it's gonna be a fairly active fall in that regard. We do expect there to be Magnuson Act reauthorization legislation activity so that will, that will probably come up, so and I, and I guess in some ways again you know putting it in the Legislative Matters agenda item probably might tend to hide it a little bit I guess from people that are interested in the topic. Not that we wouldn't cover that in a situation summary it just....anyway that's a thought. I was going to suggest that that we could put it on the agenda and just see how it goes I guess and if we seem to be getting some traction and some participation from the folks that need to do this then we could go ahead and include it in the November meeting, if not we could either drop it when we file the FR notice or, or might potentially cancel it at the meeting but those are some ideas so I guess if we included it in the legislative matters issue then it would just, if we got to it we'd get to it and if we didn't we wouldn't.

Phil Anderson [00:02:34] Well let's do something. I'd suggest putting it in into the Legislative Committee Report piece and do the best we can.

Chuck Tracy [00:02:45] All right. Okay well with that....

Phil Anderson [00:02:50] And I don't see it on the Pacific States Marine Fisheries Commission agenda.

Chuck Tracy [00:02:57] Well with that I think we've done a pretty thorough job of....

Phil Anderson [00:03:03] Maggie had.

Chuck Tracy [00:03:05] Maggie do you have....oh that's right you had something else.

Phil Anderson [00:03:08] Thanks Chair Anderson. We had a lot of recommendations in the advisory body reports a couple.....many of which did not directly affect the November agenda but a couple did

that we may want to discuss. The GAP recommended increasing the EM item in November to two hours instead of one. I notice I think it's scheduled for an hour and a half now. The GEMPAC recommended that the November 2019 discussion include the opportunity to identify a contingency plan so we may want to think about whether we want to do that and if so that probably has implications for how that item is noticed in terms of what we anticipate our discussions on EM being in November.

Chuck Tracy [00:04:08] Thank you for the comments. The, the contingency plan I guess I thought I interpreted that as potential for developing an EFP request for twenty one and twenty two and I believe that is covered under the, the spex process. I think we have preliminary EFP approval so I think if that was the, if that's what people are thinking about in that regard I think the avenue would be for the GEMPAC to make a recommendation or for somebody to submit a recommendation under that process which would go through the spex analysis and so preliminary in November, final I think in April for that be included in the spex analysis and adopted and then I guess as to whether it's actually implemented or needed I, I'm not sure what the, what the process is there but I assume that National Marine Fishery Service would have some flexibility as to whether to utilize that obviously if the reg, if the regulatory program was in place then and presumably it wouldn't be needed but that was my thinking on it. If there's, if there's other thoughts about, about that then I'd like to hear them.

Bob Dooley [00:05:42] Thank you Mr. Chairman. I, I was looking at that I missed that half hour there that was taken out of it. We are going to be considering the manual too, it's going to be our first real look at that and there's a potential that, I mean I think there's a desire if it's, if it's doable to get it finalized then I don't, I have reservations about that, but that in context with finalizing the guidelines and the discussion that may come from the manual and that we haven't seen yet. I'm, I'm confident that we're going to see the manual at least in the briefing book and, and hopefully before that and the public, well you know the industry will have a time to react to that but I'm also cognizant of the fact that we probably may extend this after that into the March or April meeting for final approval if we get to that but I, without understanding how much input will be offered into the manual and the discussion around it I think it's, I think it might be wise to have a couple hours there and that's just my thought because I would hope it would get finalized because that would provide the guidance, a lot of the guidance to third party providers and industry to keep to come to grips with what the costs are and I think that's been a, you know we've heard enough at this meeting about that obviously so I think we ought to consider maybe two hours there.

Chuck Tracy [00:07:18] Maggie.

Maggie Sommer [00:07:20] Thanks. Thanks Bob. I wanted to point out that the GEMPAC also noted that they would like there to be two opportunities for the Council and its advisors to review the manual before it's finalized, so an initial look this November and then again in spring.

Chuck Tracy [00:07:49] Well I think, I think we have some placeholders for EM if I'm not mistaken but now I guess I'm mistaken. So, so we will have to include that when we get to the year to glance issue. I guess it just in terms of how much, how much time we expect to spend on the Council floor for this agenda item I, you know I recognize the GEMPAC's gonna have a lot of discussions. I'm hoping that they will bring a concise statement to the Council for their consideration so I just would ask you know how much of this is going to, you know are we gonna need that extra half hour because the Council's gonna be having a lot of discussion about it or there's gonna be a lot of public comment or is it just because the GEMPAC's gonna have a lot to explain. So just, just a thought. Yeah Bob.

Bob Dooley [00:08:55] Thank you. All of the, all the above. I think that there is enough uncertainty around this and I think it's important to get, to get to a place and I, and I agree with Maggie's comment

that we've had desire to extend this to a two meeting process and I think that's, my gut tells me that that's a good idea but I'm willing to be with some conversations I've had that there may be enough of a preview of this going into there that I'm hopeful that we could maybe do it that way and my interest to that is you know that we plan for that but I think we also have to agendize in March or April, I believe March would be better to finalize this should it, should the Council want to do that and I think we need to plan for this so that's at least a marker of the intent of what, what the Council wants to look at and then putting it out there. If we can get it done in one meeting everyone's in agreement that helps. I think it helps us get to those numbers. So that's, and I'll have more to say about this when we get to Year At a Glance. Thank you.

Chuck Tracy [00:10:13] Okay well hearing that guidance we'll increase electronic monitoring to two hours and work things around to make that fit. Are there any other thoughts about November? All right if not then we can move on to the Year At a Glance. John.

John Ugoretz [00:10:35] Sorry I was, I was waiting for some, some insight from the ether which I just received but if you do need a little time I just would suggest maybe looking at groundfish G, G8 and 9. You currently have four and a half hours scheduled for that and possibly based on the input I've received there might be a little time you could shave there.

Chuck Tracy [00:10:59] Thanks I guess, I guess I don't want to get too much into micromanaging the hours here. We do kind of base these estimates on what we've done and what it's taken in the past to do these. We keep close track of that and we look at it and so I think that if you will indulge Council staff on that one I'd appreciate it. Thank you. So then moving to the Year At a Glance. Maybe we'll just start at the top with CPS. We've got, we've got anchovy business in November and then nothing in March. In April we've got some sardine rebuilding plans preliminary step for that. We did get notice this time around that sardines were declared overfished officially. I think we got that in July so we'll need to be taking some steps along those lines. So that's, that's the very, well you'll see the three, three meetings April, June and September to accomplish that. That's typically gives National Marine Fisheries Service you know a sufficient amount of time to implement the rebuilding plan before the next, before the one year is up and it also will fit within the management cycle that way. So any other thoughts about CPS business? Then for groundfish sounds like there's some discussion to be had on electronic monitoring. We had statements from the GEMPAC on requesting some placeholders further out so thoughts on that request? Bob.

Bob Dooley [00:13:08] Thank you Chuck. Yeah I have a few comments on that. We heard a lot of discussion on the floor and from our industry and the GEMPAC about concerns of the future of the program and it might not be proceeding in a way that, that aligns with the goals of the program due to cost and so there was a lot of, a lot of discussion we all know that I won't belabor that. We also hear from our, our, the GAP and the GEMPAC and as well as, as well as NMFS in their report of trying to come up with space in the agenda to understand the cost of this program before we embark. I would like to see myself I'd like to see us proceed in a way that allows us at some point, either June or September to have all the data before us and all the costs as it, as they are laid out in the RIR on table, on page 9 and 10 in the tables. That's the, that would be the matrix we would use to fill in the blanks. That information in that table is like 2015. It's very out of date and it's not accurate. I believe that industry could but hopefully by then I would think September would probably a better date but I optimistically maybe June as was I think the GEMPAC was advising us, but I think that we need to have that pause and be able to look at all the data and I think that needs to be set out as a goal to get there and I've had many conversations during the week here with National Marine Fisheries and the different committees and Council members that I think that's a place to be. We've had...there's also many other wheels turning in the background to potentially keep Pacific States on line and all of these

things will be informational as we go along but it would be nice to get to a point where we go into this program with our eyes wide open and we understand where we are and then we also have the time to react if there are problems and I think we've heard enough this week to understand that there may or may not be problems. Industry sure thinks there is and you've heard that loud and clear and I think it's, we owe it to ourselves to make sure this program is as successful as we can. We've put a lot of time and effort into it. It is the first real regulatory program being implemented nationally. A lot of eyes are on us. I'm active in a lot of national committees on electronic monitoring and this is the, this is the, the beacon everyone's looking for to figure out how to, how it's going to work. So I would like to see that. I would like to see everything on a schedule basis so we understand where it fits in our agenda. We make time for it. We also describe what it is we're looking for at those, at those benchmarks and to that end I would say you know we've heard that we're going to see the manual in November, our first glance at it and if so if, if we need a second meeting to finalize it we should make sure it's on the agenda. We've also heard there's rule changes that are contemplated and those are scheduled to be on the agenda I believe in April proposed for the preliminary look and then the final decision in June. So I think all that stuff needs to be on the calendar and people understand what, how this is progressing so we can judge whether we're meeting those goals or not and then how they all fit into the, our way to get to the, the end which is January 1st implementation. I'll talk to that just a bit as to how it applies to the rule changes and such and some of the information I think that needs to be brought forward through the conversations I've had during the week anyhow. There is a potential that we may end up with a situation where we need to extend the EFP. We've been told maybe we can't do that but possibility it is there. I would hate to end up in June, in September or November with a realization we need to extend the EFP to preserve the integrity of this EM program while we make adjustments. I think that to that end we'd better make sure the structures in place if it takes applying for an EFP extension like we did at this meeting in next September to extend the EFP that may be an option. I've been told, informed by you know Council staff there that we may need to, you know it'd be better to think about it in this Nov, this November meeting to put it into the pipeline so it's a regular procedure but as long, as long as it's, it's a possibility, if we can wait till next September to make that decision I have no problem with that as long as it can be done. I don't want people running around with their head on, hair on fire trying to get something done. I'm in the interest of making this trying to anticipate workload. The other, the other component of this that I've been told in conversations that there may need a regulatory change to the final rule to allow us to use the EFP should we decide that it needs an extension because it's, it prescribes a January 1st, 2021 start date. I don't necessarily understand that and I'd offer this. We right now, Amendment 20, 21 said it specifies hundred percent observer coverage and we have an EFP that exempts us from that. I would suggest that maybe the EFP should we decide to implement it next year or you know for 2021 would be an exemption from that implementation date, so it would be a, but we need to know that and that's something that information needs to come forward so that if we do need to have a rule change, that rule change to accomplish that even if we're not in, even if we're not going to use it, if we do end up with all things being equal and we implement this program January, 2021 all is fine but if not and we decide to use the EFP to extend it while we make adjustments, I think we better make sure that, that, that we're consistent with that. So if that rule change is needed then we have to decide that through the April and June meetings to add them to the rule changes to have them in effect come January so anyhow I and all of this is just in the, in the spirit of information, understanding our goals, having prescriptive ways to do that and inform it and try to get all the information on the table and then have the ability and the time to adjust before we get to the end of the day which was you know the implementation date, so I'll stop there. Thank you.

Chuck Tracy [00:21:06] Ryan.

Ryan Wulff [00:21:06] Thanks Chuck and thank you Bob for those comments. I do, we've heard a lot about the concerns raised at this meeting. I understand where the frustration is. I don't want us to get a

little, I don't want us to get too far ahead of ourselves right now in this Year At a Glance discussion however NMFS has proposed adding April and June to the YAG for EM so I would propose for now, at least until we have our discussions in November that that say something like electronic monitoring implementation update and preliminary rule changes. Something where we could discuss not just the rule changes but also anything broader related or have a placeholder now for a follow up, but I think we need to have this discussion in November first before we get too far into the specifics there of, of whether or not we are ready for January 1, 2020, 2021 implementation because from NMFS perspective that's what's happening, so I'd be happy to support that. We, NMFS is already committed to working with industry, with stakeholders on the especially the key parts of this manual between now and November that will have cost implications. We have committed to providing some updated cost estimates and I would encourage industry also as those conversations unfold to work with the prospective service providers whoever they might be to also get some estimates on their end as well and I think we can have a robust discussion in November and then carry this forward in workload planning then based on the results of that.

Chuck Tracy [00:22:53] Phil did you have a comment on that?

Phil Anderson [00:22:53] No I'm going to another topic if we....

Chuck Tracy [00:22:56] Well so then I think I, what I've heard is to include some placeholders for April and June. We'll of course settle the March and April agendas more firmly at the November meeting. I will point out the March right now has got seven days of business tentatively scheduled. Maybe we can now work through that a little bit more. Phil.

Phil Anderson [00:23:24] Just on a totally different topic the whiting treaty implementation that's under groundfish for March, slide that to April given that the JMC won't be meeting until after the March meeting or do I have a stale copy?

Chuck Tracy [00:23:41] You've got the stale copy yes. We should be looking for attachment, Supplemental Attachment 3.

Phil Anderson [00:23:47] Okay I'll do that in a moment. The other one is the incidental halibut retention in the sablefish fishery? Maybe it's on here and I just can't find it. I see for the incidental for the troll fishery but I didn't see it for the sablefish fishery.

Chuck Tracy [00:24:10] That's a good point that, that should say preliminary slash final incidental regs, preliminary for the troll fishery and final for the sablefish fishery so but we do typically handle that in the same agenda item and so I will clarify the title on that.

Phil Anderson [00:24:27] All right.

Chuck Tracy [00:24:28] Corey.

Corey Niles [00:24:30] Yeah, yeah thanks Chuck. On, on your point about March being full and looking to the NMFS report about the humpback incidental take statement recommending that for March is wondering if, if one, I guess my first request if we could hear more information back in, I mean in November about the plans for that and, and also maybe think about April instead of March if there was any difference to you all but also I would like to, if you could provide a little more on how you're gonna engage the advisory bodies etc...that would be for, for our November planning decision that would be helpful.

Chuck Tracy [00:25:14] Okay so that's, that's as specific to the groundfish fishery humpback. I guess I would, would also note that and maybe I need a little help here from NMFS on this one but I understand there's some critical habitat proposed rules that are going to be coming out over the November Council meeting for, I've heard, I've heard three things. I've heard southern resident killer whales, humpback whales and eulachon but I've heard only, I've heard that from two different sources, one of them had eulachon and killer whales the other had killer whales and humpbacks, anyway point being the Habitat Committee was gonna be assigned to take that up and we'll bring, be bringing that to the Council in November for their consideration so I'm not sure Ryan if you know which, if all three of those are gonna be out for review over the November Council meeting critical habitat on....

Ryan Wulff [00:26:19] I don't know.

Chuck Tracy [00:26:20] You don't know okay we'll clear that up. John.

John Ugoretz [00:26:25] Thank you. Moving on to a different one. Looking at the March list and the Groundfish Management Team Report there's the non-trawl RCA modifications listed which is currently shaded. The team has asked that we prioritize that. I think it's important and also important to their request is that this should be broader than just the non-trawl rockfish conservation areas. There's potential changes to the Cowcod Conservation Area, other management areas, so I'd support their recommendation to change the name of that to non-trawl spatial management and mitigation measures and would support it staying on the March agenda.

D. Habitat

1. Current Habitat Issues

Phil Anderson [00:00:00] Takes us to our Council action which is to consider the report and recommendations of the Habitat Committee, the Salmon Advisory Subpanel and other information as appropriate. We have, thanks to the Habitat Committee for preparing this summary of their recommendations at the bottom of their, which can be found at the bottom of their report. For reference there are at least three potential letters, two of which would come in I believe at the November meeting and one that is, we should consider at this meeting. Marc.

Marc Gorelnik [00:00:47] Thank you Chair Anderson. I have, I have a question and perhaps it's for NMFS. The Habitat Committee is prepared to write a comment letter with regard to I guess the, the whatever biological opinion is eventually issued with regard to the Central Valley and State Water Projects and what I'm, what I'm not sure about is what is the timing for receiving comments if any?

Frank Lockhart [00:01:29] Well right now it's currently being drafted so it's going to be kind of hard to answer that as far as timing, so are you talking about what is the timing once a biological opinion is complete or do you mean kind of now during the drafting period?

Marc Gorelnik [00:01:49] Not so much during the drafting period because until we have something official it's my understanding there's, there's not nothing to comment upon but once something has been completed is there an opportunity for the Council to comment on that and if so what's the timing?

Phil Anderson [00:02:06] Frank.

Frank Lockhart [00:02:08] There's been different patterns in my experience. Sometimes there are earlier drafts that the Council can comment on and we've usually you know we, we have some experience and other times it's different and I don't know the status of this one. The best I can do right now is pass that question on and try to get an answer to you. I don't think I can get it right now though.

Marc Gorelnik [00:02:34] Okay because I guess unless there's an opportun.....unless the timing permits us to get a letter approved at our November meeting it may be a moot point that's what I'm trying to figure out.

Phil Anderson [00:02:59] Frank.

Frank Lockhart [00:03:01] Should have turned around earlier. I didn't realize he was still in the room, but so I think the there, there will not be kind of any formal comment period on the buyout but the recommendation is to focus your comments to the Bureau of Reclama..recommen, Reclamation on their action which will be coming up. Okay they're going to assign the re...they're going to sign the record of decision by the end of the year so it still would be timely for a Council comment on that.

Phil Anderson [00:03:43] Okay so that would be something we could consider in November correct and still meet that timeline? All right. There's, there's the draft letter to the U.S. Forest Service and BLM which is Attachment 2 with the one proposed adding of Coos to the list of BLM districts. Is their interest? Caren.

Caren Braby [00:04:14] Thank you Mr. Chair. I would propose on, on this Forest Service and BLM letter that we finalize that per the Habitat Committee's suggestions and add in the recommendations

from the SAS and finalize that letter and, and send it. That's my suggestion to move forward with that and just based on this previous discussion I think asking the Habitat Committee to draft a letter on the Bureau of Reclamation's issue or to the Bureau of Reclamation on the Central Valley issue would be advisable as well.

Phil Anderson [00:05:01] So if I understand you're proposing that the Council approve the letter with the proposed adding that the word Coos to the BLM districts relative to that letter to the U.S. Forest Service and BLM? So let me stop there and look around the table and see if there are any objections to moving forward with sending that letter? Chuck.

Chuck Tracy [00:05:20] Thanks just a clarification. I thought you also mentioned incorporating the SAS comments into the letter, is that true?

Caren Braby [00:05:33] Thank you. Yes I did.

Phil Anderson [00:05:34] Okay so we would ask Council staff to modify the letter that, such that it includes those appropriately, okay? With that amendment to my summary of on bullet number 1 under the summary of potential actions everybody still good? All right and on the second one that Caren addressed was that we would go ahead and ask the Habitat Committee to prepare the draft comment letter to the Bureau of Reclamation and NMFS on the effects of the Central Valley Project on State Water Project for Council consideration at the November meeting. Any objections to that? Okay then there is a third recommendation from the Habitat Committee or that, that notes that they're prepared to draft a lever, letter to the Federal Energy Re...Regulatory Commission, sorry, supporting the Klamath River Renewal Corporation's efforts to remove the four lower Klamath Dams. What's the feeling of the Council on that recommendation? Marc Gorelnik.

Marc Gorelnik [00:06:48] Thank you Chair Anderson. I think this is an issue that requires constant pressure and I think to that end I think we should ask the Habitat Committee to prepare a draft for our consideration to urge FERC to move the process forward.

Phil Anderson [00:07:07] Okay. Looking around the table to my colleagues is everybody okay with that? Okay we'll ask the Habitat Committee to prepare that letter for our consideration in November and then the last item on, on their, on their list was the opportunity to comment on the Ventura Shellfish Project. The current comment period ends September 27th but they note there will be other opportunities to comment in the future. What are the wishes of the Council on that? Marc.

Marc Gorelnik [00:07:38] Thanks Chair Anderson I don't mean to preclude anyone else from commenting here but it seems that we don't really have the time to do this now. There will be an opportunity to provide comment when the matter goes to the California Coastal Commission and I would suggest that we keep our powder dry and wait for the next opportunity.

Phil Anderson [00:08:05] Okay. Recommendation is to wait for the next opportunity to comment on the Ventura Shellfish Project. Any objections to that? I don't see any. Louis Zimm.

Louis Zimm [00:08:21] Thank you Mr. Chair. I just would like a clarification. Is this project proposed to be inside state waters?

Chuck Tracy [00:08:35] 3.6 miles offshore.

Phil Anderson [00:08:36] 3.6 miles offshore of Ventura Harbor. I'm not sure, assuming the state line's at 3 but I'm not sure how the islands play in all that so....

Louis Zimm [00:08:49] If I may Mr. Chair.

Phil Anderson [00:08:49] Yes.

Louis Zimm [00:08:51] I understand actually it is up the coast and I believe it is in state waters but it's something we should examine. Thank you.

Phil Anderson [00:09:00] Okay we could take that into consideration when we decide whether or not to comment when it comes up again. Okay Jennifer just checking in with you on our habitat issues. Is there anything else that the Council needs to consider?

Jennifer Gilden [00:09:22] No Mr. Chairman there's not. If you like I can review the direction for the Habitat Committee?

Phil Anderson [00:09:28] Sure just in case I wasn't clear.

Jennifer Gilden [00:09:30] Sure for, for the letter to the Forest Service and the BLM we'll finalize that with the Habitat Committees suggestion and also add in the SAS recommendations. We'll have the Habitat Committee prepare a draft comment letter to BOR for the November briefing book and also a letter on the Klamath issue for the briefing book in November.

Phil Anderson [00:09:53] Sounds good. Anything else to come before the Council on our habitat agenda? Chuck.

Chuck Tracy [00:10:03] Thank you Mr. Chair. I will note that the Ventura Port District has submitted a letter under workload planning to request some Council time, floor time for this in, in the future. In that letter it does say that the farms are to be located in federal waters outside the harbor.

Phil Anderson [00:10:22] Okay thank you for that clarification and we will discuss that under workload planning on day last. Anything else on habitat? All right very good. Thank you for that good work and thanks for the Habitat Committee and the Salmon Advisory Subpanel for your assistance.

E. Ecosystem-Based Management

1. Fishery Ecosystem Plan (FEP) Five-Year Review

Marc Gorelnik [00:00:00] That concludes public comment and brings us to Council discussion and action. I'm gonna ask Kit to remind us and I'm also aware that we have a significant report in front of us from the EWG. We've also received quite a number of specific recommendations from our management and advisory bodies as well as public comment so when we get started if we can try to keep from getting wrapped around the axle that would be terrific. So Kit you want to remind us of our goals here?

Kit Dahl [00:00:49] Thank you Mr. Vice-Chair. Yes indeed you've received a lot of input. The principal information source of course is the EW, EWG Report which lays out some alternatives. So I would say your task here is if possible to let using the familiar language that we use often in other contexts would be to either choose a preferred alternative or narrow the range of alternatives if you will in other words if, if possible to see if taking what the EWG has proposed and the input from other adviser, advisors and the public if there's, if you're at a point to, to narrow that to, to some degree that would be good. I mean obviously barring that the alternatives that the EWG has proposed could be put out for further public review.

Marc Gorelnik [00:01:57] All right. Thanks very much Kit. So I'll look around the table and see who wants to get our discussion started? Dr. Braby.

Caren Braby [00:02:08] Thank you Mr. Vice-Chair. I do have kind of an opening thought and then a request for additional question and answer time with the EWG, but to frame my questions before I ask them I just want to start by saying we have great thoughts from our advisory bodies. A great report to work from and we have now six vision statements just from Council bodies and more in public comment and I think that, that is too many to be effective at going out to public comment and so my questions are trying to make some clarifications in my own mind about how we could move today towards putting out a single vision statement and respect and incorporate the comments that we've heard so far today, so that there's just kind of framing my questions and to clarify those things I would love to have Yvonne come up in and to ask a couple of questions. So may we do that at this time?

Marc Gorelnik [00:03:32] Okay of course, of course. Yvonne could you come up and did you hear?

Yvonne deReynier [00:03:37] Yes I did. What was your question please?

Caren Braby [00:03:41] Thank you. I have two lines of questioning, the first is on the comments we've heard about the FEP vision, goals, and objectives adding workload or adding prescription, being redundant with other FMP work that's either occurred or might occur in the future, so that's the kind of bucket and the way that I'm looking at the FEP vision, goals, and objectives is that they are providing a framework for the work that's happening with other FEMEP....sorry too many acronyms, FMPs rather than prescribing what those FMPs should do and so in that way I see the example of the essential fish habitat work that the Council has just finished as being a project, if you will, that reflects the goals within and objectives within the FEP. It does not, it's not redundant with FEP. The FEP would not then see that goal and objective or we as the Council members would not take that objective and say okay we need to redo essential fish habitat and then groundfish FMP. Is that description is that, is my impression of these relationships consistent with the discussions that have been occurring within the EWG and that have shaped that report?

Yvonne deReynier [00:05:19] Thank you Miss Braby, or pardon me Dr. Braby. So the discussion with the Ecosystem Workgroup this morning actually we covered this very issue. It's our sense that through all of your actions over all of these years that take place five times a year and you know affect so many people and fish and other animals, that's how you show your values and so the question we're just asking here is how do you boil down what you've shown us are your values into a few words and so no the objective that the GAP was, I don't know disagreeing with I guess was more of a recognition of work done and not intended as an insult to work done so...

Caren Braby [00:06:18] Yeah okay and along those lines if I may I see maybe to beat the horse a little bit, I see that the goals and objectives as being aspirational and guiding towards future selection of FEP initiatives and projects rather than them being of time and money prescribed work plan where you really get into exactly what is happening. Exactly what the project's specific goals are? Who's going to do what? How the funds are gonna be brought to the table to do it, et cetera and so I'm, I'm differentiating in my own mind how I'm interpreting this and our, our need for action today. Those are two different things. Objectives and goals shape how we select initiatives. A work plan is how we're actually going to do that and our commitment to do that.

Yvonne deReynier [00:07:19] Thank you. I think that's a reasonable interpretation and I think earlier in her comment Ms. Ridings offered a good analogy which is to say all of the fishery management plans have goals, some of them have many, many goals and objectives and they are not work plans. They're ideas about how we want to manage our fisheries and the work plan continues in the fishery management plans themselves and in the regulations that we implement.

Caren Braby [00:07:48] Thank you and one more...

Marc Gorelnik [00:07:50] Please...

Caren Braby [00:07:50]line of questioning which is specific to the GAP statement again and the concerns about whether precautionary harvest policies, this phrase 'precautionary harvest policies' might be interpreted by whomever or a future Council participants as being above and beyond what the Council is already doing within individual FMPs in the example of the very rigorous process that the groundfish folks go through and spex and so on to take precaution in assigning quota and harvest guidelines. That's something we already do and this is not, was not drafted to be an additional prescription of on top of that so would modification of that language be consistent to kind of bring that in line with the GAPs concerns and kind of address the GAPs concerns would that be consistent with EWG also?

Yvonne deReynier [00:08:58] Thank you. Yes it would. If you don't like the word then it is certainly fine to remove it. We think you guys are doing it anyway so...

Caren Braby [00:09:07] Right okay. Thank you. I appreciate that. I'm good.

Marc Gorelnik [00:09:11] All right. Why don't you hang out there Yvonne just in case there are more questions for you? I'm going to look around the table and see if there are further discussion and in particular if you want to involve Yvonne in any of that. Phil. Pete rather. It's early.

Pete Hassemer [00:09:33] Thank you Mr. Vice-Chair. I take that as a compliment..... (laughter)...and thanks Yvonne but I don't have questions for you right at this time. I, I do want to again thank the workgroup and all of the advisory bodies for the tremendous amount of work put into this. An extreme amount of thought. The Council has been a leader I think in the nation on the ecosystem plans, this is

important and the thought and the work that the advisory bodies and the public comment put into it is very important. The range of comments we heard support and I want to speak just to the, the vision portion of this first. The range of comments expressed support, almost across the board indicating there was a lot of good language in there and it was hard to discern which of those specifically to approach. My thinking on this specifically just to, to cut to the quick here is that the vision statement needs to be very short. I think we can narrow it down because we've had an ecosystem plan for five years. We should have some idea of a vision. We could narrow it down. In reading those I, I had been leaning to alternative B which addressed sustainable fisheries and fishing communities but hearing more of the comment and looking at alternative C I think that first sentence in alternative C is a good overarching vision statement that we could move forward with. That doesn't mean the rest of the language in the alternatives is not important. I think it's very important because that supports that or provide some basis for that vision. As I read through those, or when I looked at this chapter one as it develops, the first paragraph is a very brief sentence on what the CCC is and the ecosystem plan. The second cha....paragraph is just a simple history of where the Council has been and the document would then jump to this vision statement. I, I think we need more of a preamble to describe why we have that very short vision statement and the remaining language that's spread across those alternatives captures that very well without, excuse me I have to find the document here, without you reading into the specifics. When I looked through alternative C after the first sentence, it provides some description of why you would do the plan, what you would do and the last sentence there is a little more detail is what you would expect as an outcome. As I read through, and there's some repetition across these, but as I read through alternative D it gives a description of how you might do it, so I thought the, the workgroup or somebody looking at this could capture some of that language that's spread across the alternatives in here into a two or three paragraph whatever it takes preamble that gives the basis or support for this briefer vision statement which is the one sentence that is at the start of alternative C and instead of just a vision statement that creates more of a, a vision document in the first chapter, what the vision is, why we developed it, what it is and how it can work. Thank you Mr. Vice-Chair. That's my thoughts at this time.

Marc Gorelnik [00:13:54] All right. Thanks for that Pete. Further discussion around the table? Thoughts on Pete's comments. Thoughts on Dr. Braby's comments. Dr. Braby.

Caren Braby [00:14:11] Thank you. Thanks for your explanation and your proposed approach Pete. I have been thinking about a slightly different approach but I think, I think having a single vision statement is consistent between our two approaches and having one statement for the public to react to. So I am thinking that we have a challenge wordsmithing around the table in this kind of situation and I also feel like we're close enough, there's so much agreement around the material we have here that it would, it would be a missed opportunity or it would be an unnecessary delay if we weren't able to select something and move something forward and so I think that we can build on some of the agreement around alternative D potentially and move that forward with some modification and with goals and objectives. I, I would like to, to hear Council discussion and I have a motion to, to that effect but I don't want to curtail discussion around D and whether that is something that represents what the Council would like to do or, or multiple vision statements versus one and I think that's, you know I think there's, there's a big kind of divide in the road on whether we send everything out for review or we try and, and streamline at this point so

Marc Gorelnik [00:16:09] All right. Thanks for that.

Caren Braby [00:16:10] Any additional thoughts.

Marc Gorelnik [00:16:10] Well let's, let's see if there is any further discussion? Phil.

Phil Anderson [00:16:17] A couple of thoughts that aren't necessarily connected but a question first. Did you say B or D?

Caren Braby [00:16:24] D as in dog.

Phil Anderson [00:16:25] Okay thank you. First of all the, the, the editing by a group is a difficult thing to do but we also have a two headed monster here I think. You either do it around this table or you go and you tell the workgroup to come up with another, bring us another rock. We don't like this one bring us and I don't want to do that again so, so I think it's up to us to take what they have given us and distill it into something that we want to send out for public review. I am, I am troubled by the reluctance to use the word 'precautionary' and I, I under....well I, I maybe I, I don't, I appreciate where the GAP, what the GAPs concerns were but I looked in Webster in Cambridge just for the heck of it and it's, so 'precaution' we're take, we're, we're, we're taking care in advance, right? That's what our policy does. It's a measure taken beforehand to prevent harm or to do good and it's in, intended to avoid an unpleasant or dangerous thing from happening. So you know with that in mind I, I actually think we really do construct our harvest policies to, to achieve those outcomes among others so I don't have the same concern about using the term 'precautionary' in our vision statement that some have expressed. I am wondering, and I don't want to, I haven't seen the motion yet so it may be perfect, I'm sure it is perfect actually but I, I do you know kind of picking up on what Pete's thoughts were about having our vision statement concise which could be construed to be short and concise and some of the other language that was, in particular, was in alternative C be separated from the vision statement and I appreciate him bringing that up and would, would support that and there may be a way, there may be some pieces of D that could be done in the same way but I don't know that, that warrants a separate vision, or you know creating two vision statements. So there could be a couple of options if we use D and have D as written and then maybe a different way of presenting D using a portion of it as the vision statement and a portion of it as the introduction but we can, we can talk about that. Those are some thoughts.

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

Michele Culver [00:19:55] Thanks. Appreciate the discussion and I don't disagree with any of the comments that have been expressed. I also don't think that we should send the workgroup out to get another rock but those of you who know me know that I love rocks and we have a lot of rocks. We do a lot of rock hunting, my family does and when I look at vision statements particularly A, C and D they're similar enough, they're slightly different rocks but they're all pretty and so I, I would rather, I'm fine going with what the majority wants rather than sit here and wordsmith on, on any one of these. I will say what I, I took away from the advisory body reports and the public comment is that it seems like we all have a pretty common understanding of the vision and a very common vision that we all want to achieve and rather the comments are more focused on how you achieve that vision and what are the actions that the Council takes to get there but there didn't seem to be any disagreement on the vision itself.

Marc Gorelnik [00:21:26] Thank you Michele. I think you're right. These are all different ways of phrasing a very similar thing and if we spend too much time on this we won't actually get any of the real work done. Pete.

Pete Hassemer [00:21:40] Thanks Mr. Vice-Chair and just as Phil had pointed out the two headed monster here without you know doing all this editing on the floor, the difference between alternative C and D and those first sentences is not very large. I think there's a combination. I'm not saying it has to be one or the other but somehow we have to find a way to mix that. What was important to me is the recognition and I believe it was March when I stated this, the recognition of sustainable fisheries and

fishing communities. I didn't, I saw that more indirectly in D and it's, and it's specifically sig, signals out recreational fisheries but not commercial fisheries so something in the vision statement that's broad that really could I think be used in any one of our management plans that it doesn't have to be specific to this ecosystem plan but a broad vision that recognizes how we manage all fisheries and that the language, the other language can just get into more specifics about the ecosystem components of it so I don't know how we you know resolve this to one but as I said they're all very good. It's narrowing it down. Thank you.

Marc Gorelnik [00:23:10] Thanks Pete and I want, I want to hold off on any motion for the moment. I just want to see if there's any more discussion about this agenda item and then I'm going to suggest that we take a very short break and then come back and see if there is a motion so, Rich.

Rich Lincoln [00:23:37] Thanks Vice-Chair. Just, just quickly I just throw my kind of logic behind the idea of having a simple vision statement which seems to be the first sentence of most of these and then having the team combine some of the supporting language that helps kind of describe the intent but it seems like it would be nice to separate those out so....

Marc Gorelnik [00:24:01] Maybe we should've had a facilitator for this. Yeah we do have one in the room.... (laughter). All right is there further discussion on this agenda item? Is there...folks, folks okay with a short break to see if we can't come back with a motion? Want to go ahead right now? Doctor Braby.

Caren Braby [00:24:34] It might be helpful. An alternative approach might be that I have a motion that I could offer and then, then we could have a short break and we could have some discussion or we could just go straight into discussion on this one.

Marc Gorelnik [00:24:53] Okay why don't we ask our parliamentarian at what point can we, are allowed to take a break while a motions pending?

Dave Hanson [00:24:59] Any time.

Marc Gorelnik [00:24:59] Any time okay good. All right please proceed.

Caren Braby [00:25:05] All right. So I've sent something to Sandra. I can't read that so I'm going to look at it on my own computer. I move that the Council adopt a modification of vision statement Alternative D below and the July 2019 goals and objectives to go out to public comment to inform further Council consideration of FEP five year review as described in EWG Report 1, Agenda Item E.1.a, Ecosystem Working Group Report 1, September 2019 and as modified below. Alternative D modified, the Council envisions a CCE that continues to provide ecosystem services to current and future generations including livelihoods, recreational opportunities and cultural practices that contribute to the well-being of fishing communities and the nation. To implement this vision the Council continues to employ precautionary harvest policies that target healthy population levels, preserve biodiversity and ecological relationships between species, and ensure fair and equitable sharing of harvest benefits. The Council also develops management measures to conserve habitats and encourage practicable measures for avoiding the bycatch of protected and non-target marine life. Achieving this vision will require adaptive management and policies that are resilient to the coming changes and increased variability and change in the climate and ocean environment. The vision can be achieved only with continued commitment to scientific research and ongoing monitoring of the biological, ecological, physical, social and economic characteristics of the ecosystem. In addition it requires the resources and support to implement adaptive changes in a timely fashion. The vision will always be strengthened by the Council

serving as an open and transparent forum for all who wish to civilly engage in the discussions of how the public resources of the California current should be conserved and managed. Note, yellow highlight responds to statements from the GAP and light blue highlight responds to suggestions from the EAS.

Marc Gorelnik [00:27:37] Okay and it appears that language is consistent on the screen is it consistent with your motion? Is there a second to this motion? Seconded by Rich Lincoln. You wish to speak to your motion?

Caren Braby [00:27:50] Thank you. I've spoken some to, to this approach already but I will note that I feel strongly that we should put one vision statement out and that we have a number of good alternatives in hand. There were a number of our advisory bodies that supported most of vision D as, or alternative D as the choice but there were some concerns about how the term 'precautionary' was used in the sentence and so I've added language here to acknowledge that the Council's approach is already precautionary and that is central to our management approach. This I think clarifies that this is not intended to add additional precaution where precaution is being taken and it, it also takes the more positive language that was suggested by the Ecosystem Advisory Subpanel and that's highlighted in blue. So I think as a vision statement that could go out on public comment we have support from the GAP possibly with this, this in my view this addresses part of their concerns and from the EAS and other bodies that this is, is one of, one of the few good alternatives that we have. Additionally I've focused on the July 2019 goals and objectives. They're more expansive. They are second in our Council process from March of this year towards refinement and clarifying goals and objectives for this FEP review and the questions that I asked of Yvonne led me to the conclusion that I am perceiving our choice here in a way that's consistent with the team and consistent with the goals of the FEP that these are goals and objectives that outlie our broad thinking on the role this FEP plays within the Council's FMPs rather than prescriptive and specific to workload plans. I additionally, and this is not in the motion, but I think that taking this vision statement and these goals out to public comment and particularly referencing the agenda items that have included alternatives both of the vision and goals and objectives will be a transparent way to draw attention to these specific visions and, or this specific visioning and the goals and objectives but not obscure the fact that we've had alternatives in the past and those are available for folks to refer to and help them make additional comment on in the future and so I think that, that there's no need to delay this further and I think this addresses both the support from some of our teams as well as some of the concerns of our teams in getting us to something that we can put out the door.

Marc Gorelnik [00:00:01] Thank you very much. Are there questions for maker of the motion? Discussion? Pete.

Pete Hassemer [00:00:13] Question for the maker of motion and maybe this is obvious but I just want to clarify. The motion and the way the alternatives were written all of the language is incorporated as the vision statement but there's the first sentence there, the second sentence then says 'to implement this vision', so is your intent here to have the vision statement being very simple, that first sentence, but also somehow or include in the document these other specific language you have added there.

Marc Gorelnik [00:01:04] Dr. Braby.

Caren Braby [00:01:06] Thanks for the question. I have not specified to the earlier discussion. I have not specified that one sentence or the entire thing is the vision. This is a modification of what was presented to the Council as a vision statement. It's a vision paragraph to be more accurate versus a single statement or a single sentence but that everything that is not highlighted is original text from the EWG Report and has not been modified so it refers to itself collectively.

Marc Gorelnik [00:01:51] Rich.

Rich Lincoln [00:01:53] Thanks Vice-Chair. But, thanks Caren, but maybe just to I mean add to that, that discussion. I mean that's pretty kind of a clear kind of description but I think if, if I was thinking about the some of the discussion we had in Pete's question I guess it was a question about after the first sentence in your motion would you describe the rest of the text to be descriptive of what, how we interpret some of the aspects of the vision.

Marc Gorelnik [00:02:24] Dr. Braby.

Caren Braby [00:02:25] Thanks for that question. I think that, that is an accurate way to characterize it and I think that it could easily be modified by a subsequent motion to achieve that end if that was Council desire.

Marc Gorelnik [00:02:51] Phil.

Phil Anderson [00:02:54] I don't....mine is on a different topic so I didn't want to jump into the middle of that although I would offer that you sent it out for public review you could bring it back and parse it out if you felt it was needed rather than upfront prior to public comment.

Marc Gorelnik [00:03:24] I think that's a fair point. We do have a, we do have a vision statement and then commentary on the statement but I don't know that we, we can wordsmith it now or we can send it out for public comment. Phil.

Phil Anderson [00:03:40] I was gonna change subjects...

Marc Gorelnik [00:03:46] On the same topic do you have a comment on.....Michele.

Michele Culver [00:03:48] Yes thanks. So typically I'm familiar with vision statements that are characterized as a noun or a thing, right? It's, so a vision statement in this case from the first sentence the Council's vision would be a CCE that continues and so on, that's, that's what we have for our vision and I guess my preference would be to have a fairly simple statement like that, that goes out for public review and comment rather than the entire paragraph soliciting public comment on, so in, I guess in my opinion the rest of the paragraph is, is more of how the Council achieves that vision which I, I'm happy leaving up to the EWG to describe.

Marc Gorelnik [00:04:58] Discussion? Amendment? Briana.

Briana Brady [00:05:04] Thanks Mr. Vice-Chair. I would say that I agree with what Michele just said. Not sure how to move forward with that though.

Marc Gorelnik [00:05:16] Pete.

Pete Hassemer [00:05:16] Thanks Mr. Vice-Chair and, and again to the maker of the motion my reason for inquiring about intent with that language if the intent was to just express the first sentence as a vision statement and I'm, I'm not disagreeing with the other language but if that was creating a separation between the two. I don't think we would need to amend, we would have the leeway we are bound to the language we accept but that could be I, I view this as that could be separated in some way to develop the document, have the vision statement and this explanatory language but that's my view.

Marc Gorelnik [00:06:07] All right I'm gonna look round the table to see....Frank.

Frank Lockhart [00:06:09] Just well maybe if, if you're, if someone's gonna offer amendment I guess my question to Michele was so you're just saying take this first sentence of the current motion or that's what you were discussing that, that's the vision?

Marc Gorelnik [00:06:24] I think, I think if I understood Michele correctly and Briana agreed is that the vision statement is the first sentence and that's what should go out for public review. The rest is valuable language but it's not part of the vision statement. Do I have that correct? Rich.

Rich Lincoln [00:06:47] Thanks Vice-Chair. So I think that's good discussion. I think it might be helpful then I know Phil had some additional thoughts if we could maybe get all those on the table and then try to figure out what if it needed some amendment try to capture some of that together.

Marc Gorelnik [00:07:03] Good point. Phil you had other comments?

Phil Anderson [00:07:05] Yes and it's with the first sentence unfortunately. Obviously once you start calling out individual sectors and you leave some out that creates a potential problem and there's two entities that are probably included but you need it, you need to read into it a little bit to figure that out. One is the one that Pete brought forward a little bit ago about commercial or commercial fisheries so they're part of livelihoods, they're part of well-being of fishing, of well-being of fishing communities but I think that's, I think if we're going to call out recreational opportunities we need to include commercial, and this second one is tribal, fish tribal and I could, I think I can fit tribal into cultural but there's lots of different cultural aspects to our fisheries and it's not just tribal so in my view you either have to figure out a way to include those two or take the reference to recreational fishery opportunities out and just use the livelihoods, cultural practices contributing to well-being of fishing communities in the nation but I, I'm uncomfortable with calling out the recreational sector and leaving the other two sectors that are very important to what we do out of our vision statement.

Marc Gorelnik [00:08:54] Phil would it read better too if it read including commercial and recreational opportunities?

Phil Anderson [00:09:02] I think we can that, that would be a fix for that piece and I...

Marc Gorelnik [00:09:08] I'm not going to offer an amendment but I was just wondering...

Phil Anderson [00:09:09] I know I understand but that would be a fix and I would you know I'm not sure what, what Joe's thinking about on terms of the tribal piece but I did have a concern about not directly addressing that along with the recreational and commercial aspects of the non-treaty fishery.

Marc Gorelnik [00:09:29] Pete.

Pete Hassemer [00:09:30] Thank you Mr. Vice-Chair. I shared similar concerns that Phil just expressed. Maybe it's foreshadowing too directly. I did have an amendment for the appropriate time to address that issue so I, I think it's an important topic when we get there.

Marc Gorelnik [00:09:49] Well I think, I sense it's maybe time to narrow the issues before us which can be done through amendment so unless someone has any discussion they want, had before I ask for an amendment and I don't see any hands up so I'll now ask for amendments. Virgil.

Virgil Moore [00:10:06] Mr. Vice-Chairman I don't have an amendment but I just, I'm a new member here but this certainly strikes me as I read through it...

Marc Gorelnik [00:10:15] Could you bring, move the microphone to your....

Virgil Moore [00:10:17] Oh microphone. I turned that, that way because I wasn't going to say anything but I've been through a number of these and keep in mind our vision statement should be about where we want to be not how we get there okay? There's an awful lot about how we get there or at least what we don't do when we're trying to get there and I think we need to look closely at the comments that have been made here about streamlining that vision of where we want to be without burdening the clarity of that with a lot of other stuff in there, not that that isn't important but I don't believe it belongs in a vision statement. Thank you.

Marc Gorelnik [00:10:58] Thank you for that Virgil. All right any other comments before we have an amendment? Joe.

Joe Oatman [00:11:06] Thank you Mr. Vice-Chair and maybe before we get to someone putting forward an amendment I wanted to circle back to Phil's comments regarding including livelihoods, recreational opportunities and cultural practices. So if an amendment were to come forward I would hope that I would include the tribal piece to that. Thank you.

Marc Gorelnik [00:11:35] Pete.

Pete Hassemer [00:11:36] Not, No discussion.

Marc Gorelnik [00:11:39] All right I'll ask for anyone who might have an amendment. Now Pete.

Pete Hassemer [00:11:45] Thank you Mr. Vice-Chair. Sandra I'll walk through this slowly. I think it's fairly simple. I move to amend the motion by striking all the text after the first sentence and if you're, if you're ready and striking the word 'recreational' and replacing the word 'recreational' with 'fishing' and that's all.

Marc Gorelnik [00:13:08] Okie doke. So are the changes that Sandra has on the screen consistent with your amendment?

Pete Hassemer [00:13:20] She's still typing so. Yes as it reads striking the word 'recreational' and all of the language after the first sentence and replacing 'recreational' with 'fishing'.

Marc Gorelnik [00:13:48] All right. Is there a second? Seconded by Bob Dooley. Do you want to speak to your amendment as necessary?

Pete Hassemer [00:13:55] Thank you our discussion has been long. I don't think we lose the language that I am proposing to strike but through either guidance or future action we can capture that in the document. It leaves open the opportunity to capture other language that was in some of the reports to build. Build the chapter one that this language is contained in. With regards to striking recreational, my intent here is for fishing to represent tribal, commercial and recreational fishing opportunities and at this point not distinguish them because our activities cover all aspects of those fisheries so it doesn't signal, single out any one particular sector and this most, motion to amend also retains the other parts about the the goals and objectives in there.

Marc Gorelnik [00:15:09] All right thank you very much Pete. Are the questions for Pete or discussion on the amendment? Phil. I thought you were raising your hand.

Phil Anderson [00:15:18] Well I was hoping you would ask him if the language on the screen accurately reflects his motion because I don't think it does.

Marc Gorelnik [00:15:25] Okay I will ask that then. Is the language on the screen accurate?

Pete Hassemer [00:15:37] Well I explained I guess verbally I explained it but no it's not as I stated. I move to amend the motion by striking 'recreational' and replace it with 'fishing'.

Marc Gorelnik [00:15:52] Okay.

Pete Hassemer [00:15:53] And strike the language below.

Marc Gorelnik [00:16:05] Is it correct now?

Pete Hassemer [00:16:07] Yes.

Marc Gorelnik [00:16:08] All right and Bob Dooley retains his second. All right.

Caren Braby [00:16:16] Question.

Marc Gorelnik [00:16:17] Yes.

Caren Braby [00:16:18] Thank you. Just a clarifying question. You mentioned you didn't intend to remove language that is now stricken below your motion and how do you see that being retained? Would that go out on public comment or would it be retained in some other way?

Pete Hassemer [00:16:44] Maybe..... Mr. Vice-Chair thanks for the question. My intent here and this is maybe a process question is we needed to refine the vision statement which we did. If there's an opportunity to provide guidance that specifies how we capture or build some of this language in there we could do it through that unless it needs to be, if we want this exact language then that would be better done I guess through a separate motion or action but the intent was to separate it from the vision statement.

Marc Gorelnik [00:17:34] Phil.

Phil Anderson [00:17:35] My recollection or at least I thought I heard this during the discussion was that we wanted to keep this language largely intact but not have it part of the vision statement and we were going to defer to the workgroup in terms of exactly how it would be placed within the document to how, this is how, these are some of the ways that we're going to achieve that vision but I didn't think we were tossing a, given the conversation I thought we had.

Marc Gorelnik [00:18:10] So, so to clarify we're addressing now the vision statement not necessarily.....well go ahead Dr. Braby your.....

Caren Braby [00:18:23] So thank you and I agree with all of that and it might be that the process that's needed is that we can either make a second motion on, not at this moment but when this motion is done we could come back to this rationale, is what I would describe it as, as a category, its rationale for the

vision if we want to make the modifications that are shown in yellow or blue or other modifications as well to reflect the input that we've had from our advisory bodies.

Marc Gorelnik [00:19:10] We can preserve this language for the chapter without it being part of the vision statement.

Caren Braby [00:19:17] Right.

Marc Gorelnik [00:19:17] Okay.

Caren Braby [00:19:17] But in terms of process we either need a second motion or just Council discussion and guidance to the team.

Marc Gorelnik [00:19:25] Well let's, let's see if there's any more discussion on this amendment? Louis.

Louis Zimm [00:19:32] I would like clarification on the amendment and I'm going to read it out loud the second paragraph, I move to amend the motion by striking 'recreational' and replace with 'fishing' and the language below. You see why I said that, that way. It's unclear to me what we mean by 'and striking the language below'. Thank you very much.

Pete Hassemer [00:20:07] That...Mr. Chair, Vice-Chair. I believe that reflects what is on the verbal record striking the language below.

Marc Gorelnik [00:20:17] But just to be clear we're talking about replacing the word 'recreational' with 'fishing' and striking the language beginning 'with to implement'. All right so there's no ambiguity. Any further discussion? Michele.

Michele Culver [00:20:33] Thanks I would like to amend the amendment.

Marc Gorelnik [00:20:37] Well we don't have, the amendments not yet been.

Michele Culver [00:20:41] It's been seconded....

Marc Gorelnik [00:20:42] So procedurally...

Dave Hanson [00:20:43] It's been seconded.

Phil Anderson [00:20:44] So you can amend it.

Marc Gorelnik [00:20:45] It's been seconded so you....

Michele Culver [00:20:45] I can amend the amendment?

Marc Gorelnik [00:20:49] You can amend the amendment okay.

Michele Culver [00:20:52] Thank you so after the word 'below' I would say 'from the vision statement', period, and then I would add a sentence there that says 'The language below would be retained as supporting language for the vision statement'.

Marc Gorelnik [00:22:00] All right. The, the highlighted language, highlighted in purple. Does that correctly capture your motion to amend the amendment?

Michele Culver [00:22:12] I think so.

Marc Gorelnik [00:22:13] Is there a second? Seconded by Brad Pettinger. Care to speak to your motion?

Michele Culver [00:22:22] Just briefly. This is just for clarity to ensure that the language below is not completely lost but it would not be part of the vision statement that the Council is adopting for public review.

Marc Gorelnik [00:22:39] Thanks. Thanks for the motion Michele. Discussion? Not seeing any. I'm going to call the question....Bob.

Bob Dooley [00:22:51] Thank you Mr. Vice-Chair. I, I support all the changes so far. I have, I have a question though and the question is does the language that we're bringing back does that have, are we still going to amend that later or are we actually accepting that as the final description of all the above? I've heard so many comments, public and around the table from different sections that are additive that might describe this in the future. Are we, are we sending that part out for public comment too or is it, or is just, just the vision statement because my support for this really originally was Pete's idea of really making this succinct and then the narrative after.

Marc Gorelnik [00:23:41] Scroll to the top. So we're talking about a modification of the statement and the July 19, 2019 goals and objectives. That's what this motion addresses.

Bob Dooley [00:23:59] Yes okay. I think I'm clear. Thank you.

Marc Gorelnik [00:24:04] And okay so any further questions or discussion on Michele's amendment? Seeing none I'll call the question, all those in favor say 'Aye'?

Council [00:24:13] Aye.

Marc Gorelnik [00:24:13] Opposed no? Abstentions? Michele's motion passes unanimously. We're now back to Pete's motion to amend as amended by Michele. Is there further discussion on Pete's motion to amend? I'm not seeing any. I'll call the question on Pete's motion. All those in favor say 'Aye'.

Council [00:24:43] Aye.

Marc Gorelnik [00:24:43] Opposed no? Abstentions? Motion to amend passes unanimously. We're now back to the main motion, Dr. Brady's motion as amended by Pete and Michele. Further discussion on that motion? Seeing none I'll call the question. All those in favor say 'Aye'.

Council [00:25:07] Aye.

Marc Gorelnik [00:25:07] Opposed no? Abstentions? Main motion passes unanimously. Great job. There may still be some further discussion or action on this agenda item so let me look around the table and see if there's anything else to be offered? I'm not seeing any so I'll turn to Kit and see Kit....Dr. Braby.

Caren Braby [00:25:39] I think the only other thing I wanted to have discussion about or be clear on were a suggestion on SSC review from the GAP and a question about when is the appropriate time to do that? Do we want to talk about that and then the other thing is a suggestion from the EWG on a periodicity of reflection on how we are achieving progress on our goals and objectives and I have thoughts about that latter one not so much about the SSC one but I wanted to provide some thoughts that I think that we have two ways that, that we are calling for and a re-evaluation of progress on our goals and objectives, one is when we're selecting new initiatives and the other is in a five year review and so I think it's built into our process sufficiently and I would suggest that we don't ask for more frequent review of those evalu... evaluations.

Marc Gorelnik [00:27:01] It does sound like good guidance. I was looking around the table to see if there are any agreements? Did anyone disagree with Dr. Braby's thoughts there? I'm not seeing any so I think that without the need for a motion. Any further discussion on this, on agenda item E.1 The Fishery Ecosystem Plan Five Year Review which it will be coming back to us at a future meeting? Kit.

Kit Dahl [00:27:37] Mr. Vice-Chair I think that you have through that admirable process of wordsmithing through motions and amendments to motions you've adopted a, a vision statement and a set of goals and objectives to put out for public review and also some direction on some of that language that was part of the vision statement originally as proposed so I think in the short term through the decision document and so on we can put that information out and as you indicated I would expect that the EWG will take on board your discussion and recommendations around the use of that language that was taken out of the vision statement and perhaps in their report that they bring back in March will present a revised and consolidated first two chapters of the F, FEP as amended and as part of that process could propose how that language could be incorporated into the document outside of the vision statement. So yes with that I think we're done here and we're on to final consideration I guess in March of 2020.

Marc Gorelnik [00:29:05] All right thanks for that Kit. Unless there's any objection I'm going to say this agenda item is completed.

2. Climate and Communities Initiative

Marc Gorelnik [00:00:00] That concludes all our reports and the public comment so I will turn to Kit to refocus us on our task at hand.

Kit Dahl [00:00:14] Thank you Mr. Vice-Chair. So there's a quite a list of guidance tasks in the Council action there so I think you've heard some of the work that the core team has been undertaking to, to move this process along, principally gathering information for, as the, as the basis of the discussions at the workshop and then just some of these basic logistical questions of when and where and who and so I guess taking that on board what you've heard if you, if any of the Council members have guidance, specific recommendations relative to I would say the major focus right now in terms of planning this workshop and really any other more general comments in terms of the process as it has been described both in Mr. Star's presentation and in the core team, Supplemental Core Team Report.

Marc Gorelnik [00:01:34] All right thanks for that Kit. So it seems that some sort of guidance would be appropriate but I gather we're going to leave to staff and others some details of the logistics.

Kit Dahl [00:01:48] Thank you Mr. Vice-Chair. Yeah I think just as a practical matter we, we recognize we really need to get a lot of the details worked out as far as this workshop in terms of you know there needs to be a fair amount of lead time in terms of ensuring we get participation getting this on the calendars of folks that we would like to have participate so in that sense I anticipate the core team will be putting in quite a bit of work and making some decisions you know in the next month or so, so that makes it a little hard to keep the Council apprised of those details. I suppose in some way we could provide some kind of update at the November Council meeting if that's desired but yes I would say a lot of decisions have to be made and will be taken by the core team over the next month or two.

Marc Gorelnik [00:02:59] All right but this is our opportunity to provide guidance on these issues so I'm going to look around the table and...we've gotten a lot of good, good comments from our management entities and advisory bodies, from public comment, from the team report itself, from Mr. Star and let me look around the table and see what sort of discussion or suggestions we might have. Brad.

Brad Pettinger [00:03:27] Thank you Mr. Vice-Chair. What I think as far as participation it would be kind of, be kind of informative if, if we would know what exactly we're looking for from core group or from people attending, the fishermen, recreational, commercial, tribal, business owners, processors, environmental community exactly what, how many groups they're looking at, maybe having represented and maybe what kind of numbers so as far what the participation part of this equation who it, it might help us to offer up names as to who might, might want to go.

Marc Gorelnik [00:04:05] So you're referring to the folks who might comprise the invited participants?

Brad Pettinger [00:04:11] Exactly so the group I guess putting this together it would be nice to know what they're looking to have as far as a composition as far as help inform us as far as who might invite or who we might be able suggest to attend.

Marc Gorelnik [00:04:28] All right. Good thought. Michele.

Michele Culver [00:04:37] Thank you. I guess I would offer in, in response what I thought I saw and heard in Mr. Star's presentation on the last slide was kind of a list of the different topics expertise that he was suggesting that we have stakeholders engage in the workshop on that have some knowledge or

expertise in those different topics and so I agree with what you're suggesting and then it seems like the next step may be to then match up those folks with the different expertise of those topics that are listed there. I will say that the one that in particular stood out to me that we don't really have engaged in the Council process is relative to aquaculture. So as the Council regulates wild fisheries we, we don't tend to have a lot of engagement from aquaculture representatives in the process, so we may want to think about that sector in particular. The other thing is I had a question and I'm not sure if this is for the core team or for Mr. Star but I'm trying to reconcile the driving forces of change with the, with the questions that are being posed and so it, it seems like both are being described as forming the basis for the scenarios but the, the driving forces of change seem, and we have comments from multiple advisory bodies on suggested additions or changes to that list and then the question seemed to be more of you know what, what are your, what are your fears relative to results or outcomes as a result of those driving forces of change if you will in some cases and then in other cases it seems like the, the driving forces could, could potentially be results, right? So you could get into a situation of within the system you start off with a driving force of change but then the result of that is then another driving force and you get kind of a loop occurring within the system right off to the side. So anyway I'm just trying to think about how all of the input that will be gathered has been gathered and will be gathered at the workshop and then how the core team intends to synthesize all of that and create the scenarios as a result?

Marc Gorelnik [00:08:03] Caren or Rich do you want to respond to that?

Caren Braby [00:08:05] No..... (laughter)

Marc Gorelnik [00:08:09] Will you respond to it?

Caren Braby [00:08:11] No I, I'm being, I'm being flippant, excuse me. I would be happy to. I think that's a great question for Jonathan to, to address as well but I think that some of the questions that you've asked of the core team were of the Council floor are ones that we're wrestling with ourselves and we're having those discussions with, with Jonathan but I, there are multiple stages where we are kind of broadening out the discussion and right now as one of those where we're in this discovery phase and we're trying to pull everything in and that's making folks nervous because there are so many factors to look at and then it seems like an impossible task to take that long list of everything under the sun that might affect fisheries and our management of those fisheries and come to some discrete, coherent product at the end that makes sense and so I think both the, the discovery phase that we're in now as well as at the workshop itself you know looking at those factors and boiling those down into things that are co-correlated that move with each other in terms of change moving forward is going to, is going to help, help the core team, I mean the process is that, is that winnowing down and finding commonality to get to the, to the end goal and I welcome Jonathan back up to the table to address that further but as a co-chair that's one of my thought processes for you.

Jonathan Star [00:09:48] Okay thank you. Thank you Mr. Vice-Chair. With regards to the question yes, the, the six scenario interview questions, the, the driving forces that I presented in many ways are the responses to questions 2, 3 and 4. Okay so the first one which is looking back is when I conduct these interviews the first question is really to get people into the mindset that change can happen, so it's not focused on the future it's in, into the mindset that what has surprised you. Questions 2, 3 and 4 are various different questions getting at what do you see as an interesting uncertainty for the future? What do you see as very predictable for the future and what do you see as a big shock to the system? Each of those are represented in that list of driving forces. Those three questions are just alternative ways of getting at those driving forces. The fifth question which is around good and bad scenarios is I, I take it, it's a little more around outcomes but it's, it's more around how to get people, what's the interpretation of how people then connect all those different driving forces to say 'tell me a story about a good and a

bad scenario'. The sixth question is to catch anything else that hasn't been mentioned before. So I apologize for not making that clear. The driving forces responses on that list come from questions 2, 3 and 4 primarily.

Marc Gorelnik [00:11:25] Okay. Okay Michele? Further council discussion? Mr. Dooley.

Bob Dooley [00:11:37] Thank you Mr. Vice-Chair. I'm just a little unclear about the expectations here of the Council in this process as we go forward and particularly as it relates to the workshop. I'm kind of, I understand the development of the topic and how all that is kind of being thought about but the participants seem to be a big issue and they're driven by their expertise or what you're looking to get out of them and it seems like the creation of some kind of matrix of how many of this and how many of these and how many of those and so you, you make out the total 50 people I think was said so that there's a, there's blanks, there's five of these and 10 of those and three of those so you understand the composition and then you plug in who those people might be and I think a lot about who those people might be and what they're drafted to participate in may drive the, may drive the answer of the scenario and so I'm wondering what's the Council's role? Should we be, are we, I'm just trying to get an understanding of where the guidance comes from? Are we going to be part of that? Do we look at the matrix and help plug in names and, and after it look at the finished product and say well maybe that's not quite right and that or are we just, is this an informational reports and we'll get the answer at the end? That's, that's a question.

Marc Gorelnik [00:13:07] Well I think it's an opportunity for our input but I, I sense your frustration with the, the exercises planned for January but there's no time on the November agenda for us to return to this topic so we're talking about it in September. We do need to have a broad cross-section. We don't really have an opportunity here at the table right now to define what quotas will be for different sectors. I think we have to leave that to the team and the judgment of the team unless people around here disagree to make sure that we have as broad a cross-section and a fair representation of our stakeholders and I, I take the point that not all of our stakeholders are actually, not all the people who ought to be represented are, are stakeholders so maybe we need to be broader than that as well. Michele.

Michele Culver [00:14:09] Thank you. I agree with your comments Mr. Vice-Chair and Mr. Dooley and I guess just wanted to offer a couple of thoughts. The first one is I appreciate trying to get a general sense of, of the number of people that we're talking about but at the same time I guess I think it's, it's more important that we get a useful product out of this so would encourage the core team to, to be fairly broad and more inclusive. Ensure that the expertise and the stakeholders are well represented and rather than hold ourselves to the number of 50 that was suggested. I'll, I'll just stop there on my thoughts on participants.

Marc Gorelnik [00:15:19] But keeping in mind Mr. Star's observation that the productivity of the exercise may drop as the number exceeds, starts to exceed 50, so I think the team has a challenging assignment too and I'm assuming that the team would be receptive to thoughts of the people around the table who the team could be approached directly on that because I don't think we're gonna get all the answers around the table here at this moment. Rich did you have your....

Rich Lincoln [00:15:53] Thanks Vice-Chair. Not, not in the mode of like prying a detailed discussion necessarily but I did want to provide some insights that I think Gway alluded to this as kind of, and we've all talked about a little bit this is like an acti, really active discussion right now of us trying to I think do what you just described Bob. So we are kind of building a matrix of categories of expertise and stakeholder constituencies, geography and species representation so that when suggestions come up of particular people that are, have some of those qualities that Jonathan talked about create, creativity,

experience and those things that we can map that out and try to make sure that we have good representation so Kit's in the process right now of kind of creating those, that little framework matrix for us so that we can make sure that we at least have a very thoughtful exercise about how to approach that and I mean I think if we get to a point where we just say well look we're, we're missing something, somehow it's, it's an optimization and balancing act so I am, I guess we had a discussion about what the Council's expectations might be and I guess what we're hopeful is that in our description of... kind of... process and thoughtfulness that you'll get some comfort that we've got the right kind of steps in place but if we're at a point where we're really feeling like we've got some, might have some issues there I think we would come back to the, come back to the Council or, or look for some additional help, but that that's kind of where we are at right now making sure that we do have a good balanced participation and getting what we need out of the process recognizing again that the scenario development process, yeah the description of those could, could drive the discussion a little bit about implications but you need to remember too...the way Jonathan described some of those, kind of those big different future conditions, I mean it's, it's not gonna necessarily be like a very detailed description of this is kind of what this looks like, it'll be like plausible futures but they're going to look really different and cause the Council and the communities to think about well what are the implications if those kinds of things happen so anyway just a little bit of additional thought.

Marc Gorelnik [00:18:25] Phil.

Phil Anderson [00:18:27] Thanks. Well first of all I want to thank and commend the core team for the work they've done up to this point and I, I'm, I'm impressed with what you have done up to this point. I, I have a lot more clarity on what it is you're doing now than I did a couple hours ago and I have, I have a lot of confidence in the core team and your judgment. I think you'll be giving the, the same kind of deliberative thought to the composition of the participants that, that we are and as we're expressing some of our concerns and in guidance if, if you will. Similarly how to, how to conduct the meetings such that members of the public can listen in and feel that they're part of the discussion and but at the same time managing the public discussion so that it doesn't inhibit or some way compromise the ability of the, of the people that are invited to participate to do their job and get, get a good work product. We've all participated in different types of meetings. SaMTAAC comes to mind or the Southern Resident Killer Whale Workshop where we've had people come to those meetings that are in the workgroup but at the same time we provide opportunity, limited as it might be, to participate and provide discussion and comments to the group so I'm confident that we've got a great group of people that are in the core team and they know how to do that and with the facilitators help. So I'm, I personally am not interested in trying to provide any specific or get into.... I mean if I had a name of a person or a sector or something that I was particularly interested in I, like I would encourage other Council members just to let our core team representatives know that we think those are important. My guess is they're probably already on their list. So again I, I'm looking, I'm looking forward to the as this process develops and you have your meeting and you do and get some of these scenarios laid out, some of the suggestions though on the scope of the scenarios seem to me there needs to be some sideboards on how far out you're gonna go in terms of scenario planning but again the expertise is within the core team to kind of figure out what that is. So again thanks for what you're doing. I have confidence that we've got a good group and thanks to the NGOs that are partnering and being a huge part of this to make this happen and I think we're gonna learn a lot from it.

Marc Gorelnik [00:21:53] Thanks for that Phil. Frank.

Frank Lockhart [00:21:57] Phil said a lot of the things I'm going to say so I'll just that's fine and the only thing I would add that didn't quite get that kind of addresses some of what Bob said early on is that I think we, the Council at the March or whenever they come back with a final report I think we get, we

play a much stronger role there but I think like Phil said we've created a good core team. We have Jonathan Star here and we're trusting in them right now to go forward. We'll have our chance later on and in fact I think we're going to be quite, we're going to be quite busy when they come back and I'll just conclude by saying I'm very excited as this goes forward in large part because of Caren and Rich, Rich's role in the process. I think they've done a really good job and I was also, I thought the presentation by Jonathan Star was was excellent so thank you.

Marc Gorelnik [00:22:54] Bob.

Bob Dooley [00:22:59] So I thank Mr. Vice-Chair. This, this has been really informative and my, the purpose of my first question was to understand exactly what we just talked about is what the expectation of the Council is through this process. I was pretty skeptical of this whole initiative when it first started but when I, when the core team was appointed or vollun...told to be on the, on the group. I was much more comfortable with it. Good people. I sat in on the, not sat in, I listened in on the first meeting and when Mr. Star was first introduced and had a lot more confidence in the process at that time and I thought it was going in the right direction and I have total confidence and, and trust in the group, the core group and everyone involved and particularly the support of the NGOs that are making it, helping to make it happen, so I feel better about what the expectations are of the Council and how we could, because I was also thinking of the timeline that Marc pointed out and how around the table what, what's expected of us and I do think they're going to do a great job and I love the presentation today with Mr. Star because that helped a lot to understand how this is going forward and I think it's a great process. Excited to see the end of it or what the result so thank you.

Marc Gorelnik [00:24:23] All right thanks for that Bob. Phil.

Phil Anderson [00:24:24] I just real quick just my, my mission I just wanted to also thank the University of Washington, Dr. Levin for the role that they're playing and help they're providing the, this initiative so thanks.

Marc Gorelnik [00:24:42] Louis.

Louis Zimm [00:24:43] Thank you Mr. Vice-Chair and I also want to thank all the knowledgeable participants in this and as a way to thanking you I'm going to ask a hard question. Back in March 2019 it looks like by the Fishery Ecosystem Plan Initiative Climate and Community Initiative description here on our website that the planning exercise on the topic of shifting stock availability including shifting distribution across species, FMPs, communities across the West Coast and then I see today the framing question is how will West Coast fishing communities be affected by climate related shifting stock ability, availability and other developments between now and 2040 and so somebody was paying attention to that and now we have these driving forces of change which is a large list and we're bringing in a bunch of other really good subjects also but I'm really getting concerned about mission creep and this is why I think we're having the reservations about 50 and who to pick, so did I miss something? Did that other, other developments between now and 2040 get added in somewhere and I completely missed it or what's going on here? I'm sorry can I ask Caren that?

Marc Gorelnik [00:26:19] Rich.

Louis Zimm [00:26:22] Or Rich.

Rich Lincoln [00:26:23] Thanks Vice-Chair. I'll take a crack at that. I think it's a good question Louis. So you'll notice that the framing question is centered around the same topic that the Council chose and

the discussions that we had in terms of how to frame the scenario definition process and talk about implications of those things was that there are, the process that we're going through right now that Jonathan described as interview questions and those driving forces are what, what things are going out there around that are around the borders of the subject that we're dealing with that could have an implication in the way that we described those changes. So the, the task right now is to take that information in terms of how those things might, I think there was, maybe it was Caren's description of it's a winnowing process so we're, we've got this concept of shifting availability and distribution but there are things that affect that and so we're gathering that information to help thing, think about what those common kind of factors might be in terms of influencing those shifting stocks and availability and make sure that we don't miss something that could throw a monkey wrench into our discussions. So then when we winnow the process back down it's quite likely that in the, in the context of how we define scenarios about shifting stocks and distributions that we'll talk about how some of those factors might be at play in, in influencing those kinds of outcomes, but it's, it's information to help inform the process and not to distract it.

Louis Zimm [00:28:09] Thank you very much Rich.

Marc Gorelnik [00:28:12] Further discussion? Guidance? I'm not seeing any. I think, Kit how are we doing? I think, I mean I'll tell you where I think we're doing. I think we've basically deferred to the team on a lot of this. Caren.

Caren Braby [00:28:30] I just want to say that we have been listening. We the core team have been listening very carefully and appreciate all the work that went into the reports and into the Council discussion and we take representing the Council at the core team very seriously, Rich and I do and so I just want you to know that we take that responsibility very seriously and I appreciate your confidence and you're welcome to reach out to us at any time with input or concerns that are raised so thanks for doing that and coming along in the process with us.

Marc Gorelnik [00:29:19] All right. Thank you Caren. Kit.

Kit Dahl [00:29:24] Thank you Mr. Gorelnik. I think Miss Braby summed things up very well. I don't want to detract from that so I don't think I'll say anything more...then unless any Council members have additional observations that we're done here and we've received some very useful guidance or speaking on behalf of the core team.

Marc Gorelnik [00:29:51] All right. That, I think that concludes F.2 unless someone, E.2 rather unless someone has any last words? Going, going, gone. All right that concludes agenda item E.2.

F. Salmon Management

1. Methodology Review – Final Topic Selection

Marc Gorelnik [00:00:00] All right that completes reports and public comment and takes us to our Council action which are up on the screen. I have some advice from the SSC. We've heard from the MEW and the STT. So let me open the floor. Phil.

Phil Anderson [00:00:24] Thanks Mr. Vice-Chair. I'm hearing that we have three of the five items that are ready and would be and the appropriate supporting materials would be provided to the SSC in the timeline that they demand. Number 3 which the STT did to conduct the technical analysis relative to the change in the management boundary at Horse Moun... Horse Mountain. The, there's going to be at least some sort of a report provided the SSC relative to the issues associated with Summer chinook and where that goes from there in terms of whether it's a methodology review or not is yet to be determined, but there will be some information provided to them for their review and then the last one that's ready is the documentation of the abundance forecast approach used for Willapa Bay coho. The other two, the FRAM documentation and the framework for evaluating postseason metrics are not ready, so that's where we are.

Marc Gorelnik [00:01:41] Thanks Phil. So we have three topics that are ready, two that are not. Do we need further discussion on that? I don't, Chis did you have.....

Chris Kern [00:01:58] Just a...thank you Mr. Vice-Chair. Just a quick comment. In terms of prioritization I do view the Summer chinook as a pretty important one so I'm glad to see that's still on the radar and I know people have been working really hard on it. So I appreciate that but I just wanted to chime in and get that on the record.

Marc Gorelnik [00:02:15] Very good. Thanks Chris. Kyle.

Kyle Adicks [00:02:18] I, thank you Mr. Chair. I would second Mr. Kerns comments. There's been a large group of people looking at the Summer chinook issue. Not clear whether anything they found would require a methodology review but I think it makes sense for that group to come back, the MEW to bring back what they found during methodology review regardless. Item 1, The FRAM documentation and user manual, there has been a lot of work on that user manual. I get that it's not part of methodology review but don't know that it needs to be part of any meeting in October but there is something there that people can start looking at soon and they don't want to lose that opportunity. I know there's a lot of interest if not from the SSC, from others in seeing that FRAM user manual.

Marc Gorelnik [00:03:11] Any other comments on priority? Any other comments or discussion on either of the actions on the screen? I'm not seeing any. Robin how are we doing?

Robin Ehlke [00:03:30] Thank you Mr. Vice, Vice-Chair. I think that you have filled the work to be done by the Council in identifying three of the five topics that are going to be ready for methodology review. We have the boundary line, the 40 10 line, we have the Columbia River upper Columbia Summer chinook and the documentation of the Willapa Bay coho forecasting methods so we'll look to take those items for review come October and then I guess the only other thing I would add is SSC mentioned an October 8th due date if you will just to understand that, that due date is a reflection of the requirement of having material in two weeks prior to what we think is going to be a October 22nd date for this methodology review. So I just wanted to make note of that but with that Mr. Vice-Chair....

Marc Gorelnik [00:04:32] Phil.

Phil Anderson [00:04:33] I do have just one other, I guess it's a comment. The first item on our list, the FRAM documentation and user manual. We've had that on our list of methodology reviews for years and there's been obviously lots and lots of work being done and in the, in the midst of all that the FRAM model was updated with a new base period and, and so there, and it has always been my understanding with it being on this list that both of those items were needing SSC review. Now I understand that the user manual is, does not but as Kyle said there's, there's a lot of interest in that user manual out there in the management world particularly in the Pacific Northwest and I just want to make sure that we have some mechanism, whether it be through the Council or through the co-manager venue to ensure that the relevant managers, tribal and state managers have an opportunity to look at the, the initial what was referenced as the initial draft of that user manual so that at least we get that user manual completed within among the individuals that are interested in making sure that it is done in a way that is acceptable, so whether that's through the co-manager's forum, through Northwest Indian Fisheries Commission and Washington Department of Fish and Wildlife or however that gets done, I just want, I don't want the fact that the SSC has indicated they don't need to review it to foreclose the opportunity for it to be distributed amongst the appropriate people. NMFS may want to see it too and provide any comments back to the MEW that's been working on getting that user manual complete.

Marc Gorelnik [00:06:40] Chuck.

Chuck Tracy [00:06:42] Thank you Mr. Vice-Chair. I guess, I guess to that point I will point out Galen had mentioned that well so that this review is actually SSC, Salmon Subcommittee and STT review opportunity. The STT is likely to be interested in having a user manual for, for their members and the like, like you mentioned for the other co-managers to utilize the models, so to the extent that the SSC doesn't need to review it as it's not a methodology I think there could be some utility in the STT taking a look at it and providing some feedback to the MEW...and I think this method, this methodology review opportunity might be an appropriate spot for that to occur.

Phil Anderson [00:07:36] I support that.

Marc Gorelnik [00:07:36] All right. Anything further around the table? Brett.

Brett Kormos [00:07:45] Thank you Mr. Vice-Chairman. I'd just like to thank the relevant advisory bodies and the technical staff that have already done a significant amount of work to get these things ready to move forward for methodology review in October so thanks.

Marc Gorelnik [00:08:04] All right thanks. All right. Robin we're done?

Robin Ehlke [00:08:09] Yes Mr. Vice-Chair we're done.

Marc Gorelnik [00:08:12] All right.

2. Rebuilding Plans – Final Action

Marc Gorelnik [00:00:00] That completes the reports I have. Is there any public comment? We have no public comment. So we return to a list of the tasks before that has to, would like to deal with them separately. We have the coho rebuilding plans and separately we have the Sacramento River Fall chinook assessment and management. I don't think we need to read those but we have these three different rebuilding plans and let me look around the table for Council discussion. Kyle.

Kyle Adicks [00:00:44] Thank you Mr. Vice-Chair. I'll save most of my comments for speaking to the three motions that I intend to make for each of the coho rebuilding plans. I do want to say the rebuilding plans can seem like a bit of a cookie cutter exercise but each of these three stocks are from unique watersheds with unique habitat productivity challenges, unique sets of fisheries that affect them and that's reflected in the plans if you read the details in there as well as in the recommendations that we will make. I did want to just take a minute to thank the tribal co-managers in each of the watersheds for all of their hard work to get these completed as well as the state staff and the STT. Thanks to Mr. Oatman, Oatman for open for bringing the tribal comments he brought this morning. I think the motions I make will be reflective of those comments as well.

Marc Gorelnik [00:01:34] All right thanks very much Kyle. Before we get any, any motions on these I'd like to see if there's any discussion amongst Council members on these rebuilding plans? I don't see any discussion Kyle. Do you have a motion?

Kyle Adicks [00:01:53] I do and Sandra should have all three and we will, they will be in the order I sent them to her, fortunately.

Marc Gorelnik [00:01:59] Okay great.

Kyle Adicks [00:02:01] So for the Strait of Juan de Fuca I move that the Council adopt the Strait of Juan de Fuca Natural Coho Rebuilding Plan as presented in the Agenda Item F.2, Attachment 1 as final. Adopt recommendation 1 confirming the default rebuilt criterion from the Fishery Management Plan and adopt recommendation 2, alternative 1 status quo as the preferred management strategy alternative for recommendation to the U.S. Secretary of Commerce.

Marc Gorelnik [00:02:27] Kyle does that language accurately reflect your motion?

Kyle Adicks [00:02:31] It does.

Marc Gorelnik [00:02:33] I'll look for a second. Seconded by Phil Anderson. Please speak to your motion.

Kyle Adicks [00:02:39] The Strait of Juan de Fuca rebuilding plan highlights that the abundance of this stock has been chronically below abundant status defined as an ocean abundance of greater than 27,500 not categorized as abundant since around 2003 in spite of some periods of good marine survival and consistently low fishery mortality, mortality levels well below allowable rates under the FMP and the co-manager plans. The Point No Point Treaty Council and Makah testimony further reinforced the freshwater and marine survival problems, the consistently low impact due to fisheries and the fact that this stocks overfished status is not a result of overfishing. Recommendation 1 will maintain the default rebuilt criterion from the FMP and recommendation 2, alternative 1 maintains the management framework and reference points as defined in the FMP. There is a one year difference in projected rebuilding times, six years for alternative 1, five for alternative 2, but that difference is really negligible

as the probabil....probability of achieving rebuilt status by year 5 is 48 percent in alternative 1 and 50 percent in alternative 2. That small difference is not surprising given the information on the limited impacts of fisheries on the stock in the past and supports the continued use of the FMP management framework as described by alternative 1. The co-manager's recommendation number 3 in the plan is to re-examine the reference points in the FMP and the co-manager plans as nearly 20 years of new data is available since they were developed and analyses of those data suggest revised reference points might be appropriate. This may be identified as a methodology review topic in the future as the co-managers develop their analyses further. There's also a recommendation number 4 in the plan to direct the Habitat Committee to work with appropriate local experts to review status of habitat and provide recommendations. I'd suggest that for now the Council leave that work to the co-managers who may ask for the Habitat Committee's engagement at some point in the future and again thanks to all the tribal and state staff involved in this plan specifically the Jamestown, Port Gamble, Lower Elwha, Makah and Northwest Indian Fisheries Commission staff along with WDFW regional staffs, staff and of course the Salmon Technical Team.

Marc Gorelnik [00:04:53] Thank you Kyle. Are there questions for Kyle on his motion regarding the Strait of Juan de Fuca coho? Any discussion on the motion? I'm not seeing any hands so I will call the question. All those in favor of this motion say 'Aye'.

Council [00:05:14] Aye.

Marc Gorelnik [00:05:14] Opposed No? Abstentions? Motion passes unanimously. Does the Council have any further business on this particular stock? It does not so Kyle want to move to your next motion?

Kyle Adicks [00:05:33] Thank you Mr. Vice-Chair. Moving on to the Queets. I move that the Council adopt the Queets River Natural Coho Rebuilding Plan as presented in Agenda Item F.2, Attachment 2 as final. Adopt recommendation 1 confirming the default rebuilt criterion from the Fishery Management Plan and recommendation 2, Alternative 1 as the preferred management strategy alternative for recommendation to the U.S. Secretary Of Commerce.

Marc Gorelnik [00:06:00] Kyle does the language on the screen accurately reflect your motion?

Kyle Adicks [00:06:03] It does.

Marc Gorelnik [00:06:05] I'm looking for a second? Seconded by Joe Oatman. Please speak to your motion.

Kyle Adicks [00:06:14] As the Council knows Queets coho have been one of the stocks of most concern as we have planned fisheries over the past few years both for the Council and for the Washington co-managers. Recommendation 1 confirms that the MSY escapement value from the FMP will be the standard for determining rebuilt status. Recommendation 2, Management Strategy Alternative 1 reflects the status quo approach of the FMP. Alternative 2 outlines an approach that reduces the total allowable exploitation rate below 20 percent as abundance decreases although it projects no difference in the predicted rebuilding time. Alternative 2 also includes a precautionary provision that North of Falcon marked selective coho fisheries would not be converted to non-selective by inseason action when abundance is forecast to be low, below 72, seventy two hundred and fifty ocean abundance. The co-managers have and will continue to use precautionary approaches to forecasting and preseason fishery planning and response to adverse environmental conditions and or low predicted abundances during the rebuilding period and beyond. The, the recommendations the co-managers have brought to the Council in the past have reflected this approach particularly in the year since the coho decline of 2015.

Alternative 1 will allow the co-managers to continue that approach and to evaluate annually what fishery restrictions are appropriate to promote rebuilding while allowing appropriate levels of fishing and pre-terminal and terminal fisheries. This will include continue, continued use of precautionary measures that WDFW supports such as not considering conversion of marked selected fisheries to non-selective in years of low abundance. The co-manager recommendations in the plan covers some specific habitat and hatchery actions that they will not go into in detail but that the Quinault Nation and WDFW as co-managers will continue their work on as well as additional precautionary measures to guide both pre-season planning and inseason management and again thanks to the Quinault Nation for all their hard work in pushing this rebuilding plan and corresponding recommendations to completion as well as to the Northwest Indian Fisheries Commission and WDFW staff and the Salmon Technical Team.

Marc Gorelnik [00:08:18] Thank you Kyle. Are there questions for Kyle on his motion? Discussion on the motion on the Queets coho? I'm not seeing any hands so I'll call the question. All those in favor of this motion say 'Aye'.

Council [00:08:35] Aye.

Marc Gorelnik [00:08:35] Opposed no? Abstentions? Motion passes unanimously. Does the Council have any further business on this stock? Well why don't we move on to your next notion?

Kyle Adicks [00:08:52] Finally for Snohomish. I move that the Council adopt the Snohomish River Natural Coho Rebuilding Plan as presented in Agenda Item F.2, Attachment 3 as final. Adopt recommendation 1 confirming the rebuilt criterion from the FMP and adopt recommend, recommendation 2, alternative 2 SMSY buffer as the preferred management strategy alternative for recommendation to the U.S. Secretary of Commerce.

Marc Gorelnik [00:09:17] Kyle does the language on the screen accurately reflect your motion?

Kyle Adicks [00:09:20] It does.

Marc Gorelnik [00:09:22] Thank you. Looking for a second? Seconded by Joe Oatman. Please speak to your motion.

Kyle Adicks [00:09:32] The ocean abundance thresholds and corresponding allowable exploitation rates in the FMP and in the Puget Sound co-manager's comprehensive coho plan are designed to limit fishing as forecasted abundance falls from abundant status to moderate or low status. For Snohomish coho the MSY escapement value with 50,000 is the basis for the abundant status reference point and the corresponding maximum allowable exploitation rate as described on page 8 of the rebuilding plan. Recommendation 1 confirms that the stock will be considered rebuilt when the 3 year geometric mean of adult escapement meets or exceeds that MSY escapement value 50,000 spawners. Recommen, recommendation 2, alternative 2 recommends a 10 percent buffer for the SMSY value with 50,000 for planning fisheries during rebuilding. As described in the co-manager recommendations in the plan and in the Tulalip testimony provided, the state and tribal co-managers have taken steps to adjust pre-season forecast and to plan conservative fisheries since the decline in abundance seen in 2015 to 16. In 2019 the co-managers planned fisheries to target an escapement of greater than 50,000 in spite of an allowable exploitation rate limit at the forecasted abundance that would have resulted in a much smaller escapement under the management framework. 2019 fisheries were planned with the projected impact of 19.4 percent consistent with a low status while the population was forecast in moderate status and would have allowed a higher rate. Although there is no difference in projected rebuilding times between the status quo and the buffered MSY escapement target alternative, the 10 percent increase in the

escapement target is a prudent measure to ensure abundance rebuilds back to abundant levels as quickly as possible. Alternative, alternative 2 reflects this commitment by the co-managers to continue using this cautious approach during rebuilding and finally thanks to the Tulalip Tribe for their work on this plan and its recommendations as well as to the Northwest Indian Fisheries Commission and WDFW staff and again to the Salmon Technical Team.

Marc Gorelnik [00:11:30] Thank you Kyle. Are there questions of Kyle on his motion? I'm not seeing any discussion on this motion. I'm not seeing any so I will call the question. All those in favor of this motion say 'Aye'.

Council [00:11:50] Aye.

Marc Gorelnik [00:11:50] Opposed No? Abstentions? Motion passes unanimously. Is there any further Council discussion or action on either this motion or any of the coho rebuilding plans? Susan.

Susan Bishop [00:12:08] Thank you Mr. Vice-Chair. I would just, NMFS would just like to express its congratulations to the salmon rebuilding plans within about a year's time of their being declared the overfished. To our knowledge this is the only Council of the five that has accomplished this feat. We know that it was a lot of work, challenging circumstances and to be commended so thank you.

Marc Gorelnik [00:12:34] We're a high functioning Council. Thanks for that Susan. Any further discussion on the coho rebuilding plans before we turn to the Sacramento River Fall chinook? I'm not seeing any so we'll go to item number 4 here, consider and discuss if available the scoping document on the Sacramento River Fall chinook harvest model development. We received a rather thorough report, STT Report 2 that outlines the steps that would be required to go down this road and we've heard from CDFW on the value of going down this road so let me open the floor for discussion or guidance. Chris.

Chris Kern [00:13:34] Thanks Mr. Vice-Chair. Struggling with what guidance to use but first I'll say thanks to the team for the report. I think it's, as you said it's pretty thorough and it has a good outline here of things that are already in progress and so it looks to me like there's at least a fair number of things that are going to be remain in progress absent any action or statement from us so that's good. I am curious what we can do to sort of keep this as alive as possible because I do support, I think it's the right way to be managing the stock if we can do it but recognizing the issues Mr. Kormos spoke to earlier it's a lot of work, well as well as Dr. O'Farrell, there's a lot of work, a lot of expenditure I'm sure and so I'm not sure how that happens but I'm, I'm curious, I mean we've got, it's clear from the conversation Mr. Tracy had as well that there's a timeframe here that's not immediate in terms of getting it done and so that to me brings a bit of a fear that we might sort of lose it in the shuffle for a little while until we think about it again so I'm struggling with wonder if anybody has thoughts on how we might achieve a goal of sort of keeping it on the radar in the near term or more but at least that.

Marc Gorelnik [00:14:57] Thanks Chris. Those are good comments. Brett.

Brett Kormos [00:15:05] Thank you Mr. Vice-Chair. I as well struggle with where to take this next here at the Council level. As I mentioned earlier I think National Marine Fisheries Service and the Fish and Wildlife Service are going to need to play a significant role in getting this assessment probably more importantly done on an annual basis in time for us to actually use it for management. We, the department in collaboration with Pacific States Marine Fisheries Commission and through a number of mitigating agencies have been aging Central Valley chinook, Sacramento River Fall chinook since 2005 and but on a shoestring budget and getting it done not in the timely fashion it will ultimately need to be

done in so while Mr. Kern notes that some of this work is in progress or has been in progress that is true but the, the funding and the infrastructure and the collaboration does not currently exist that will facilitate annual assessments like this. The Klamath Trinity system is a, is an excellent model for how we might consider getting this work done in the future and long term for Sacramento River Fall chinook. It is a true collaboration. In that particular basin we have the Yurok and the Hoopa Tribe that are involved in aging scales sampling their fisheries. The department has a number of surveys and contributes to the assessment. U.S. Fish and Wildlife Service, the Forest Service and even some other NGOs and I'm sure I'm forgetting a number of other partners but it is a Herculean effort and it takes a lot of, many hands make light work and that is the model that we should be in my opinion looking at recognizing that there are different players in the Sacramento Basin, some of them are the same. We again have Fish and Wildlife Service, we again would have NMFS, we would again have CDFW but there are a number of other water agencies, Department of Water Resources, Yuba County Water Agency and others that we would ultimately need to collaborate with and link in and so I don't know how we ultimately create the impetus for the funding and the collaboration but I certainly think that this is important. Clearly it's near and dear to my heart and something I believe is necessary for us to do the right thing for this particular resource and I'm taking this opportunity to make a plea for support and from my colleagues and the federal agencies that are here today in addition to whatever support can be offered by the State of Oregon because this certainly plays a role in their ocean harvest opportunity and I think that as is many things in fisheries management sometimes it takes folks like us to go back to our respective agencies and speak with our respective leadership to highlight these needs and try to facilitate some movement. So I'll end my comments there but thank you very much all of you for entertaining this subject matter.

Marc Gorelnik [00:19:33] Thank you Brett. Susan.

Susan Bishop [00:19:42] Thank you Mr. Vice-Chair. NMFS certainly supports California's request and thinks that this is important work to be done. As many folks know we have found it a challenge over the last two to three years in providing guidance pre-season for the Sacramento Fall chinook in particular. We see this type of information as, as likely resulting in significant improvement in the, in our ability to provide that guidance and the ability to set more certainty around the fisheries in achieving appropriate goals. I'd be interested in talking to Mr. Kern and Mr. Kormos maybe off line about their ideas of how, in ways that we might help.

Marc Gorelnik [00:20:34] Can you share any of the ways you might help or are that's something you need to go back and speak to others about because it seems like this is important but what I'm gathering is that we need perhaps some leadership from NMFS on this as well.

Susan Bishop [00:20:53] Thank you Mr. Vice-Chair. I would prefer to, to speak with some more information first so to talk with Mr., with the states of Oregon and California....

Marc Gorelnik [00:21:05] Okay....

Susan Bishop [00:21:06] As well as the STT. Thank you.

Marc Gorelnik [00:21:15] Well I guess what I'm hearing. Let me get closer to the microphone, is that there's interest in going down this road but we're not exactly sure what the path will be so we don't have anything really to suggest to put on a future meeting agenda I don't think at this point but I would hope that when the time is right it could be brought back to the Council for further discussion and perhaps development but I guess we're going to have to leave it to NMFS in California and Oregon to keep the ball rolling and bring it back to the Council. Is that a fair summary? Brett.

Brett Kormos [00:22:03] Thank you Mr. Vice-Chair. Yeah that is a fair summary. I'll just remind folks that this would ultimately come back to the Council as a methodology review item should we be able to make sufficient progress on all of the things outlined in the STT Report.

Marc Gorelnik [00:22:21] Thank you Brett. Is there further discussion on this agenda item? Is there anything further on F.2.? Robin how are we doing?

Robin Ehlke [00:22:42] Thank you Mr. Vice-Chair. So the Council has looked at all three of the coho rebuilding plans and has adopted them as final with a final preferred alternative. For each of the plans the Councils adopted, recommendation four point one which was that the rebuilt criterion stands for all three of the stocks and then in all three plans under recommendation four point two for the Strait of Juan de Fuca and The Queets River stock, Alternative 1 and for the Snohomish River, Alternative 2. So that does complete the work for those rebuilding plans. We'll move those forward to the Secretary of Commerce. The STT will take another look at them and make any minor editorial changes to them as we finalize those plans, and then for the Sac Fall harvest model sounds like you had a good discussion and hopefully we'll maybe see something in the future on that but I think that you've done your, your work under this agenda item and I say that with a smile.

Marc Gorelnik [00:24:01] Thank you Robin. Well not seeing any further hands I'll pass the gavel back to Chair Anderson for our next agenda item.

3. Southern Resident Killer Whale Endangered Species Act Consultation

Phil Anderson [00:00:00] Then that takes us to our Council discussion and that is our, our discussion also certainly can include providing any guidance relative to the preliminary risk assessment proposed schedule and future analysis and maybe I could we, we set aside Brett's question to Mr. Thom so maybe we could start with that and if you would like to repeat that question if for no other purpose to remind me of what it was.... (laughter)...we ask Barry to respond.

Brett Kormos [00:00:46] That's not a problem Mr. Chairman. The question was given that none of these correlations meet the criteria for statistical significance that's generally accepted of point 05, a P value of point 05 or less. Do they need to meet that criteria to be utilized in a biological opinion?

Barry Thom [00:01:12] Thank you Mr. Chair. Thank you Mr. Kormos. Yeah I guess a couple, couple ways to answer that question. One just to clarify so the, the standard for information to be used in a consultation is that we need to use the best available information, the best available scientific information in that consultation and so you know regardless of there's no standard that the information has to meet, some certain standard before it can be used. We will use any available information in the consultation but we'll also take into account the uncertainty and the data quality of that information as we go through that analysis and so I hope that answers the question that we will factor that into any analysis and recognizing that there are more components to the analysis than just the specific correlations and the tools that the workgroup was looking at so far and there are other components of that analysis that will, will come forward.

Phil Anderson [00:02:12] Go ahead Brett.

Brett Kormos [00:02:13] Thank you Mr. Chairman. Just a follow up. Is it the opinion of the National Marine Fisheries Service that this rises to the level of the best available science? This approach that the workgroup has invested such a significant amount of time and effort in to this point.

Barry Thom [00:02:34] Thank you Mr. Chair. Thank you Mr. Kormos. We have not made any sort of formal determination of what the best available scientific information is in this case but it will be the best available information as we move forward. I'm not aware of any additional information and right now I do view that the work of the, of the workgroup so far has helped compile and provide some details for that analysis which will be very useful and are very helpful in understanding the relationships that exist in that level of detail, that being said there, like I said there is other information out there that the workgroup has, has pulled together as well that will be useful.

Phil Anderson [00:03:19] Go ahead Brett.

Brett Kormos [00:03:20] Thank you Mr. Chairman. I ask these questions to address the question that you posed Mr. Chairman which is where do we go from here and I'm trying to assess whether or not it's the Council's opinion that we, we should stay the course here or not and so I'm putting that out there for the Council to consider and discuss potentially.

Phil Anderson [00:03:47] So just as you, most of you know I've participated in the workgroup process and I have a I guess a few observations to share. I've already expressed thanks and admiration for the amount of work that has gone into the workgroup process thus far. I think from the very outset we tried to do as comprehensive a job as possible in terms of looking at the potential modeling and analysis that were available to us that would help ascertain the potential risk that any of our fisheries pose to the prey base and therefore to southern resident killer whales and we, you can use a fairly broad brush in terms

of geographic scope and chinook abundance but in discussing it within the workgroup we didn't think that was an appropriate approach, that we wanted to get a finer scale of the analysis done so that we were, any recommendations that we might bring forward were carefully thought out. That we weren't taking a broad brush approach that might inadvertently affect areas that might not otherwise be affected if we looked at it from a more finite scale and we, this the latest analytical work looked at fecundity, looked at birth rates, looked at the presence or absence of peanut head as three indicators that might help equate whether or not the prey base in certain area, under certain areas and conditions relative to chinook abundance that there was a correlation and the graphics that were showed that was shown in the workgroups report was the result of that work and you probably saw the air bars around, the confidence intervals around those were pretty big in a lot of cases and, and I would say at least from this, this my, my seat on the workgroup I was hopeful that we might see a more clear indication of, of time, area, and chinook abundance that would help us guide us in terms of determining whether there were particular areas that we needed to focus more on than others. An obvious, well I don't know about obvious, but at least obvious to me is the, it seems like the closer you get to the Strait of Juan de Fuca and that area and particularly in the summer months as opposed to the Winter months you would, you, you would see potentially a more direct correlation to some of those things but, and you can also see in some of those graphics that there may, it may not meet the statistical significant criteria but there are still some trends there that, that might be useful. So when we, when we met as a workgroup on a webinar here a, I don't remember when it was but it was within the last week or so I think, 10 days anyway, we got the results of that analysis, had a chance to talk about a little bit more and then we were also posing the question of well, posing the question to National Marine Fisheries Service in terms of what additional information are you going to need because at the end of the day there's going to be a biological opinion and there, at the end of the day we're going to need an incidental take permit for our fisheries and that in regardless of.....so I'm kind of getting to the do we, do we stay the course or not and, and because at the end of the day we're going to need the biological opinion is gonna get done, incidental take statement is going to be developed, reasonable and prudent alternatives are going to be considered and, and it is the workgroup process that gave the Council the opportunity to be a part of that work and a part of that result. It is at the end, at the end of the process it is National Marine Fisheries Service decision and it is their biological opinion, it is their incidental take permit but they gave us the Council and all of the, of the great analysts that we have that are part of our process an opportunity to be a part of that biological opinion and incidental take permit, at least the development of it which I really appreciate, they didn't have to do that. So I, my opinion is I think we have to stay the course to, because the alternative seems to be, one alternative it would be to stop the workgroup, NMFS goes forward and does their work on their own and we, and we are no longer a part of that work and that alternative doesn't make sense to me. So we did ask at the last webinar what else do you, National Marine Fisheries Service we're going to get, going to get this risk assessment document, you're going to need to get to the biological opinion the final. What else do you need and while the, the answer was something along the lines of well we, we're going to need to understand the chinook abundance by some time area criteria that I think we have spent a fair amount of time developing and we're going to need to understand from a fishery perspective what impact the fisheries have on the prey base of the chinook abundance in, by time and area in order for us to assess whether or not the fishery poses a risk to the, or poses jeopardy to the southern resident killer whale population. So that assignment then was, was, was made to our analyst and that work is ongoing. I don't know exactly what the status of it is but it's ongoing. We have another workgroup meeting webinar here on the 24th of September, I think at which time we'll get the results of that work I think or I'm hopeful of that which will help guide us then in setting ourselves up for our next face-to-face workgroup meeting that is in October. Now there, there is also the as we have, because we didn't get some of the more clear correlations that, that maybe some of us expected to get from our analysis that we've done thus far, I would say it, it, that we are, we are farther behind than what we thought, where we thought we were gonna be because that, that work didn't produce the results that maybe some of us expected, so it is going to take us longer, take the workgroup longer, take

National Marine Fisheries Service longer to complete this work than what the original schedule, at least that's my opinion, than the original schedule that, that would have had a finished product risk assessment document coming back to the Council in November. So with all that as kind of my summary of kind of where I think we are and what we need to do, I, I would like to hear from Barry if he could give us some sense of there are, we don't have, there's not an, there is a time period in which you need to get, the service needs to get this work done, do we have, so in terms of the workgroup and getting the additional work done and getting that final product in front of the Council and if trying to do that by November is, by the November Council meeting isn't attainable, can you give us some sense of how much additional time that we have to get that work done and bring that back to the Council such that the Council's perspectives on that can feed into your ultimate decision on the biological opinion and incidental take permit and what, what if any changes in our management, salmon management that we need to consider? Is that a fair question I hope?

Barry Thom [00:14:10] Yeah thanks, thanks Mr. Chairman. I think that is a fair question. I can maybe tackle that first and then talk a little bit about some of the other pieces as well. So I think there are a couple options and we are very supportive of both the work that has been conducted by the group as well as the work moving forward and as you describe sort of staying the course or, or finishing out the other tasks of the group moving forward. I would maybe put a couple options there. So yes the, the preferred approach was to have the final workgroup report in November so that the consultation, what I would call the long term consultation on the plan would be carried out and complete by the, by the spring salmon management season. If we go, if we don't have I think sort of the strong components of that report by November that will put that long term schedule at risk and at that point one option is to then allow the workgroup to continue and keep that work moving forward and at the same time make a decision in November basically that, that National Marine Fisheries Service would begin pursuing a one year biological opinion to, to move us through and if we, if we took that approach though the likely approach would be a similar approach to what we took in 2019 in terms of the NMFS risk analysis that we conducted to look at the fisheries and the impacts and to do some work upfront to provide better guidance to the Council in that process. I think there potentially is a, a middle option and, and given my interactions with the Council on sort of process and schedule maybe the Executive Director, others would weigh in of how late if, if additional work product, if a, if a strong draft comes forward in November is it possible to then take final action in the March timeframe and still be successful getting us through a process as sort of a last, last component and then NMFS putting in the effort based on the draft report to do as much as possible to front load that consultation work over that same timeframe, I think that's still a possibility but definitely has a higher risk scenario at least that's what I would describe it as. Maybe I'll just stop there and see if that clarifies that and then I would like to weigh in on some other comments.

Phil Anderson [00:16:51] Questions on the, on that? Brett.

Brett Kormos [00:16:56] I, not a question just a comment if it's okay? Thinking about that final alternative that you described as a possibility, it occurs to me that, that would also require a one year biological opinion because by the time we are at the meeting in March we are actively planning fisheries such that we would need to know how this biological opinion impacts harvest opportunity or fishing opportunity at that exact same time? That is a question I'm sorry.

Barry Thom [00:17:39] Thank you Mr. Chair. Thank you Mr. Kormos. I guess the, the intent would be to complete a long term biological opinion that would be effective for the 2020 fisheries and beyond, so that's where I, that's the difference between an opinion that would, that would carry forward or be in place for the foreseeable future versus doing a one year opinion while the workgroup continues if the workgroup effort goes beyond the March or April timeframe.

Phil Anderson [00:18:13] Chuck.

Chuck Tracy [00:18:15] Thank you Mr. Chair. So again in regards to that last option as Mr. Kormos pointed out you know the Council really does need the NMFS guidance going into the March meeting. So if a decision on what the acceptable impacts were going to be it would have to come pretty dang early in March in, in order for the Council to structure its alternatives for public review and to complete, you know we have NEPA obligations associated with that as well, so that would, it seems to me that would kind of tie NMFS's hands a little bit in terms of accepting whatever the Council's final action on that would be in March. So I'm not sure that, I'm not sure if that's a good option for National Marine Fisheries Service to be willing to commit to, so in other words if the decision wasn't made until March and if the Council is the one making the recommendation to National Marine Fisheries Service in March either NMFS is going to have to accept the Council's recommendation as good for the upcoming biological opinion or they're going to have to not, and then tell us what is acceptable at that time, so I see that as, I see that as a potential road.....I don't know if that's a non-starter or not, but, but, but I do see that as an issue you know and while I'm not sure this is quite as significant an issue you know the original plan was that there would be an opportunity for the Council to consider some alternatives and to get some feedback from its advisory bodies, the SAS, on, on how to implement those requirements for the, for the biological opinion and you know with, with the essentially the risk analysis just coming out in March and decision at that point that, that would preclude that to a certain extent I think or make that much more challenging to have that sort of input from the stakeholders, so again not, I'm not sure that, that's the, that's the real critical step here but that was the intent, the original intent of the process.

Phil Anderson [00:00:04] Further discussion? Barry.

Barry Thom [00:00:08] Thank you Mr. Chairman and touch on that a little bit. I think Chuck, I think you're right. The, and I guess my understanding given that we won't have a final, potentially a final risk analysis in November that if we had, if we did we would need to have the alternatives out for consideration and discussed at the November meeting in order to have any chance of success to get to some final product in March. I just wanted to I think a couple other comments to, to weigh in just a little bit on both the, both the analysis and sort of a path forward, I, I did want to highlight, I know the, based on the, based on the work conducted so far by the workgroup and the, and the focus on trying to perfect some of these potential predictive tools and sort of time area space and the relationships with killer whales and prey availability, there, I tend to hear this sense of that the, you know the relationships there aren't significant and therefore there may not be an issue and I just want to recognize that one, that we do recognize there's multiple lines of evidence that there's a relationship between prey availability and the risk factors related to killer whales and chinook abundance and, and that is a, that relationship does not go away. Just because we have not been able to develop more refined predictive tools and in helping in that it doesn't take away from that broader relationship that, that exists and I think as, as the group moves forward I think one of the other big component which the workgroup is working on is, is what are the impacts of fisheries in the time areas and so you can actually show that the, you know what, what impact because we do need to show that the impact of the fisheries is not having an appreciable reduction on the survival or recovery of killer whales and that is critical for the analysis and so we really do need that piece of information. I would also suggest that if the, that the workgroup explore both based on the information they have and, and professional judgment of the, and the expertise in that workgroup, is it possible to define or provide recommendation or guidance on low and high risk abundances or, or areas and try to help us in some of that because I do think it's important to have the Council input on that issue. I know when we, putting forward the, some of the risk analysis framework last year we used a core tile approach and looking and sort of low, medium and high abundances in the core tiles to look at some of those risk areas and if there are, you know are there other ways to look at that risk scenario both quantitatively but also qualitatively...and understanding that and I think

understanding related to that is how do those Council fisheries react in those low abundance years of chinook and are they sufficiently active just based on the fishery management itself let alone any additional protections related to killer whales so I think those two pieces are important. I do think based on the, maybe the comments and questions that came up on the presentation, the Council does need to consider prioritizing the workload of the group that you know like with many of these things you know you could just see it just based on the work that's been done so far, it's easy to get wrapped up into wanting further and further, finer and finer models and detailed runs and to, to pull a lot of threads in the, in the analysis and I think trying to sort of step back and focus the effort so we do have that fishery impact piece coming out of the workgroup and prioritizing that workload I think is the only chance we have to...given the short time period between now and the November meeting and I'll stop there.

Phil Anderson [00:04:05] Marc Gorelnik.

Marc Gorelnik [00:04:06] Thank you Chair Anderson and I'd like to follow up on something that Barry said about we should be careful not to focus too much on one small aspect of the picture and I'd like to take that a step further because it's not just fisheries that have an impact on abundance and NMFS has the authority in other venues not in this Council to address activities that impact the abundance of salmon and I don't think it's would be controversial to state that activities other than fishing have a larger impact on salmon abundance than extraction through harvest and so I, if you can say Barry what if anything is NMFS doing on other fronts to turn a knob that we don't have to turn to increase salmon abundance?

Barry Thom [00:05:10] Thank you Mr. Chair. Thank you Mr. Vice-Chair. Yes that's a great comment and question. We do recognize one, there, there are multiple threats to killer whales. It's, it is not just prey, as you know evidenced by the presentation it's not just prey availability, it's toxics, it's vessel disturbance and other issues and so we are both trying to be consistent in our consideration on ESA consultations as they relate to prey availability so just highlighting a few of those. You know specifically on harvest we did complete an ESA consultation that does include killer whales as part of the Southeast Alaska fisheries and implementation of the salmon treaty, domestic parts of the salmon treaty agreement this spring. We will be considering impacts and, and effects on killer whales as part of Puget Sound fisheries and, and discussions ongoing on the Puget Sound resource management plan with the tribal and state co-managers as well as the Council fisheries, so that's one component. On the habitat side all of our major ESA consultations on the West Coast are considering killer whales as part of that, those consultations up and down the coast whether it's you know the Klamath consultation and water operations, the current Central Valley buy-op that's ongoing, Columbia River, all those bigger consultations as well as every smaller consultation that has an effect on prey availability for killer whales so that is ongoing. We have and do place a high priority on the habitat actions on the landscape and, and, and really view that as our number one priority to make progress on that if we don't have the habitat we can't have the salmon and we can't have killer whales on the landscape and it benefits everybody to, to focus in that area. We're also investing millions of dollars on the habitat restoration side and working through consultations on fish passage and some of those other areas with the corps, so there is a lot of other work going on out there in the landscape. On the hatchery side I think that's one thing the, you know the Council needs to consider and I would be interested in terms of the workgroup and, and how much they've considered when you look at abundance and what's driving ocean abundance of salmon and the effect of hatchery inputs in that overall matrix and how that affects the risk levels or the abundance levels in the ocean. We have been working through and I know the State of Washington has done a lot of work to increase both funding and potential hatchery production in Washington to provide prey availability. We're doing work as much as we can as fast as we can to work those projects through ESA consultation so that those projects can get on the ground and we

actually can see an increase in salmon abundance across the landscape that would help from a hatchery perspective as well. I'll stop there.

Marc Gorelnik [00:08:09] Thank you.

Phil Anderson [00:08:12] Other comments? Dani.

Dani Evenson [00:08:15] Thank you Mr. Chair and thank you Mr. Thom for walking through what's being done to address the other threats. It seems imperative that the biological opinion considers all the threats to, to killer whales, both natural and human caused in addition to the chinook salmon prey stocks to assess the impacts of the Council area fisheries. These other pieces of the puzzle seem particularly important given the myriad of uncertainties that were brought forward in the draft analysis. Certainly in the description of the independent science panel findings, in the literature review provided and the fact that no statistically significant relationships were found in the analysis presented. The biological opinions cumulative effects analysis must assess the known future public or private activities reasonably certain to occur within the areas important to killer whales and chinook salmon prey species inclusive of actions to mitigate threats such as underground, sorry underwater noise from vessels, toxic contaminants in water and sediments from oil spills, pollutants, hatchery production, dam removal, et cetera and I'm gonna say we look forward to seeing that cumulative effects piece of the puzzle.

Phil Anderson [00:09:38] Thanks Dani. Other questions, comments, discussion? Joe Oatman.

Joe Oatman [00:09:47] Thank you Mr. Chair. Maybe in response to Mr. Thom's suggestion of prioritized next steps. I think from our perspective so the absence of the statistical significance indicates that relationships between the southern resident killer whale metrics and chinook abundances are unreliable. The presentation indicated the workgroup would continue to explore the expected signs from the cluster analysis. Do you think that is the best use of the workgroup's time in terms of next steps in the work that they might undertake?

Phil Anderson [00:10:35] Barry go ahead.

Barry Thom [00:10:37] Thank you Mr. Chair. Thank you Mr. Oatman. I think I understand it. Is it, so a question about sort of balance of effort between further exploring some of the relationships on that initial part of the risk analysis versus potentially focusing on the fishery impact and those components. I do think some additional work is required of the workgroup to quality control on the information and analysis that they have conducted that it, given the time and crunch the group has been under I do think some additional work is necessary there but I, I don't weight that heavily of, of wanting to continue to go down the road to do further analysis or further refinement or really the time to address many of the uncertainties associated with that analysis in the, in the time allotted moving forward. I, I do think my perspect...is that we need the, we have to have the fishery impact piece completed and that is really the, the first really the highest priority for the remainder of the group but as much as possible if we, if members of the group can help on quality control and some additional tweaks or refinements of that initial analysis may be helpful.

Phil Anderson [00:11:57] Other discussion? Marc Gorelnik.

Marc Gorelnik [00:12:00] Thank you Mr. Chair. I just want to say I don't think anyone around the table is disputing that there may be a relationship or that there is a relationship between bringing prey availability and the health of these whales. I think the question is focusing on Council-managed fisheries and that relationship, so I think when there's some questions brought about the statistical significance I

don't think, I'm not hearing people saying that prey abundance isn't important. I think what I'm hearing people say is that the, for these Council-managed stocks there doesn't appear to be a relationship. So I just wanted to from my, from where I'm sitting that's what I was hearing and I don't think that people are questioning that the need for prey for the whales in general.

Phil Anderson [00:13:09] Other comments? Brett.

Brett Kormos [00:13:11] Thank you Mr. Chairman. I would like to offer my support for you and your opinion that you offered earlier relative to staying the course in that you said you'd like to see the workgroup to continue. I agree with that. I think that when I brought that up myself I was not so much focused on whether or not the workgroup should stay together that seemed to given to me. I was more focused on the actual analytical approach that the workgroup is using. I do think that we should consider the results of that, of the assessment that's been done thus far as valid whether they do or do not align with the expectations of perhaps some of the people in the workgroup itself. We tested a hypothesis, it wasn't a given that as Marc, now as Mr. Gorelnik put it, that all stocks in Council-area fisheries had a strong correlation with these specific whale demographics that were evaluated. So that's a long winded way of me saying that not only do I think the workgroup should continue but I think that we should also try to utilize the analytical approach that we've already invested in.

Phil Anderson [00:14:49] I agree with that. I think we, I think there's a lot of value in the work that has been done thus far and there's some additional work that we are have, have assigned to help augment what we've already done but I, I agree with you. Other discussion? Questions? Chris Kern.

Chris Kern [00:15:17] Thanks Mr. Chair. So yes I agree we need to keep working hard. I don't know if we have the ability to ramp up our efforts. Time wise I think we're pretty booked in terms of having more meetings or anything like that so don't, that's probably not a likelihood but I get a little nervous, and not that anybody said it directly, but the notion that we're set down what we've already worked on and moved to something else. I think I need to see the, the next steps we've already got underway. I do agree that we don't have a lot of time and so we need to be very strategic and diligent about what we do next so I think I'd look to you and the other co-chair to kind of help us in the workgroup stay on track with that maybe but, and I think there is a lot of work to do on the fishery side as I'm kind of going in my head through what that might entail it could get pretty detailed and take quite a bit of time so I, I just get nervous about a timeline and having a product that is not good enough but it's done could service much less well than we deserve or deserve to for our public so to be, to be trying to deliver so....

Phil Anderson [00:16:37] Thanks Chris. I just maybe to add that I, I get a little nervous when I, nobody said this directly but to make it simpler, to get it done make it simpler and I think that's frankly one thing we in the workgroup try to avoid was that we wanted to do a comprehensive job so that we weren't ending up in a position where we were making change in the way we manage fisheries in times and areas that wasn't, wasn't going to do anything in terms of increasing prey base for southern resident killer whales, but I just, so stepping it back and making it simple so you can complete it is not an option in my mind. It's not a good option. Other discussion? Okay? We are going to have a little huddle up just so you know with some of the state folks and workgroup people and National Marine Fisheries Service just to talk a little bit more about process steps and so forth so if something comes out of that discussion that's worthy of sharing we'll do that so. So I'll go back over to Robin and check in to see if there is anything else we need to do to complete this agenda item?

Robin Ehlke [00:18:17] Thank you Mr. Chair. It sounds like you've had the opportunity to review the report and have an understanding of where the workgroup is relative to developing that risk assessment. From hearing the conversations as far as guidance and the proposed schedule in future analysis I think

I heard to, the desire is obviously for the workgroup to stay the course and that we'll look to continue our work and bring this back up in November.

Phil Anderson [00:18:52] Great. Thank you. Well that wraps up this agenda item.

4. Review of Annual Management Cycle

Marc Gorelnik [00:00:00] Annual management cycle. I know everyone is looking forward to getting to halibut. We have to finish this first. So on the screen we have the task before us. We've heard from NMFS as well as the STT and the SAS so I will open the floor for discussion. Phil.

Phil Anderson [00:00:32] Thanks. Well first I just wanted to thank folks at National Marine Fisheries Service for the thought and work and collaboration that they put in to bringing forward the proposal. Made a point of reaching out to the states and others and the tribes as they put it together and I think our past experience particularly last year but even in previous years when we've taken a look at this issue and we tried to at least we made an attempt to address it, I think it was four years ago but elected to stay the course and I think we have found that we, we do need to make some changes to allow the procedural part of our process and to get regulations in place, all the needed review accomplished, we need to make some changes in our, in our process and I think what's been presented to us is a well thought out. It, it preserves the Council's general schedule, the March, April meeting piece. It didn't compress the time period, we're, we're already under a compressed time period as we know between the time our forecasts come in and our pre-Council pre-March Council meetings take place in our states and all of the things that go into it so having a proposal that maintains the integrity of that, of that, of our, of our Council process was important to me as I know others so I'm supportive of the approach that's being proposed. I do understand that it's going to require, I believe it's going to require a plan amendment and maybe some revisions to Council operating procedures in certain places and that I'd probably need to discuss a little bit what the, what the timeline for that to take place is and whether or not that is something that can be accomplished and be in place in time for the 20-21 cycle. I'm not clear on all that but maybe a little dis, discussion around that if there is general support from the Council to proceed forward. I think we, we're fortunate that the schedule the way it's set out in terms of the timing of the April meeting this coming meeting fortunately it's not one of those which is later in the month and getting our fisheries in placed in a similar manner as we did in 2019 sounds like it's something that can be accomplished. So those are my thoughts.

Marc Gorelnik [00:04:01] Thanks Phil.. Brett.

Brett Kormos [00:04:05] Thank you Mr. Vice-Chair. First I want to echo Phil's gratitude to the National Marine Fisheries Service for this report and what is in my view a workable solution. I want to also add special thanks to Peggy Mundy herself not just for this report but also for being a key component in getting our regs in place all the way up until this year. When you look at Table 1 in the report you can see how compressed the timeline has been and how, and how, and I'm sure that's been very difficult. That said adding to our discussion to do list is what we do about regulations for 2020 given we won't have this solution in place for the upcoming management cycle. I don't think at least in California we did not anticipate the need for placeholder language in this particular management year and there are a number of fisheries that are delayed beyond May 16 pretty significantly and those that aren't were delayed beyond that date because those were, those early dates were the ones that were chosen to be cut out during the 2019 planning process and as was noted a small, relatively small proportion of the total harvest occurs in those early May months but once you get past May 15 each passing day becomes increasingly valuable and in addition to that while the total volume of fish being landed in that early part of the year is relatively small comparatively speaking, the value of those fish the price per pound is the greatest it will be for the entirety of the season so in vol.... you know in volume it's like I've said relatively small but it's different, proportionally different when you're talking about the economic benefit and so I'm interested in exploring ways that we can cross the 2020 bridge so to speak in the interim and until we have this permanent solution in place. I don't know what mechanisms exist

or if it's possible for us to get one more Herculean effort out of NMFS but I note that we have been painted into a bit of a corner here.

Marc Gorelnik [00:07:07] Thanks Brett. Further discussion around the table particularly with regard to solving the 2020 problem? Phil.

Phil Anderson [00:07:24] Well I, I was not aware of the 2020 problems that Brett is referencing. So I....

Marc Gorelnik [00:07:40] I think the issue is that we have an administrative process with changes to the FMP and the operating procedures but cannot be in place until the 2021 season so we still have this compressed time issue for the 2020 season that can't, that need, we need to find another solution for either opening later and building in a closure or trying to avoid that.

Phil Anderson [00:08:11] Well I do, I understood we need, we have a, we're not gonna be able to get the change in place for 2020 but the magnitude of the problem in 2020 that I understood Brett to speak to for California in terms of significant delays on into the month of May that extend beyond May 6th which is the situation in the north, that's the piece that I wasn't aware of so....

Brett Kormos [00:08:41] I mean.

Marc Gorelnik [00:08:42] Brett.

Brett Kormos [00:08:43] Thank you Mr. Vice-Chair. I could run through the regulations to paint the picture but in summary there are seasons in California commercially that don't start until the early part of June or the May 18 or later in other ports further south and there are similar delays that can't be recouped in the sport fishery as well in California and so I think for obvious reasons I am interested in exploring a way to deal with that if, if it's at all possible.

Marc Gorelnik [00:09:29] Brad. I mean Mr. Kern.

Chris Kern [00:09:34] Mr. Vice-Chair. Just echo that I'm also interested in that. I, I was trying to do the math of the timeframe to do an amendment and recognize that we can't adopt a rule that references a date we can't use. I actually think we'll be facing a similar situation even in 2021 absent some form of temporary solution or something else so maybe I could be wrong, but before an amendment, a formal amendment would actually be effective enough to make a change. So if we can find a way around that, that would be great. I don't know what, I don't have anything to offer for what it might be though.

Marc Gorelnik [00:10:19] Bob.

Bob Dooley [00:10:21] In the spirit of looking at this time schedule of getting it transmitted to in April after the meeting. I note on page eight of the NMFS report there that it, it says the meeting date April 3rd through the 10th and anticipated transmittal on April 19th to the Council and I see that, that's a Sunday. Would it be done on a Friday? That's two or three days we're buying there so just a, just I'm trying to ferret out what you know what the, what, what slack is built into the anticipated date that might change the analysis of it. Just a thought.

Marc Gorelnik [00:11:27] I think there's 21 days between the end of the Council meeting. I don't think we have the agenda yet for, for April obviously so we don't know what day during that meeting the final decision would be made by the Council but I presume if it's the last day we would have 21 days which

looking back historically in Table 1 I think there's only one year when it was longer. I don't know if there's any possibility that the Council could, I understand that we have to finish pre-season 3, that's our transmittal to, to NMFS if there's any way that can be done or whether some other form of transmittal other than pre-season 3 that could be done more quickly would satisfy NMFS. I'm not sure of the background there and the history and the requirements and, and Brett has posed the question as whether NMFS could, I think your, your phrase was one more Herculean effort for 2020 and I'm, you know maybe we have a problem for 2021 but let me ask Susan and or Chuck about those points and see if you have any response? Susan.

Susan Bishop [00:13:11] Thank you Mr. Vice-Chair. Looking at Table 3 if the meeting is over on the 10th that would only give us 20 days, about 20, 21 days until the 1st of May to get the regs in place by the 20, by the 1st of May. We're, we are, and that doesn't include transmittal...

Marc Gorelnik [00:13:30] Right....

Susan Bishop [00:13:30] That's just you know so assuming that the Council takes somewhere between a week and 9 days to transmit it, that only gives NMFS about 14 days to review it and get it in place and we've been told very nope. The region is part of that but the vast majority of the review is at headquarters and we've been told that it will take at least two weeks for them to review it and the experience from folks sending regulation packages back is that it's taking longer to get things reviewed whether it's actions being more complex or whatever the reasons we should plan for a longer review rather than shorter review. So I'm not saying we couldn't look for ways to do it but I would say it would be fairly unlikely in 2020.

Marc Gorelnik [00:14:19] It sounds like it's largely out of your hands. Local, regional.

Susan Bishop [00:14:23] We can only deliver on part of it, yeah.

Marc Gorelnik [00:14:27] Yeah. Chuck.

Chuck Tracy [00:14:28] Thank you Mr. Vice-Chair. I guess in terms of the date that the Council takes action. We typically schedule that the day before the last day so the 9th would be a possibility or probably how we would do that. That being said that's all subject to the vagaries largely of the North of Falcon process so I have taken that into consideration. In terms of what gets transmitted preseason 3 is, is the vehicle for communicating all the necessary information to National Marine Fisheries Service as well as also a component of the NEPA analysis that needs to go forward so that's pretty, that, that's it. I mean there's, you can't just send them a table and say here, so it's all, it's all part of the package that needs to be reviewed so, you know and a week to do that is you know again depending on what the Council does at the end you know if, if there's some tweaks and stuff to the alternatives and that takes another round of STT analysis putting the document together, writing text descriptions, all those things so I mean it does it's, it takes a few days you know so I don't know how we could whack off much more than or do much better than a week out although we do have superwoman sitting over there. Robin.

Robin Ehlke [00:16:03] Thank you Mr. Vice-Chair. No surprise kind of already looked at that math for 2020 coming up and recognizing that the Council does have day last on April 10th knowing that STT will finalize Pre 3 go through its final draft, typically a one day turn around. I have Thursday, April 16 for completion of Pre 3 and posted and then perhaps another day which would be April 17 to do the transmittal letter. Just something that I myself calculated on the back of a napkin because I needed to play with an Excel spreadsheet so I haven't shared that necessarily with the STT to talk about what their schedule might look like but April 16, 17 is probably the earliest.

Marc Gorelnik [00:16:52] Is there an alternative to simply accepting a delayed May opener I ask? Brett.

Brett Kormos [00:17:07] Thank you Mr. Vice-Chair. Just to be clear this could be, we could be talking June openers in some places and I don't have a solution. Just a suggestion that we don't necessarily have to resolve this now even though that does appear to be our charge, 2020 and beyond, but separate from being able to fix this issue I too support moving forward with this modification to the FMP in our annual management process.

Marc Gorelnik [00:17:50] Kyle, and then...

Kyle Adicks [00:17:52] Thank you Mr. Vice-Chair. I might not be understanding Brett's concern. I don't think this would affect any June fisheries that we might want to schedule in 2020. It would, it would affect fisheries that weren't open between May 1 and about May 12th in 2020. In 2019 we wouldn't have the ability to open something new in that smaller timeframe so I'm, I'm not sure I understand how big the problem is.

Marc Gorelnik [00:18:28] Brett and then Chris.

Brett Kormos [00:18:30] Just to respond to Mr. Adicks. Yes thank you Kyle you are correcting my thinking on that. I would be allowed to open sometime in May 16th but anything before that is lost. You're right I'm sorry.

Marc Gorelnik [00:18:45] Chris.

Chris Kern [00:18:46] Thanks Mr. Vice-Chair. I was just going to come back to the question I guess of what, what does it take on a plan amendment to, what's our process and timeframe for doing something like that to change the date? What are we looking at?

Marc Gorelnik [00:19:04] Chuck.

Chuck Tracy [00:19:07] Thank you Mr. Vice-Chair, Mr. Kern. I was, I think we need to have some discussions between Council staff and NMFS staff and probably NOAA GC. You know it does take a plan amendment. Typical plan amendments are three meeting cycles however depending on the level of NEPA required if this you know could qualify for a categorical exclusion or something like that, we have in the past expedited that process for minor housekeeping sorts of things which I think we did for Amendment 17. I don't know how minor housekeeping this is or what the, you know what the public's going to feel about their need to comment on this but, but those are, those are things that are still, we have talked about that and so that, that being said I mean, you know, so I guess in terms of critical times I mean if you wanted to you know avoid the need to do this all over again for 2021 then we, we would have to have you know everything completed and I don't know if, if we'd have to have the rule implemented by April of next year in order to avoid that so I suspect that's unlikely but, but completing it in over the course of 2020 and having it ready to go by 2021 I think is doable. Question of how many steps it's going to take.

Marc Gorelnik [00:20:49] Is this something we should perhaps ask staff and NMFS and General Counsel to put their heads together and give us a more definitive plan in maybe the November meeting? Chuck.

Chuck Tracy [00:21:06] Yeah thanks. Yeah that, I think that would probably be appropriate.

Marc Gorelnik [00:21:14] Okay and I, and I don't think we have an answer to the 2020 problem but I don't think as Brad said we don't have to have an answer here today so does that sound like a reasonable plan to take this back up again in November with some definitive, a definitive plan or a more definitive plan anyway on how we proceed in 2021 and beyond and maybe between now and then someone will have an epiphany and we'll, we'll have a solution for 2020. Chuck.

Chuck Tracy [00:21:53] Thank you Mr. Vice-Chair. I guess I would, in terms of coming back in November I think that's probably, probably a good decision point. If we have an opportunity perhaps we could get together here this afternoon and maybe have some preliminary discussions and if there is a I suppose a slight chance we might be able to report back to the Council on under workload planning as to what you know, what things might look like and what we might pencil some meetings in, I'm just guessing without asking National Marine Fisheries Service if that they think that's a possibility but that thought crossed my mind. Not that I'm....again so just, maybe just, just a little earlier look then, then November but I would say November would be the first time we could, I think November would be a good time to formally schedule any....

Marc Gorelnik [00:22:54] Okay so we can discuss the scheduling under workload planning as to when we'll have our next discussion on this topic.

Chuck Tracy [00:23:02] Hopefully.

Marc Gorelnik [00:23:03] Hopefully. Susan.

Susan Bishop [00:23:06] Thank you Mr. Vice-Chair. I, I, I'm supportive of that effort a small group to get together and try to hammer out some of the details in the timeline and that type of thing. I would be happy to talk to Mr. Tracy this afternoon to sort of put some names to the workgroup and some tasks just to make sure that it's on the people's radar that needs to be on there so we'll, we will have a product back in November.

Marc Gorelnik [00:23:38] Great. All right. Is there, anyone want to have any of other final say before I turn to Robin and see how we're doing? Robin how are we doing?

Robin Ehlke [00:23:50] Thank you Mr. Vice-Chair. I think you've reviewed the report from the NMFS and came up with some ideas that might help us through this process. We'll report back in November probably under that pre-season planning agenda item that's typically there on the November agenda and in the meantime Council staff and NMFS will work together to see if they can come up with a game plan.

Marc Gorelnik [00:24:15] All right and I'll, I'll thank in advance Council staff and NMFS for tackling that. All right I think that concludes our salmon items for the day.

G. Pacific Halibut Management

1. 2020 Catch Sharing Plan and Annual Regulations

Phil Anderson [00:00:00] We do not have any public comment on this agenda item which takes us back to our Council action which is to adopt for public review the proposed changes to the current Pacific Halibut Catch Sharing Plan for 2020 and 2020 annual fishery regulations is necessary and also suggest we have a little bit of discussion in response to the letter we received from IPHC relative to the TCEY versus the FCEY determination and where that is made that's in their letter but first let's entertain the recommendations to send certain changes out for, to our catch sharing plan for public review and so I'll look to, to Maggie Sommer.

Maggie Sommer [00:00:57] Thanks Chair Anderson. I think Sandra has one. I move the Council adopt the range of alternatives for changes to the 2020 Pacific Halibut Catch Sharing Plan as shown in Agenda Item G.1.a, ODFW Report 1.

Phil Anderson [00:01:17] Thank you and the motion on the screen accurately reflects your motion?

Maggie Sommer [00:01:21] It does.

Phil Anderson [00:01:21] And is there a second? Seconded by Brad Pettinger. You may speak to your motion.

Maggie Sommer [00:01:29] Thanks Chair Anderson. I guess I will note that many of these alternatives are, have been developed after the 2019 season in which we had really terrible luck with the weather in our primary fishery which is our Central Coast Spring all-depth fishery. Attainment of that season's allocation was quite low and so it really got anglers thinking about some of these options such as putting in the triggers to start, well start our nearshore fishery earlier potentially look at going to every other week with our all-depth backup days in the Spring Central Coast fishery and then adding a third day in the summer so I think those will provide us a little bit more flexibility. As I noted we will be particularly interested in some discussion and further public input with our halibut stakeholders on the Spring all-depth fishery backup dates and whether to allow those to be every week instead of every other week just given the increased uncertainty about which would be open then might make it more difficult for some anglers to plan. We will also be interested in public input on preference between Thursday and Sunday for a third day in our summer all-depth fishery in the Central Coast when the allocation exceeds the proposed trigger if that alternative is adopted and then finally again just back to the option to allow long leader fishing for mid water rockfish on all-depth halibut trips, again I think we are not entirely positive this can be done because of potential changes that might be necessary to groundfish regulations before the 2020 halibut season but we will continue to work with the National Marine Fisheries Service on that. We hope that it can be. I'll note that there's quite a bit of public comment in the briefing book in support of this option and we, we heard the same from our constituents so we, you know when we have some, some data now from the past couple of years of long leader fishing showing that it does successfully avoid yelloweye rockfish while, while targeting the midwater rockfish species so something we hope can be facilitated for next year. Thanks.

Phil Anderson [00:03:51] Thanks Maggie ques....or excuse me discussion on the motion? Michele.

Michele Culver [00:03:57] Thanks. I certainly support the motion. I would just offer that I thought

that we would have the opportunity in November of this year to consider in-season changes for 2020 so perhaps that's a mechanism that would allow the long leader to go forward.

Phil Anderson [00:04:27] Okay. Further discussion or observations on the motion? Go ahead and call for the question. All those in favor say 'aye'.

Council [00:04:37] Aye.

Phil Anderson [00:04:37] Opposed no? Abstentions? Motion carries unanimously. I was hoping that we could have a little bit of discussion on the IPHC letter. Michele.

Michele Culver [00:04:50] I had another motion Mr. Chair.

Phil Anderson [00:04:55] Sorry I apologize I got ahead of myself. Now are there any other proposed changes to the catch sharing plan? Michele.

Michele Culver [00:05:04] Yes thank you. I would move, I move the Council adopt the proposed changes to the Halibut Catch Sharing Plan as described in Agenda Item G.1.a, Supplemental WDFW Report.

Phil Anderson [00:05:18] Motion on the screen accurately....language on the screen accurately reflects your motion?

Michele Culver [00:05:25] Yes.

Phil Anderson [00:05:33] Is there a second? Rich Lincoln. Chuck.

Chuck Tracy [00:05:37] I just wanted to be clear these were going up for public review.

Michele Culver [00:05:41] Yes.

Phil Anderson [00:05:47] Absolutely. Go ahead and speak to your motion.

Michele Culver [00:05:53] Yes. Thank you. These are the proposed changes resulting from our public meeting and input that we received and we will hope to get more input on those between now and November.

Phil Anderson [00:06:08] Thank you. Discussion? All those in favor say 'aye'.

Council [00:06:13] Aye.

Phil Anderson [00:06:13] Opposed no? Abstentions? Motion carries unanimously. All right now can...discussion on the IPHC letter and the TCEY FCEY issue. Michele.

Michele Culver [00:06:36] Thank you Mr. Chair. I did have the opportunity while most of you were working on salmon issues to look up the, the annual meeting record on the IPHC website and the description of, of what had been proposed and what the action had been at the annual meeting, so we can certainly follow up with the distribution of these documents or the links to them. They're, they're on the website. I'll note that there was a proposal that was developed and submitted by the IPHC Secretariat and it's, it's entitled proposal A.1, it's the first proposal that shows up in their list of annual

meeting proposals and they had proposed that as they've been setting limits based on the TCEY that each of the contracting parties also express the allocations and catch sharing arrangements in TCEY values as well and they had included as part of their report a draft blank table if you will and the table reflects the similar table that we use when we go through the catch sharing plan allocations for 2.A, so it lists the, the tribal fisheries and then the commercial fisheries and then the sport fisheries by sub area, and their proposal was for us to list those allocations on a TCEY basis so to for each of those sectors list what the TCEY would be for that sector, so that sector would include both the directed harvest as well as the estimated bycatch or incidental catch mortality for that sector. I'll say when they made this proposal to the commission at their annual meeting there was a considerable discussion about the different contracting parties not really being aware of this change and not having had any discussion about what they thought of this proposal coming from the Secretariat so I will just note that the action that was passed by the commission was a recommendation for the contracting parties to undertake a detailed review of that proposal and to provide initial feedback at the IPCH interim meeting this fall on whether agreement could be reached to adopt those recommendations at the subsequent IPHC annual meeting that will be held in February of 2020. So just for clarification the letter that we received from IPHC didn't really go into that level of detail or have the proposal attached to it for us to review and then seemed to be a little vague in terms of when they wanted a response from the Council. So I'll just say there seems to be some differences in what's described in the letter and what had been adopted at their annual meeting.

Phil Anderson [00:11:23] Other discussion? Observations? Frank.

Frank Lockhart [00:11:30] Thought I'd just pass on a conversation I had with Steve Keith at the IPHC about the letter. So I did have a chance to talk to him just before the Council meeting started and the letter, well first of all we're the only ones that have received the letter. So they have not sent the letter to either the North Pacific Council or to Canada. They have plans to do so soon. He did not exactly identify when soon is, so then I talked to him about the question that Michele said at the very end where it was when are you expecting some sort of response and he was, he didn't give a specific answer but we talked about the, the, the first paragraph of the letter you know says a suggestion for your consideration. It doesn't say any specific date, any specific outcome and so I asked him you know one way of interpreting that could be that you know this is something for us to begin looking into and then we'll get back to you when we can. Is that a reasonable interpretation and he said yes and so I think you know I didn't, he did not mention at all the specifics that Michele just laid, laid out for the Council so I'm a little uncertain about what they're expecting from us after Michele's discussion and my discussion with Steve but anyway I'll stop there.

Phil Anderson [00:13:13] So from what Michele, from what you shared with us about the discussion and the action that the commission took on this matter it seems like and while it wasn't laid out explicitly like that in the letter they, if we were to formulate a response to this and get it to them either by the interim, well I guess it wouldn't matter because we'd meet in November and both the interim and the annual meeting occur between then and the next time we meet. Is it, question is it the thought that we would formulate a response and provide it to them and maybe have an opportunity to look at that response at the November meeting and, and then assuming that we get agreement on content of the letter send it at that time after we've had a chance to discuss it at the November meeting? Is that....go ahead.

Michele Culver [00:14:26] Yes and certainly at the November meeting we can talk about you know whether, whether it is a letter or typically we've had our representative at the interim meeting and so it could also, it could be a letter and or a verbal report.

Phil Anderson [00:14:56] Okay. Do we need to setup anything here in terms of asking Robin to coordinate with National Marine Fisheries Service and the States to maybe put together a draft letter that could come back to the Council in November, and the tribes I'm sure are interested in this as well and I rely on the four of you to figure that out? Just looking for someone to say yes that it would be great, we would do that or no, we need something more. Robin.

Robin Ehlke [00:15:49] I am happy to help.

Phil Anderson [00:15:52] Okay well I'll count on you folks to have the necessary communication coordination and bring something back to us in November. Michele.

Michele Culver [00:16:06] Yes thanks and along those lines and I'm sure Frank and others that National Marine Fisheries Service have probably been thinking about this a little bit but what came up in our delegation meeting this morning too was just a question of whether or not the Council has the, has the infrastructure in place to, to do this and so if presumably the TCEYs were adopted by the commission, the Halibut Commission which in 2020 occurs the first week in February and then the Council would either have to have a meeting or a conference call after that or wait until our March meeting, and then if at the March meeting we took the final FCEYs and apportion them out and then relied on National Marine Fisheries Service to then put them in rule after that point, it just seems like we've passed the point of the opening date of the proposed commercial fisheries and we don't necessarily have the, the infrastructure in place to react to that timing.

Phil Anderson [00:17:34] Frank.

Frank Lockhart [00:17:35] Just to expand upon that a little bit. Yeah we have had some internal discussions and we have similar concerns but our concerns go beyond that, that we're not quite sure how to implement it and what impacts it may have and that it may actually require more analysis than I think IPCH is anticipating because we would have to take it under our auspices if you will and we would, it would no longer be a decision that would be made under the halibut convention so there's a lot of moving parts to this so yeah there's, there's some more discussions that we have to have internally before moving forward on this.

Phil Anderson [00:18:14] Sounds like some good content for the letter. I for one think IPHC it's their responsibility to make the TCEY and the FCEY determinations and that it is not something that they can delegate off to the contracting parties but that's just my opinion. Anything else on this matter? Okay Robin anything else for us on this agenda item?

Robin Ehlke [00:18:49] Thank you Mr. Chairman. It looks like the Council has adopted the proposals of Oregon Department of Fish and Wildlife, there's five separate proposals there and three from the WDFW proposals. Adopt those for public review and then relative to the IPCH letter on TCEY between now and the November Council you would like the workgroup to work towards drafting a letter then in response to the topic?

Phil Anderson [00:19:22] Correct.

Robin Ehlke [00:19:23] And we'll work on that, so I think that covers the Councils action under this agenda item.

Phil Anderson [00:19:31] Great. Thanks very much.

2. Commercial Directed Fishery Regulations for 2020

Phil Anderson [00:00:00] That concludes public comment on this agenda item. Takes us to our Council action. Maggie.

Maggie Sommer [00:00:11] Thanks Mr. Chair. I wanted to just briefly speak to the difference we found in the public input that we received in terms of a preference for longer fishing periods and what the results of the IPHC survey showed. There was, you know they're obviously quite, quite different. I can say we reached far fewer people than their survey did in terms of our public meetings plus the additional phone calls and in-person conversations that I and my staff have had but what I did hear from some of them was that they, they responded to simply the question of do you prefer a longer season or status quo really without taking the steps of, of following the reference that IPHC provided in that survey to their briefing materials where they showed their trip limit analysis but the, the survey they distributed simply posed the question do you prefer status quo seasons or, or longer ones is my understanding and so I'm not sure that all respondents really responded with, fully considering the implication for their trip limits. Now it may be that we had certainly a distinct subset of license holders who came to our public meetings, those who are more engaged and have a higher stake in the current status quo fishery and I certainly recognize that, but just wanted to you know again reiterate that what we heard in person was a lot of fishermen saying that you know if the only change being considered is extending the fishing period duration and that means lower trip limits for us then we prefer the 10 hours. I do want to follow up and again say I'm, in case I didn't hit this strongly enough in the report, the majority also would like to see other changes to the fishery. We just narrowed the discussion at our public meeting to simply fishing period duration and trip limits primarily for, for next year but folks are very interested in seeing some sort of different structure that would allow some participation over a longer time period and, and get away from the derby so again that kind of comes back around to the interest that we heard in continuing to explore an incidental retention opportunity for example but for you know I, I certainly understand the, the challenges that the current 10 hour season presents and again I can just relay what we heard from, from most of the fishery participants.

Phil Anderson [00:03:12] Thanks Maggie. I have a basic question that I'm sure I should know the answer to but, so are the way our Council action is worded it talks about adopting proposed 2020 regulation changes for public review and what my question is, is what do we have, if we did nothing, if we didn't propose any changes for 2020 what does that leave us with from a Council regulatory perspective? What regulations do we have on the books or through National Marine Fisheries Service so what does it leave us with? Michele.

Michele Culver [00:04:05] Yes thank you Mr. Chair. The regulations are annual regulations so there are regulations that are in place for 2019 so the, the Halibut Commission adopts them on an annual basis is, is my understanding so an action is needed by the Halibut Commission to adopt regulations for 2020. There, there aren't regulations that roll over relative to the commercial directed fishery in 2A. Having said that as I was looking up information on the previous agenda item I noted they, the Halibut Commission at their annual meeting, I'm not sure what the total number is but it's over 140 motions and recommendations that they made and the previous one had addressed in recommendation number 65. There is another recommendation, recommendation number 82 that's in their annual report whereby the Secretariat had proposed several revisions to the IPHC fishing regulations, the little white book that, that we all see and some of those are specific to 2A, some are specific to other areas and some are for all of their catch areas so the Secretariat had proposed these also at this annual meeting and the commission recommended that the contracting parties undertake a detailed review of those amendments and report, provide initial feedback on those at the interim meeting again for their consideration at the next annual meeting. So I'll just note it, it might be helpful if we are sending out proposed regulation

changes for public review that we also include those that are in, this is regulatory proposal A3 and perhaps also request that our Enforcement Consultants review those and provide comments at the November meeting as well and I would also note that one of the changes that may relate to the ODF and W report also is a specific change that would explicitly allow individuals to hold both a license for the directed commercial fishery and a license for an incidental sablefish fishery.

Phil Anderson [00:07:18] Maggie Smith.

Maggie Smith [00:07:20] Thank you Chair. I just wanted to add a point of clarification in the pa....it's true that every year the IPCH publishes its booklet of regulations and that typically every year we have a new book that supersedes the previous one. In years where that hasn't happened which has been a very rare occurrence, we have taken the position that the previous year's regulations remain in effect and that the contracting parties are bound by the limits set forth in the previous years' regulations. With respect to the commercial directed fishery we do not have domestic regulations governing that fishery so any regulations are only those promulgated by the IPHC.

Phil Anderson [00:08:11] Maggie Sommer.

Maggie Sommer [00:08:14] Thanks Chair Anderson. I could offer a motion for Council consideration unless there's further discussion first?

Michele Culver [00:08:26] Sorry I did have a question for Maggie Smith based her last comment.

Phil Anderson [00:08:29] Sure go ahead and do that Michele.

Michele Culver [00:08:33] Sure thanks so Maggie as I look in the, in the white book and what's in their proposed changes as well they for, for the directed commercial fishery, they list the specific dates that, that fishery would be open so is, is that the position that NMFS has taken is that those same specific dates would be in place in 2020 if not changed?

Maggie Smith [00:09:08] Yes.

Phil Anderson [00:09:18] Back to you Maggie Sommer.

Maggie Sommer [00:09:20] Thanks Chair Anderson. May I ask you a question first?

Phil Anderson [00:09:26] As long as it's an easy one.

Maggie Sommer [00:09:27] Was, was your question about what happens next year if this Council takes no action in anticipation of a situation in which the IPHC remains silent on 2020 directed fishery regulations for 2A at their annual meeting next year?

Phil Anderson [00:09:58] It was, I hadn't, I hadn't thought that far ahead. I was thinking about our action here and what are if, if we, if we adopt a position that we want to continue the 20, the regulations as they're currently constructed in 2020 as it occurred in 2019 what is the action that we need to take here and then is that communicated to IPHC and our representatives that go there express that, we do that in the letter, we express it in our, at the interim meeting understanding that we're, we're at our first step. We have a two-step process here set up for this year to, to make that determination of considering potential changes at this meeting. Do we want to send anything out for public review or not that would

further inform a final decision in November about what our position was going to be so I was just trying to jump through those hoops in my head. Go ahead.

Maggie Sommer [00:11:20] Thanks. You know I do think it behooves us to develop a recommendation to the IPHC as specific as we can be for next year given our, you know our, our, ongoing transition and our a little more ownersh.... moving toward ownership of this fishery, so with that in mind and also the, the nuanced difference a little bit from what we are looking at on screen in terms of the Council action and that we are not adopting a proposed regulatory changes but rather we are considering preliminary recommendations and what those might be and asking for further public review and input on those recommendations so that we can refine them in November. With that I am prepared to offer a motion. Thanks Sandra. I move the Council adopt the following preliminary recommendations on the 2020 non tribal commercial directed Pacific halibut fishery. Sandra would you please after 'fishery' add 'in area 2A' for public review. Fishing period duration. Option 1, status quo 10 hours. Option 2, 5 days. Fishing period start. Option 1, last Wednesday in June which is status quo, and option 2, last Wednesday in May.

Phil Anderson [00:13:28] And the language on the screen accurately reflects your motion?

Maggie Sommer [00:13:32] Yes.

Phil Anderson [00:13:33] And is there a second? Seconded by Miss Svensson.

Maggie Sommer [00:13:42] Thanks Chair Anderson. This motion is these really focused narrowly on the items that we sought public input on during our stakeholder meetings and my, my hope is to, that by specifying particular options here for the fishing period duration of 10 hours or 5 days or the two options for fishing period start that they are specific enough to solicit useful public input to us for November, however my intent is not, for those not to be exclusive. If there is a lot of public interest that we hear with something that's different than those I, I would think we would have the latitude to give that some consideration in November but having heard these you know again as, as I noted we heard quite a bit of coalescing around retaining a 10-hour fishing period for next year. The other option that we heard any favor for in Oregon was 5 days and that we heard some public comment for 5 days or longer and then the fishing period start, again currently it's status quo and heard some interest in moving that up earlier to the last Wednesday in May which I'll note would be after we have already started our recreational fishing periods but while they're, they're still going on through our spring seasons. I do think that Mr. Marking made a very good point in his public comment that right now, while we have relatively high allocations for halibut harvest in area 2A, this is probably a good time to at least consider a longer season and the associated lower trip limits. It might be less painful than that happening during a time with lower allocation and might be a good, good period for us to at least consider that experiment, and finally I'll just close noting that I, this motion does not have anything to say about the additional IPHC recommendations that Michele brought up and so if this Council wants to address those we'll need to do it separately.

Phil Anderson [00:16:17] Thank you. Discussion on the motion? I have a question. I don't want, or I'm concerned about falling into the same, I don't know that it was a trap, but a situation where when people are looking in particular at the fishing period duration that they have some context about what the implications to trip limits are and so I'm concerned about just sending these out as without any analysis or est, or some sort of estimate of what the implications are relative to trip limits so people can look at it and provide us some meaningful input and, and I'm just, so my question is would these be accompanied by any kind of analysis or something that would help people understand what the potential implications on the trip limits would be? Maggie.

Maggie Sommer [00:17:20] Thanks Chair Anderson. I would think that's very important. You know I'll note that in our public meetings we use the information provided by IPHC where they, they showed potential reductions in trip limits using the 2017 allocation for various fishing period duration options. I would think that would be relatively easy to update using the 2019 allocation. We also during our meetings we focused on proportion reduction to rather than poundage just so folks would have an idea of what they'd be talking about, but I would ask that, that information accompany these alternatives and volunteer ODFW staff to help Robin with that if necessary.

Phil Anderson [00:18:23] Robin I don't....not exactly sure if that was the stink eye or what that was but...(laughter)... is that something that could be included to give commenters a reasonable understanding of what the kind of proportional reduction they might expect if they were looking at a 5-day fishing period versus status quo?

Robin Ehlke [00:19:00] Thank you Mr. Chairman. I think yes that would be reasonable. If I can just expand a little bit on some of the past Council dis..or discussions regarding the duration of the fishery and going into a number of days. I just recall some of the concerns about additional bycatch and the kind of work that might want to be done prior to having such a fishery in the sense of doing some analysis to see how that might increase and the Council having some, some opinion if you will on whether or not that would be the way to proceed, and if that work could be done prior to actually implementing a fishery, so when I look at the durations and see that 5 days I would just remind the Council that that was a topic that they were a little hesitant to, I don't want to say entertain in the past, but looking at the analysis was something that they would be interested in seeing prior to considering a fishery is what I recall the Council discussing, but as far as what the implications are as far as vessel limits if it's put into context I think that would be helpful, and I would just also note as far as when it says status quo if that also means that it's once a week every other, every Wednes...every other Wednesday until you run out of quota if that could be expanded upon it a bit as we forward these proposals for public review.

Phil Anderson [00:20:34] Maggie.

Maggie Sommer [00:20:35] Thanks. Mr. Chair. Thank you very much Robin. Let me work backwards through a couple things in your comments. One, thank you yes I agree with expanding to clarify that it would be every, once a week every other week would be part of the status quo option here. I would think at a minimum it would be relatively straightforward to include the information already prepared by IPHC for their last annual meeting on trip limit reductions and just call readers attention to the fact that the poundage with those it was based on the 2017 allocation and so readers should keep that in mind. It might be relatively straightforward to translate that to a 2019 allocation so they can understand how that would have looked this year. In terms of the other issues, the increased bycatch of yelloweye rockfish for example, issues within enforcement and catch monitoring et cetera that this Council has raised before in a letter, those remain unchanged and those are still in my mind some significant uncertainties associated with an extended fishing period duration. I am not anticipating that we would be able to do much or any analysis of that prior to the November meeting giving the timing of the November briefing book and this meeting so that would be, you know I think we would just need to remain cognizant of, of those uncertainties and the potential for the challenges that those could present next year but I did not mean to imply that either you or my staff or others would, would be doing any substantive analysis on those questions prior to the November meeting.

Phil Anderson [00:22:32] We would however be looking to the Enforcement Consultants to give us some feedback correct? Christa.

Christa Svensson [00:22:41] Thank you Mr. Chairman and I just wanted to take a moment to speak in favor seeing as I seconded it. I had the opportunity to attend the Astoria meeting and while that does not reflect all of the ports in Oregon we definitely did come to consensus around the 10-hour period. That being said the testimony we heard today was moving and I am appreciative of the opportunity to look at what 5 days would look like and that thanks also goes out to Robin and for, for bringing up hey what can we have a firm idea of what that will really look like as opposed to just putting two options out there without the landings or poundage to go along with that.

Phil Anderson [00:23:28] Thanks. The other question I had was relative to the start date. Is there any information available to see what type of overlap there is between where the recreational fishery is concentrated in your, in your all depth fishery versus where the commercial fishery takes place?

Maggie Sommer [00:24:11] Thanks Chair Anderson. We have some general location information and could look into that.

Phil Anderson [00:24:18] Thanks. Any other discussion on the motion? Michele.

Michele Culver [00:24:28] Thanks and a similar question and thought on the fishing season start date in that I anticipate getting some reaction to that from our recreational fishery participants and the reaction may be different if it is a 10-hour versus a 5-day that starts on that last Wednesday in May as an example. The other thing is it seems like through the, the letter that we have sent to IPHC relative to the transition that if the Council were to secure that data sharing agreement with IPHC and had access to the commercial fishery logbook data that might help us better analyze this type of proposal in the future.

Phil Anderson [00:25:43] Further discussion on the motion? Go ahead and call for the question. All those in favor say 'aye'.

Council [00:25:52] Aye.

Phil Anderson [00:25:53] Opposed no? Abstentions? Motion carries unanimously. All right I'll turn back to Robin and ask if we've completed our work on this agenda item?

Robin Ehlke [00:26:17] Thank you Mr. Chairman. It appears the Council has identified some preliminary recommendations regarding the 2020 directed halibut fishery. We'll work with Oregon on identifying some of the vessel trip limits that may be associated with the proposals but with that I think we've done everything the Council needs to do under this agenda item. Thank you.

Phil Anderson [00:26:45] Thanks Robin. Thanks for all your help in getting us ready for this. Michele.

Michele Culver [00:26:52] Thank you. I, I wasn't sure if we wanted to at all discuss the transition letter that was sent to IPHC and if we anticipate any next steps or further conference calls of the working group or anything between now and November. Just trying to think of what we may need to prepare for the November meeting.

Phil Anderson [00:27:30] Do you have some suggestions?

Michele Culver [00:27:37] I don't have any more work to suggest for Robin that's for sure.

Phil Anderson [00:27:44] I guess that's probably a good thing. Frank.

Frank Lockhart [00:27:48] I was going to give a brief update and this might actually fall into a suggestion. As, as you know the Council, in April I believe, passed a motion asking for us to provide a report to the Council at the November meeting kind of basically laying out some options and the implications on sources and schedule for those so we intend on having a draft and having that in the briefing book at the, or the Council briefing book the initial deadline. It would be useful I think to us once we have a draft to have a call with the ad hoc group to make sure that we're meeting your needs for such a document so that if we're way off we can correct something so I know we're all busy. I wouldn't imagine it would take a whole long time to have such a call but I think we would appreciate that opportunity. We'd be happy to work with Robin.

Phil Anderson [00:28:58] Okay. I'm just seeing some head nods around the table from workgroup members that they think that's a good idea so we'll rely on you folks to arrange a time to do that? Okay. Michele does that get at your interest there?

Michele Culver [00:29:20] Yes.

Phil Anderson [00:29:20] Okay is there anything else to come before the Council regarding halibut at this meeting? Robin.

Robin Ehlke [00:29:31] Thank you Mr. Chairman. I, I think the Council has covered their work under this agenda item G.2.

Phil Anderson [00:29:38] Okay. All right with that we'll close out the agenda item G.2.

H. Groundfish Management

1. National Marine Fisheries Service Report

Marc Gorelnik [00:00:02] So that brings us to discussion and I'll open the floor. I think that Washington's statement is probably worthy of some discussion. I don't know if Aja's hands up as expected. Thank you Aja.

Aja Szumylo [00:00:16] Thank you Mr. Vice-Chair and thank you Michele for the comment. So yeah we're still in rulemaking right now. The comment period is still open. What I can encourage at this point is that I would appreciate a written comment on the proposed rule from either the Council clarifying its intent even though I think the intent was clear from the motion and I think we did signal in the rule that the intent was clear but we'd appreciate written comments from both, either both the Council, WDFW and the Quinault Indian Nation on, on, on the, the area that's in the proposed rule. We, the issue that we raised in the proposed rule was that we're concerned about matching the shoreward boundary of Gray's Canyon with the adjudicated U and A boundary because it's not defined with coordinates and so it's difficult for us to enforce an area that has a line that's undefined so any comments that are submitted we'd appreciate any suggestions of enforceable lines, lines coordinates that, that we could use to match the Council's intent and, and so that's, that's all I have as a comment. We'd, we'd appreciate the written comments on the proposed rule.

Marc Gorelnik [00:01:34] Michele.

Michele Culver [00:01:35] Yes thank you and, and Aja just a point of clarification then any proposed coordinates that you would like for this action to go into regulation are for the purposes of defining the EFH conservation area. You're not proposing that those coordinates would be defining the western boundary of the Quinault's U and A. Is that correct?

Aja Szumylo [00:02:06] Thank you Mr. Vice-Chair, Miss Culver that's correct. We are we're, I'm strictly trying to define that boundaries of the Grays Canyon EFHCA and the extension of that area.

Michele Culver [00:02:18] Thanks.

Marc Gorelnik [00:02:18] Further.... Brad.

Brad Pettinger [00:02:20] Thank you Mr. Vice-Chair. You have your reference points for what that means as relative to some of the proposals that were put out by the collaborative so I know when the, like when it was presented I think people were looking at it as far as relative to what the lines were even though the language might have been to the boundary of the tribal U and A so I guess those individuals can if someone's concerned about that could do a written comment but I think as far as I really can't, I'm not sure what this means. I know there was a proposal North by the collaborative to close some areas and I hope that incorporates that so but anyway that's just a comment.

Marc Gorelnik [00:03:10] Thanks for that Brad. Further discussion on this agenda item? Michele.

Michele Culver [00:03:21] Thank you. So with the public comment period open through tomorrow certainly WDFW plans to submit the comments that we have provided here and I guess would certainly appreciate others who support this to note that as well.

Marc Gorelnik [00:03:51] Are you speaking to the Council specifically or other and generally just to any organization?

Michele Culver [00:03:59] I was speaking to the Council specifically but not to limit others out there who may be listening.

Marc Gorelnik [00:04:12] Well I don't think we can do that. I just had a brief chat with Chuck and we can't do that under this agenda item. It's a discussion agenda item so we'll have to talk with Chuck. Maybe Chuck has a suggestion of when or if the Council could undertake that question.

Chuck Tracy [00:04:33] Thank you Mr. Vice-Chair. Well again so this is not an action item so you know this is not noticed for any Council decision on this item so, so and I think frankly given our agenda situation I don't see a good opportunity to address this between now and close of business tomorrow. I guess I'm not sure that the Council's in a position to weigh in on this at this point. Certainly, I mean it's up to National Marine Fisheries Service how they interpret the Council's discussion here on the floor but in terms of for example passing a motion to propose some coordinates for example I don't think that would be appropriate at this, under this agenda item.

Marc Gorelnik [00:05:35] Michele.

Michele Culver [00:05:36] Yes thank you. Thank you for the clarification. So I'm not proposing that the Council pass any motions or propose any coordinates. I guess I wanted to describe what my understanding was of the Council's intent and be transparent about my intent to submit these as public comments on the NMFS proposed rule to the extent that other Council members either agree with what's described here or find fault with what's described here I think I would certainly appreciate knowing that.

Marc Gorelnik [00:06:15] Well in the spirit of discussion does anyone around the table have anything negative to say about Washington's proposal? Is there any further discussion on this agenda item? Phil.

Phil Anderson [00:06:33] Well I. I would just voice my personal support for Washington Department of Fish and Wildlife's proposal and there, I think they have accurately interpreted the intent. I recall pretty vividly the discussion around the Grays Harbor, or Grays Canyon EFH and boundaries and closures and we were trying to mirror and match up with the western boundary of the Quinault usual and accustomed fishing area. I think the, the, I think staying away from describing it in a manner that is reflective of that is important and that in fact what we are doing is simply describing the eastern boundary of the closed area without reference to the U and A. There's maybe subsequent appeal litigation. I think there already is on that whole matter so I think as long as we're, as long as the letter is, is requesting NMFS to make the correction to the eastern boundary of the closed area in our EFH decision that maintains the integrity of what we're, of our action and our intent.

Marc Gorelnik [00:08:03] Thanks for that Phil. Seeing some heads nodding around the table. Any, any further discussion? Aja.

Aja Szumylo [00:08:11] Thank you Mr. Vice-Chair. Yeah and I just want to reiterate it's, we're looking for an enforceable boundary so coordinates to, to cover that side and yeah and again I feel that the Council's intent was clear it's just that we were, we were seeking to be able to communicate something that we could enforce and that the public could, rules that the public could abide by rather than a, an undefined line.

Marc Gorelnik [00:08:35] Thank you Aja. Phil.

Phil Anderson [00:08:36] And I would, I think they're already doing it but I would just encourage the Washington Department of Fish and Wildlife Quinault Indian Nation to collaborate on any coordinates that is, that would be provided to National Marine Fisheries Service as part of your comment and I'm seeing thumbs up from my friend in the audience from the Quinault Indian Nation so thanks.

Marc Gorelnik [00:09:00] Thanks Phil. Any further discussion on this agenda item? Todd how are we doing?

Todd Phillips [00:09:07] Yes thank you Mr. Vice-Chair. I believe you have completed the agenda item to, to all the items specified. Thank you.

Marc Gorelnik [00:09:14] All right.

2. Workload and New Management Measure Update

Marc Gorelnik [00:00:00] Well that concludes public comment on agenda item H.2... which brings us to our Council action which is there on the screen and I will look around the table to see who wants to start our discussions. Michele.

Michele Culver [00:00:18] Thank you. I did want to address a couple of the items that are raised in the, in the GAP report. I'll start first with the proposed pollock fishery off of Washington. So just to remind the Council the Council has considered in the past 20 years twice whether or not we want to add pollock to the FMP and we made the decision both...it's been a fairly robust discussion and decision. I think National Marine Fisheries Service drafted an EA relative to the last request that we have so we have a pretty robust analysis of why that is but essentially we're on the very tail end of the range of pollock and it is, it's availability off of Washington is highly dynamic. That being said the Makah tribe in particular has had a pollock fishery in ocean waters and in the Strait of Juan de Fuca which WDFW fully supports them having. So we also do have provisions I think that at the State of Washington level that allow for incidental retention and landing of pollock in conjunction with groundfish fisheries understanding that incidental catch of pollock sometimes occurs particularly when they are available off of our coast. So I have not heard of this particular request but would be certainly happy to follow up with the, the Makah tribe, as it sounds like it came from a tender that perhaps might deliver a tribal tender so anyway just wanted to make those comments so folks know it's not in the Council FMP and therefore not really subject to Council fishery management action. The other item I wanted to speak to which is item B.10 in the carryover. So my understanding is the reference here about the national requirements hindering NMFS's ability for a carryover. I think there are two different issues and, and requirements at play here as they mention halibut and yelloweye. So first of all halibut are not allowed for carryover because we have an annual management process through the IPHC of where halibut bycatch is subtracted off the top from the TCEY to produce what's available to the directed fisheries so if, if there is carryover which isn't determined or calculated until after the Council provides what should be deducted there is a, a process question there but also the Council did have considerable discussion about whether we wanted to have carryover for halibut IBQ through the Amendment 21 process and because additional carryover for halibut would mean reduced opportunity for directed halibut fisheries and recreational fisheries and we decided not to. I think that's a separate issue than any national requirements or guidance that NMFS may have relative to yelloweye carryover which my understanding is more general guidance relative to overfished species and whether carryover should be issued for those.

Marc Gorelnik [00:04:20] Thank you Michele. Further discussion? Guidance? Maggie.

Maggie Sommer [00:04:33] Thanks Vice-Chair Gorelnik. I guess I'd just offer a, a comment a follow up to my questions to Karen on the GMT Report on the conversion factor item. It's a relatively small, it would have a relatively, it would impact I think a relatively small number of landings but we certainly are interested in being able to provide the opportunity to increase value where possible. If this can be achieved through a, a low workload process I'd be interested in doing that and again you know just confirming that we have, we, we can adopt conversion factors in state rule relatively nimbly and would be happy to work with the Council to, Council Staff and NMFS as appropriate to develop a process to keep the Council and NMFS informed and updated on conversion factors in state rule. I understand that would not work for the State of California and I don't know if Washington Fish and Wildlife has given this item any consideration or has any thoughts on how that approach would work for them but if I'd be interested in hearing them. Thank you.

Marc Gorelnik [00:06:01] Michele.

Michele Culver [00:06:02] Yes thank you. So I agree that we should have a fairly expeditious process to change conversion factors including for the IFQ fishery and however that can be accomplished I'm supportive of so we can turn that around fairly quickly at the state level as well if there is the ability for some recognition for IFQ conversion factors in Oregon and Washington. The other thought that I had is, is if we want to retain them in federal regulations it seems like the federal regulations could also supersede California's regulations and therefore the IFQ values in federal regulations would apply to all three states independent of what may be in state regulations for IFQ which I, I don't think the states specifically have them to a fishery.

Marc Gorelnik [00:07:16] Well I certainly wish someone were here from California to respond to that but we don't. Further discussion, priorities, guidance? We have a number of requests, recommendations. Do we want to provide any guidance? If we do I suggest someone offer it. Michele.

Michele Culver [00:07:56] Yes thank you. I didn't necessarily see the, the need for guidance, so it seems like the GMT is reporting back to us which is what we asked them to do on these two items, the conversion factors and the VMS ping rate. We've also, those items are already on the list and the groundfish retention in the salmon troll fishery, the one item that we received from Steve Wilson for the area north of 40 10 is one that is already going to be discussed and addressed in the spex, it's a routine measure they already have that allowance. The other item that they received as a request is for south of 40 10, which would need to be a standalone item because it's not currently, it's, it's currently prohibited to allow groundfish retention south of 40 10 in the salmon troll fishery. So again I, I would appreciate hearing from the State of California about whether or not that would be a priority for them before I recommend that it go on the list and so certainly I think that's a discussion that we can have when they are available.

Marc Gorelnik [00:09:21] Fair enough. Maggie.

Maggie Sommer [00:09:26] Thanks Vice-Chair. I agree with what Michele just said and I guess would just add a couple thoughts to that. We might if we need to have any further discussion of when to come back to the ping rate in for VMS in the salmon troll fishery that we can probably do that under our future agenda and workload planning item and then specifically on the conversion factors it seems like there, we could consider making some adjustments to federal regulations that would accommodate state conversion factors in Oregon and Washington during the spex process and then we're certainly happy to work with Council Staff and NMFS on developing that process for informing you of what those are.

Marc Gorelnik [00:10:20] All right. Thank you for that. Aja.

Aja Szumylo [00:10:25] Thank you Mr. Vice-Chair. I'd just like to also voice support for adding that to specifications that relates to catch accounting and I think that that's a nice natural place for it so I'd be happy to work with everyone on considering that there and working through issues with California when they're available.

Marc Gorelnik [00:10:39] Great. Any further discussion on this agenda item?

Maggie Sommer [00:10:47] Vice-Chair I just wanted to note I appreciate the GMT's information they provided on the request from Mr. Dave Kosta regarding an EFP in Oregon or extending the Emley/Platt EFP up into Oregon and note that they let us know that currently the analysis does not support that. It would require a fairly lengthy process and I agree with the conclusion that it seems most expeditious to just see how the non-trawl RCA modifications item that we currently have scheduled to begin considering in March would address that need probably on at least as quick a timeframe as an EFP so I

appreciate his interest. I understand it and I think that we do have a process that will be starting and is currently scheduled on a Year At a Glance that will address that.

Marc Gorelnik [00:11:44] Thanks Maggie. Bob.

Bob Dooley [00:11:47] Thank you Mr. Vice-Chair. I know we don't have anyone in the California seat today and I, I would be remiss if I didn't speak about this retention of salmon in south of 40 10. I've had several of the constituents in our area approach me about that and, and expressed desire to have that happen. I would, you know I would hope we're not missing an opportunity here to put it on the list. I think we'll be revisiting this again or have an opportunity but I just, I know there is a strong desire and it's been you know communicated by the GMT as well to maybe include it but I, I'm reluctant to step up strong about this without the state having expressed their desire so I'm hoping we, it doesn't slip off the, off the radar that there's another chance to look at this but I would like to hear our state's opinion on that as well.

Marc Gorelnik [00:12:54] Thanks Bob. I agree. Further discussion on this agenda item? I'm not seeing any. Todd how are we doing?

Todd Phillips [00:13:07] Yes sir. Mr. Vice-Chair I believe that the Council has had an adequate discussion and I'm set on my end and I believe you've covered all your agenda items, or all the items on this agenda.

Marc Gorelnik [00:13:20] All right thank you very much. I believe that concludes this agenda item. I think everyone here has earned a break.

3. Electronic Monitoring Program Guidelines and Data Storage Procedural Directive: Preliminary Review

Marc Gorelnik [00:00:00] Concludes public comment. We've got a little bit of time before noon to get started on, on Council action but it's my intent to nevertheless break close to 12 because we've been at, at that point we've been at this for two hours and we'll come back and complete our Council action but let's take advantage of the next 10 minutes or so to get started. Not all at once please. There's been a lot of discussion during the presentations and during public comment so I know that folks have some thoughts. Let's get some on the table and then finish it up or is there a desire to take a break now? Brad do you have your hand up there?

Brad Pettinger [00:00:58] Yeah I think I can start us off a little bit. I just think that there's a lot of uncertainty out there. I think uncertainty is not a good thing for moving forward on such a big issue. This trawl fishery has an issue with cost and I think raising in this cost is paramount to moving forward to be an economically viable industry, more so maybe the bottom trawl fishery than the whiting fishery. I think if you look at the landings these last few years, landings were quite a bit last year but it wasn't in the bottom trawl fishery as opposed to the, the midwater fishery lost sixty million pounds of fish last year almost half of that was rockfish which was landed by the larger vessels which is a good thing but we're just seeing less activity in the bottom trawl fishery and I'm very concerned about that as far as up for long term and a large part that is the cost to this fishery. As everybody knows we have 5 percent buy back pay loan fee to pay, almost 3 percent cost recovery, observers, just a lot of, and market conditions that aren't where we'd like them to be so I'm very concerned about that long term. I think looking at Pacific States as far as how they might fit in here. I've had some ongoing discussions with, with that organization. There's going to be the annual meeting next week and we're going to be talking about how Pacific States might still be able to keep them in the loop. They are very cost effective. The equipment is in place, they don't have to buy any of that equipment. They have economy of scale. I believe two thirds of the work they do is in Alaska. One third is work done here and it seems there be a great model for us. I think the review a day of, my understanding a day of whiting fishing is twelve dollars a day. I think the last time I looked at the information of bottom trawl was like maybe, I believe sixty dollars a day, so some real savings there for the fleet and so I'd just like to say dealing with Pacific States there, we'll know more next week when we have some discussions at that annual meeting and how that might fit in so thank you.

Marc Gorelnik [00:03:23] Phil.

Phil Anderson [00:03:30] Well I have some overarching I guess thoughts or comments to make. First of all I mean the development of this program and through the EFP process as Heather alluded to and Melissa and others has been a, I think the success has been as a result of the collaboration between industry and government. Had government tried to do it on their own it wouldn't have worked and if industry had done it on their own it probably wouldn't have worked either so the collaboration to bring all the, the collective expertise together to make a program like this work is essential and it has to continue in order for it to survive, and I, there will probably be different perspectives depending on what, where you are but I think that collaboration has suffered some setbacks and I don't lay, I'm not trying to lay the fault or blame on any, either side so to speak but if we don't get the collaboration back in tune and working as it has as it had when this program was developed I don't think this program has a bright future. I think the, the, I'm looking at Heather's slide that has six bullets on it about the, some of the key concerns that, that at least her organization has and they may also be contained in the GEMTAC, GEMPAC Report. Some of these are things that we can address and some of them aren't. The, the what's in the manual it seems to be a really important piece and I am hopeful that the collaboration and, and interaction between National Marine Fisheries Service and Pacif, and

Pacific States on the, on the portions of the manual that have the review pieces in it that there's, that you're, you're working together and taking advantage of the expertise and experience but the uncertainty around what's in the manual relative to the potential costs from service providers on the, on the review piece is a, is a big problem, that uncertainty and I think the, the my, at least what I have done at least personally and my focus has been to talk with some of the folks, well talked with Randy Fisher and talked with a number of others about how to keep.... talked with Ryan how to keep Pacific States in the game here and that my conclusion is if there is a will there's a way and if we can set aside, if we have positions that are an obstacle to making that happen we need to set those positions aside and sit down and figure out a way to make it work because it's clear to me that having a group that's largely nonprofit to do this work and one that already has the expertise and experience to do it in a really cost effective way is an essential component for the future of the program and if we go down a road that doesn't leave that, that component in I think that is probably the one component that poses the greatest risk to the future of the program and we have to figure a way out, a way to, to continue to use the expertise of PSMFC that's been developed over year, over the years to accomplish that part of the program. As far as unpublished national policies that haven't been released there isn't anything we can do about that. I don't know what, if there are going to be any will be, or if there are some that come along that pose problems for us we're going to have to confront those when they get, when they get here but if they get here. I know there's an issue around National Marine Fisheries Service creating a new department within the observer program but frankly that's their business and if that's what they feel they need to do to effectively implement the program from their perspective then you know that is not a place that I feel comfortable or appropriate as the Council weighing in on, on that piece. Their organizational structure is their business and I've got you know I may have differences with how different organizations are structured but at the end of the day that is their responsibility and within their purview and I don't want, I'm personally don't want to spend a lot of time trying to influence them as to how they need to organize their organization to make it work. The inequity set up in terms of lap versus non lap, I'm not discounting that as an issue but it's, that is not something that to me is integral or, or directly linked to making this program a success and so if we want it, if we, if we the Council want to try to influence the, that policy call to the extent that has been made by National Marine Fisheries Service to me that's a separate issue. I'm not dismissing it I'm just saying that's a separate issue. So I guess the bottom line for me is there's been an awful lot of work done over an awful lot of time, six years or whatever it's been through the EFP process and the collaboration between industry and government they've built a really good program. As we implement it through rulemaking we need to make sure that we retain the components that allow it to be a success on into the future and if we do anything less than that shame on us.

Marc Gorelnik [00:10:32] Thank you Phil. Bob.

Bob Dooley [00:10:38] Thank you Mr. Vice-Chair and thanks Phil that's, you, you said all of that better than I could say it ever and I think that you hit a lot of really great points in there. I am in agreement with every single one of them and laid them out perfectly. My big concern in this whole issue is the concern that we've heard of the timing of this and going into this with our eyes wide open and understanding that this program is going forward with the goals and the objectives of the Council that we stated back in 2000. I wasn't here but a lot of you were in 2014 for the purpose and need. I would, I think we've had a lot of turns in the road since then but the one finishing line of it was in 2017,18, it was the final decision when we, when the Council in June requested Pacific States to be the sole provider and not pursue the third party option. In September we found out that was not the way. NOAA General Counsel I believe said that they ruled against that, said they could not be the sole provider and a third party option was the only option. The Council made a preliminary preferred alternative at that time reluctantly. I listened to all of the recordings once again till three in the morning a couple nights about that very issue and there was a lot of reluctance and there was a lot of

desire of the Council to revisit the Pacific States issue and trying to keep them in, in some way or another. To my knowledge we have not formally redone that, and the final motion Dorothy made that motion and she had a hell of a time even saying it and if you go back and listen to it you'll, you'll know why I'm emotional about it. There was a lot of concern that this was going to have a detrimental effect, that decision on this program but nonetheless the other choice was to kill it and so we didn't but there was also a lot of discussion around the table by many of you and fellow Council members that said we need to keep this, we need to search for a way to do this. So I'm in agreement with, with Phil on that. Now what's, what's the task that I see? The task I see right now is to make sure that this program is not going to get to a predestined, an implementation date and not be ready to implement and what do we do if it doesn't and I think we need to plan for that now and I think the, in the public testimony and the GEMPAC and the GAP statements we've seen that roadmap. I think there needs to be a discussion at the Council to understand the different deadlines that are coming up and the significance in the big picture. One particularly would be the manual that seems sometime March or April will be final if we, if the Council looks at it and I hope we do twice. I hope we look, see it in November and I hope we wait till to finalize it after the public and everyone has a chance to digest it. If that's final then we have a deadline of June 1st in the final rule of an EM provider actually providing or having a completed application in to make the deadline of implementation, that's six months. It's in there, it says if they don't do it by June 1st it's going to be very difficult to have implementation on January 1st of 2021. I'm concerned about that delay. I'm concerned that we, we're all in, and that we're all in agreement there's a program but we just run out of time to make the adjustments that we think need to be made. I also think it's, it's very important to the coun....to me at least it's important, I think it should be important to the Council that before this goes off blindly into the, into implementation that we go into it with our eyes wide open and we have a process to look at all of the costs and all of the, the final product and say yes it's good or no it's deficient and we, does it, and I think that needs to be set up and I'm not saying delay because I hope it goes off and everybody's happy January 1st. I have sincere doubts that we're going to get to that bridge and still have it there. I think we'll drive off into the sunset and this programs in jeopardy. I don't see a delay as being prescriptive. I see a delay as being, as getting a, bringing an umbrella in case it rains and to that end I've heard from staff that if we're going to extend an EFP past January 1st, 2021 that we should plan that in November of this year so that we don't go out of cycle and cause a fire drill with everybody's hair on fire trying to you know patch the leak in the boat so to that end I think we, we have, we should chart a course and have prescriptive steps to know that we're on time and schedule this and understand where we are in the process and how we are marching to implementation, but finally I think the Council has to have a final look at this when all of the facts are in to understand that this is truly what we had envisioned and if it's not let's do something about it. Thank you.

Marc Gorelnik [00:16:43] All right I think that's a good place to leave it for now. I have, I have 12:06. Let's be back and ready to conclude our discussion at 1:10.

Marc Gorelnik [00:00:01] (continued after lunch).....and if I could ask Sandra to put our objectives back up on the screen to keep us focused. I think when we broke for lunch we just had some very thoughtful comments from Phil and Bob so let's carry on in that vein and perhaps we could converge to some recommendations I hope. Maggie.

Maggie Sommer [00:00:38] Thanks Vice-Chair Gorelnik. First I wanted to thank everybody who came and gave comment on this issue and it was I'll note very well prepared and very thorough and thoughtful comments as was the presentation we had by Melissa Hooper and all the information that has been prepared by the National Marine Fisheries Service for this. Been a lot of effort that's gone into this. We had some pretty solid recommendations I think from our Groundfish Electronic Monitoring Policy Advisory Committee in their report to slow down and a recommendation that the

Council convey those to, NMFS and I, I would support that. You know I certainly understand the desire to move forward with EM implementation expeditiously given the national interest in EM and the investment that this Council and the groundfish industry and partners have made so far. We had a lot of comment pointing out the, the fact that there are a lot of other programs around the country looking to ours as an example and we would prefer to be the example of how to do it right rather than you know what, what not to do. I do want to recognize that we you know there, that we also as a Council have really strongly encouraged NMFS to move expeditiously and rapidly on a lot of things and we have offered some, maybe some criticism at some times on a range of topics when we felt like it's been slow but I think this is one case where slowing down is, is warranted. I, I you know as someone said I do think we owe it to ourselves to slow down and consider a delay in implementation so that we do have time to see what that fully articulated program design would look like and we can work on solutions to the cost concerns and some of the other issues, so I just wanted to acknowledge that, that the precedent setting aspect of this I think is something that really rose to the front of my mind or as the top of my mind as I was listening to public comment and that, that, that ties into the recommendations that we heard from our GEMPAC Committee as well as in public comment.

Marc Gorelnik [00:03:08] Thank you Maggie. Ryan.

Ryan Wulff [00:03:17] Thank you Mr. Vice-Chair and I was pausing to see if there was some additional general comments. I note we haven't yet got to the actual action here regarding the program guidelines and procedural directive but on these general comments I need to be clear here I mean NMFS has stated repeatedly that we cannot further delay implementation of third party review and so I will say that again. We did extend it for an additional year based on some of the Councils discussions but also because of the government shutdown and, and the timeline that that would have created if we were to have this in place by January 1, 2020. We have appreciated the collaborative process that has gone on throughout this program. We do continue to commit to that. That is why we held calls and webinars with industry and with service providers this summer. It is also why we asked for GEMPAC meetings this fall and is also why we just offered in Melissa's comments a public webinar between now and November. We continue to make ourselves as available as we can, given our current resources and will continue to do so and see what we can bring based on Council discussion to these future agenda items. I know that there is concern about costs but we will have time to have that discussion. We will be able to discuss the manual both at this webinar as well as at the November meeting and there will be plenty of time between November and June in our opinion for industry to work with those service providers with most of those program guidelines outlined. You know I'd also like to note that it's not, it's not like we wouldn't have the opportunity to revisit, revisit this going forward as well. We have stated repeatedly that the guidelines, the manual are an iterative process. We would update them annually or as appropriate based on these continued ongoing discussions so it's not like you have to have everything figured out when we go to implementation in January 1, 2020. Furthermore and some folks have noted it already but we would be supportive of adding additional items to the Year-At-a-Glance specifically in April and June whether it's any follow up related to these issues but also we are planning to discuss some regulatory amendment changes that would include for example putting in the result or whatever the final data storage directive is but also a number of other minor things that have been under discussion and what might come up in future discussions and that's a process that I argued before this Council a while back was another reason not to delay the final rule was we do have the ability to make these amendments going forward even after a final rule is published and that's what we plan to do. So with that I do just want to encourage us to continue to have these discussions to not let, the fact that NMFS policy of transitioning to third party will become into effect in January 1, 2021 and we look forward to those discussions and trying to make this as successful as possible as we move forward in implementing this program. Thank you.

Marc Gorelnik [00:06:56] Thank you Ryan. Further discussion, response to Ryan? Any, I'm going to look around the table. Bob Dooley.

Bob Dooley [00:07:04] Thank you Mr. Vice-Chair. Just a question to Ryan. I guess you're kind of definitively saying that even if there was an EFP applied for to extend it into 2021 that, that would not be issued or would not be allowed with the rule in place. Is that what I'm hearing?

Ryan Wulff [00:07:24] Thank you Mr. Vice-Chair. Thank you Mr. Dooley. Yes that's correct. We would be transitioning to the regulations for third party review in January 1, 2021 and I have, that is NMFS position.

Bob Dooley [00:07:46] Thank you.

Marc Gorelnik [00:07:46] Virgil.

Virgil Moore [00:07:50] Question.

Phil Anderson [00:07:52] Microphone.

Marc Gorelnik [00:07:53] Mic, can you move the microphone closer? We all want to hear what you have to say.

Virgil Moore [00:07:57] My question would be given the definitive statement we've heard from NOAA what would it take to slow the action down?

Marc Gorelnik [00:08:11] Ryan.

Ryan Wulff [00:08:13] Thank you Mr. Vice-Chair. Thank you for the question. It would take legislative action or a change in headquarters implementation of our national policy that was finalized in May.

Virgil Moore [00:08:24] Thank you.

Marc Gorelnik [00:08:29] Michele.

Michele Culver [00:08:30] Thank you Mr. Vice-Chair. Thank you Ryan for the clarification and I will say I do think that the Council and NMFS and NMFS staff have, have really tried to make this workable, that this isn't something that just came up. This is something that we've been talking about for five, six years and I appreciate that the moving forward with the rules and the implementation is in large part responsive to recommendations and direction from the Council so I appreciate that and I think the Council, the industry we're all struggling with how the implementation gets done and how much it's going to cost and I appreciate your willingness to continue the dialogue in that regard. I do, I do think that it is critical that the whiting fishery in, in particular remain active participants in the EM program as I think that provides a cost savings to the fixed gear and the bottom trawl fisheries and I appreciate that we would get perhaps some, some more information about the implementation as we move forward. I'm not entirely sure, I think this came up previously before we took our, our lunch break but it sounded like with the third party, the, the regulations in place the third party application would need to be in place by June 1 of next year. Is that, is that correct in order to facilitate a January 1, 2021 implementation?

Marc Gorelnik [00:11:10] Ryan.

Ryan Wulff [00:11:12] Thank you Mr. Vice-Chair. Thank you Miss Culver. Yes that's correct submitted by June 1.

Marc Gorelnik [00:11:23] Bob.

Bob Dooley [00:11:25] Thank you Mr. Vice-Chair. Ryan if you could, could you elaborate a little more on the timeline of the deliverable, the process on the guidelines when they're final and, and also the manual and what, what meeting those will happen at and, and the process you see to get us to a place where a third party provider could make an estimate and actually apply, understand that he will have customers, and apply for a permit by June 1st, is there, just to, I just want to understand which meetings we're going to talk about this and how, how going forward you see it playing out, particularly in light of the rule change that's contemplated and how the certainty of that plays into a cost estimate?

Marc Gorelnik [00:12:22] Ryan.

Ryan Wulff [00:12:22] Thank you Mr. Vice-Chair. Thank you Bob. Yeah so you got both the guidelines and the manual so for the former when we're talking about it here also potentially in November and we would issue a, a notice that when we would issue a notice making it final around December is our target by the end of the year for the guidelines that we're talking about here under this agenda item. For the manual it's my understanding there's not a requirement for us to, to publish that in the Federal Register but we would post it on our website like Melissa noted in her presentation. I think it would be most helpful to get, start having a serious discussion on cost estimates to focus the November Council meeting and any kind of discussion we can have before that such as through this public webinar to get input so that we can finalize those guidelines after that because the sooner, excuse me the manual, and the sooner we get that to the service providers it would be my understanding that, that would be a key point in helping them provide cost estimates. You noted in your remarks before we went to break potentially delaying that till April to have another round, another way to digest it and I think that does constrain the process as you noted because that is such a short time between April and June and again like I said in my earlier remarks there's, even if we had final manual for the start of implementation and that was done at the November meeting and through the outreach between then it's an iterative process and if there was something that came up through subsequent discussions that doesn't mean we couldn't make changes going forward for future years.

Marc Gorelnik [00:14:07] Bob.

Bob Dooley [00:14:09] So as I understand you're thinking that in November will be the, the only look the Council gets at that manual before it goes forward other than changes going forward and that's informative to the third party providers with critical information that they need to understand that drives their costs. If that's subject to change between now or between then and implementation you've got a moving target on what the costs are.

Marc Gorelnik [00:14:40] Ryan.

Ryan Wulff [00:14:41] Thank you. Maybe to be clear I was just saying what I thought based on my description might be, that it would be more helpful to the service providers to have that, have the manual as soon as possible. It is up to the Council. We have flexibility from a NMFS perspective if you wanted to discuss it in November and in April. I mean that's up to you that then shortens that time

period post that discussion between the June 1st deadline and applications so that's why I made the comments that I did.

Bob Dooley [00:15:12] Thank you Ryan. That's informative so that we can think about it in the same context. Thank you.

Marc Gorelnik [00:15:25] Do we have recommendations to make to NMFS? We have the GEMPAC Report but we also have NMFS's response. I'm going to look around the table to see if there's someone here who wants to propose a summary of the Council's position and if not, I think Phil. There you go Phil.

Phil Anderson [00:16:04] Well I had an additional question for Ryan. It's, it and I'll focus on the development of the manual and there may be other things that fall into this category as well but I, I'm struck that I listen to the, particularly the leadership in the industry and including you know which would include those that are in the GEMPAC process, express that, that of in, in lately whatever lately means whether it's six months or a year, the last two weeks I don't know but that there, there has not been as much collaboration as there was when the program was developed and, and then I hear your responses that you know we've done all these things to try to provide that communication link so you know we're doing what we can and so I'm struck by the, the difference that NMFS thinks they're doing all they can and the in, the industry leadership is saying we've lost a portion of the collaboration that we once had, so there has, there's, there's something amiss there. So I, my, my first, one of my recommendations would be to ask the appropriate people within NMFS that are here get together with the industry leadership, and when I say industry I mean the people that are and includes Melissa and the people that have been a part of the development of the program, could you commit to get together and try to make sure that the appropriate collaboration and communication avenues and links and opportunities can take place between now and November? That's one because you're on sep.... you're on different pages right now from what I hear and to I, I suspect that, that gap could be closed relatively, I'll say relatively easy if everybody comes to the table with that objective in mind to close that gap. On the manual it seems to me that the sooner the manual, understanding that I think I heard you say that there could be changes in the manual as we go through time, but getting the, getting the manual out soon, sooner rather than later is an important piece to make sure we, we you, we all fully understand and ascertain the cost implications of the third party review piece and, and I would, I would encourage you to include in your collaboration with industry the opportunity to have some back and forth on that as well and that you, you take advantage of the expertise of the Pacific States Marine Fisheries Commission in doing so. The, the other piece that is, is I'm not directing at you is the Pacific States Marine Fisheries Commission has its annual meeting here starts a week from Monday, a week from tomorrow and I, you know I have had some communication with Randy Fisher in particular and I know that Dave Colpo was here at the GEMPAC meeting and, and I'm recommending that the Council convey to the Pacific States Marine Fisheries Commission the importance of finding a pathway by which they could continue to do the work that they have been doing because in my mind that's a key, it may be the cornerstone of the future of the program that we keep those, the costs that are associated with that work at a level that we have experienced and with them doing the work and there's every, and we may find something different once the manual gets out and we hear from potential other providers but at least from what we know right now the likelihood that a another private entity could provide that service for that same cost is not great and it potentially could be two, three, four times more which from what we have at least heard around the table here and from our experts may be the straw that breaks the proverbial camel's back on the being able to maintain the integrity and the continuation of this program and the future of the program may well depend on that so whether it's a letter, it doesn't have to be a long letter from the Council to the Commission encouraging them to look for pathways that allow the Commission to continue to do that

work, that's my, that, that is another piece of my thinking in term.... after listening to the discussion as well as having thought about this a lot at least in the last several weeks. I think I'll stop there.

Marc Gorelnik [00:22:30] Thanks Phil. Bob.

Bob Dooley [00:00:00] Thank you Mr. Vice-Chair. I, I also agree with what Phil said. That's a good, a good path now that we've gotten a few things off the table here you know and understood that. In my mind it leaves the one final thing that I think's important is that the Council gets a chance to look at this, at the final product at the end and whether we do anything or can do anything or not but at least understand what it is we're sending forward and to that I would say that what I'm heard so far is that by June we will have the final decision on the amendments to the rule that may take place, so we'll know where that lives. We should have a manual that's there. We should have parts and pieces so I would, I would hope that by September that we could make room on the Council agenda and that the Council would agree to, to having people bring forward what the costs are and what the program looks like, all of the components that were in the GEMPAC and the, and the industry letter and in the GAP forwarded those things, not every one of them because we threw some off the bus with, when some of the things Phil picked off, but more importantly a fully articulated program design and you know what the, what the costs will be so we fully understand what it is that's going forward and have a chance to comment and maybe even have a chance to do something about it but understand that we're, and understand if we have a third party provider that's come forward and we have you know, if we have an empty saddle we're in big trouble and that's a potential from what I've heard, so that's one component. In the spirit also, of trying to get this done and get, you know get this issue done, we do have the issue of the draft program guidelines and the data storage procedural director, directive, now I attended the GEMPAC and in there it seems like there's agreement that the vessel monitoring plan part of that program guidelines, that's, that was pretty well intact, however there was some talk about there needed to be some editing because it was basically a cut and paste on the service provider part of this and that there was the National Marine Fisheries staff that were said yeah there are things that we cut and pasted out of the observer program that don't need to be there and we'll clean that up so I would hope that, that gets cleaned up in time for everybody to kind of look at before the final gets done and we take into account all the other but as far as our, our charge right now I think just to maybe move those forward to the next step to be looked at in November. So those two things in my mind are a really important is putting a stake in the ground saying we want to see this program before it, before it and understand what it is that ended up all of, all of this and before it hits the road and I would suggest September would be a good time but maybe not so I'm open to that but then, and then move the guidelines and procedural director forward as discussed earlier.

Marc Gorelnik [00:03:31] I think that the September piece we'll probably take up again at workload planning but I'd like to, you know Phil made an appeal to NMFS, a rather specific one about working with the stakeholders and we've heard and Bob suggested you know that our, our recommendations should be consistent with the advisory bodies about moving the guidelines and directive forward. Is the sense of the Council that's the direction we want to take here in terms of recommendations under this agenda item? Is that specific enough? I don't know. Virgil.

Virgil Moore [00:04:31] Mr. Vice-Chairman I think we can take what Chairman Anderson said and I do believe that putting it in a letter memorializes that to some degree so that we have captured that. I mean certainly the record has captured that, but I agree with that direction. I believe it's a sound thinking and I appreciate the thought Phil put into the way he worded that and I think his comments before lunch warrant being utilized too because there were some foundational statements there that I think would be useful for all of us to have as we try to converse about this whether it's at Pacific States next week or whether it's in other forums as we move forward.

Marc Gorelnik [00:05:17] Well on the Pacific States piece is, is that, is that a letter we need to write to Pacific States appealing to them to, to seek a path forward that would be consistent with the current third party requirements? Phil.

Phil Anderson [00:05:37] Yeah my recommendation is to write it to the, write it to the Commission, right, so it's written to the Commission not I'm, with obviously with a CC to Randy but because they're meeting here very soon having that in front of them and there's some of us around the table that are a part of that process that can help carry the, the message so that, that's my recommendation. I do have one other thought....

Marc Gorelnik [00:06:14] Please.

Phil Anderson [00:06:20] Despite the fact that I have confidence that everybody is going to put their best foot forward here and do their level best to get all of the concerns and questions addressed in the timeframe that we have and that with the idea that we're gonna have a program ready to go in January 2021, I, at the same time think we ought to arm our self with a parachute and I'm not suggesting that we try to define what that parachute is right at the moment, I don't think that many options, but I do think we need to be thinking about that and maybe just talk about that further in November if that's appropriate but there's no denying that industry has raised a number of issues that are, are and that a number of those issues getting resolved over the course of the next really, can't count, eight or nine months is imperative in order to have a program that can succeed in the long term beginning in 2021 and in some of those ops, of some of those in particular that I mean maybe in particular the cost to the industry of implementing the program is the biggest and if we end up with a program that causes people to walk away from it and use human observers instead and all of the work that we have done and that a whole bunch of people have done is going to be lost and I'm all for forging ahead full speed ahead you know whatever the right analogy is to doing our level best to get it done but we do have a number of significant hurdles to get over and if we are not able to complete our work to get over all those objec...all of those obstacles then we may need a parachute to get us through to a time when we can ensure that we address those obstacles such that we have a, a program that is going to be enticed, incentive to our industry to use and will survive over the long term. So I just think we need to be thinking about that and I've heard loud and clear from National Marine Fisheries Service I understand exactly where you're headed and why but I, but I again think that we also need to be thinking about what happens if we're not able to solve all of these significant issues that remain.

Marc Gorelnik [00:09:36] Thanks Phil. Maggie.

Maggie Sommer [00:09:39] Thanks Vice-Chair. Thanks very much for those comments Phil. I agree with them entirely and you know I remain very concerned by hearing that there are a number of vessels considering leaving the program. Vessels that are very, participants that are very worried about the cost and it may not be workable for them and I don't think any of us want to build a program that is then not used but you know it, hearing that expression of from vessels thinking about leaving the program and at the same time hearing about the, the timeline that we are set on is very concerning and so I do think it behooves us to think carefully and prepare as, as appropriate to do what we need to, to help this program be developed and end up successful.

Marc Gorelnik [00:10:36] Yeah I think it behooves the stakeholders, the Council and NMFS to make sure that we end up with a program that is designed to succeed because a program that is not designed to succeed but completed on time isn't necessarily a program that will succeed so further comments? Brett.

Brett Wiedoff [00:11:06] Well it's a challenge to summarize what we're doing here moving forward to be honest but regarding the action is what I'm really focused on here right now, the draft program guidelines and the comments received from the GEMPAC and, and the interaction that's discussed in there. I think National Marine Fisheries Service has taken notes during that GEMPAC meeting and is going to edit the guidelines and take the comments in the GEMPAC Report into consideration and come back in November with some revised guidelines and the GEMPAC would again meet together and review those things. If you want to memorialize that in a letter as Mr. Moore had said we can try to do that but I lean on the GEMPAC report and, and if that's the will....so I'd start there first please to clarify that process.

Marc Gorelnik [00:12:07] Chuck.

Chuck Tracy [00:12:08] Thank you Mr. Vice-Chair. Regarding the action that's in front of the Council here to provide recommendations to National Marine Fisheries Service, I think, I'm sure they took good notes but I think it's the responsibility of the Council to communicate those on behalf of itself. I would recommend the Council consider whether it wants to formally forward some or all of the recommendations to National Marine Fisheries Service in the form of a motion or if there is any others they would care to, to add in there but I think, I think it's important that we take this step formally. This is how we have constructed this agenda item and I think it's appropriate that the Council be the guiding body on these recommendations.

Marc Gorelnik [00:13:06] Do I have a motion to move the recommendations of the GEMPAC on to NFMS as a formal matter? Phil.

Phil Anderson [00:13:21] You threw me off right at the end there.

Marc Gorelnik [00:13:35] Okay Chuck.

Chuck Tracy [00:13:36] Thank you. I guess just to be clear I'm referring to the comments only on the draft program guidelines and data storage procedural directive not the...

Marc Gorelnik [00:13:45] Not the entire agenda....

Chuck Tracy [00:13:46] Not the entire....

Marc Gorelnik [00:13:57] Phil.

Phil Anderson [00:13:57] I'll try it. I would, and I'm sorry Sandra I have do this on the fly. I move that the Council provide National Marine Fisheries Service with the recommendations from the GEMPAC relative to the draft program guidelines and data storage procedural directive.

Marc Gorelnik [00:14:40] Does that language capture your motion accurately?

Phil Anderson [00:14:43] Yes.

Marc Gorelnik [00:14:45] Is there a second? Seconded by Virgil. Please speak to your motion.

Phil Anderson [00:14:53] Thanks Mr. Vice-Chair. I think it's important that the Council take ownership of the recommendations that the GEMPAC provided us relative to the draft program

guidelines and the data storage procedural directive and endorse those and provide those to National Marine Fisheries Service for their consideration.

Marc Gorelnik [00:15:20] Thank you. Any questions for the maker of the motion or discussion on the motion? Not seeing any I'll call the question. All those in favor say 'aye'.

Council [00:15:31] Aye.

Marc Gorelnik [00:15:32] Opposed no? Abstentions? Motion passes unanimously. So we have formalized that. Phil.

Phil Anderson [00:15:42] I didn't mean to interrupt.

Marc Gorelnik [00:15:45] No I'm just, we formalized the response to the specific action before the Council but there are other issues we've discussed so Phil.

Phil Anderson [00:16:02] I'll wait.

Marc Gorelnik [00:16:12] Phil.

Phil Anderson [00:16:12] Okay so that motion that we just moved has been approved correct?

Marc Gorelnik [00:16:21] Right. Do you have a second motion?

Phil Anderson [00:16:22] I do. Just didn't want to get in front of myself or others. You ready to do this again Sandra? I move that the Council send a letter to the PSMFC, Pacific States Marine Fisheries Commission, urging them to identify a pathway that allows the Commission to continue providing the EM review as is currently being done by the Commission. Probably don't need that.

Marc Gorelnik [00:18:03] Phil is that language accurate and complete?

Phil Anderson [00:18:10] After EM could you insert the word 'program'. Yes I believe so. Thanks.

Marc Gorelnik [00:18:26] All right. We have a motion before us is there a second? Seconded by Bob Dooley. Please speak to your motion.

Phil Anderson [00:18:34] Thanks Mr. Vice-Chair. As we've discussed Pacific States Marine Fisheries Commission Staff has extensive experience in doing this work and doing this work at a, in a cost effective way and the integrity of the program once put into federal regulations, the success of the program once put into federal regulations will in large part be determined by the ability to continue to provide this service in the same cost effective manner that it has been in the past.

Marc Gorelnik [00:19:27] Thank you any questions for the maker of the motion? Ryan.

Ryan Wulff [00:19:33] Thank you Mr. Vice-Chair. Just a clarification question so you are not recommending them continuing under an EFP as paid for by NMFS?

Marc Gorelnik [00:19:44] Phil.

Phil Anderson [00:19:45] While I would love to think that that was a possibility, no I was not.

Ryan Wulff [00:19:50] Thank you.

Phil Anderson [00:19:52] But I can't control what the Commission might come out of their deliberations with so....

Marc Gorelnik [00:19:58] Any further discussion on the motion? I'm not seeing any, Brett.

Brett Wiedoff [00:20:02] Just a question from Council staff. I'm anticipating some help in writing that letter from the Council body itself and maybe some particular representation in that, in this group.

Marc Gorelnik [00:20:18] Phil.

Phil Anderson [00:20:19] I will volunteer to assist and welcome help from my colleagues around the table.

Brett Wiedoff [00:20:25] Thank you.

Marc Gorelnik [00:20:26] All right. Any further discussion? Not seeing any. All those in favor say 'aye'.

Council [00:20:31] Aye.

Marc Gorelnik [00:20:31] Opposed no? Abstentions? Ryan Wulff abstains. Are there further motions to be offered?

Dave Hanson [00:20:51] Mr. Chairman not a motion but the Commission meeting will start a week from Monday. Tuesday afternoon each of the states will be having their individual meetings to develop positions which will then be voted on Wednesday morning, so it's important to have a letter there before Tuesday.

Marc Gorelnik [00:21:10] Okay thanks, thanks for that heads up. Further motions? Phil had, had made an appeal to NMFS for continued collaboration with stakeholders, and I think I've already asked the Council if that was the sense of the Council and I think I got head nods. I don't know if that needs to be put into a motion but I think that is, it, it's the sense of the Council and I want to make sure it's received by, by NMFS. Ryan.

Ryan Wulff [00:21:43] Thank you Marc. Yes understood. We will continue to collaborate as best we can. I want to ask for a little patience as we can only collaborate with so much in positions that are where we don't have flexibility, but yes we've heard that we will continue to do so. Like we said we were prepared to discuss it at the GEMPAC here but we didn't quite get to it. It's about the manual particularly. We will continue to collaborate between now and the November meeting. We've heard some other points of discussion of what information might be helpful for that discussion. We'll continue to work with industry stakeholders and be ready for the Council discussions starting in November and also for workload planning for some of the points that were raised here and if you would indulge me while I have the microphone just I did want to make a point to why I abstained on the last vote. It's not that I don't support the intent behind the letter however NMFS cannot be seen as to giving preference to any specific third party and therefore that is, was the reason why I abstained and I just wanted to be clear on that so thanks.

Marc Gorelnik [00:22:51] Understood. Thanks Ryan. Do you have a sense when the manual might be available? Will it be available by the advance briefing book deadline or earlier?

Ryan Wulff [00:23:01] Oh yes well before that. I mean I think we'll, we'll be, we will definitely have it in by the advance briefing book deadline. I shouldn't commit to earlier because at least for the Council I think we want to work based on these comments collaboratively with industry, with other service providers and get some feedback and see if that actually changes how we might edit or revise it before putting it into the briefing book but we would definitely have this targeted for the advance briefing book so the Council had more than enough time to review it and hopefully have that incorporate some of these discussions we've committed to between now and then.

Marc Gorelnik [00:23:35] So do I take it from that that you'll be working with the stakeholders with an early draft of the manual? They'll be able to provide some input on that before you provide the next draft to the Council?

Ryan Wulff [00:23:47] Yes.

Marc Gorelnik [00:23:48] Terrific. Thanks. All right let me ask the Council if there is any further motion, comments, discussion on this agenda item? Now I'll go back to Brett and see if he believes we've done our business here.

Brett Wiedoff [00:24:06] Yes. Thank you very much you have complete the business under agenda item H.3.

Marc Gorelnik [00:24:12] All right. Well I think I said when we got started this would be a three hour agenda item and unfortunately I was correct so I will hand the gavel back to Chair Anderson for the balance of the day.

4. Endangered Species Act Mitigation Measures for Salmon

Phil Anderson [00:00:00] That concludes public comment on this agenda item. Takes us to our Council action which is to consider adopting a preliminary preferred alternative for mitigation measures for salmon interactions in groundfish fisheries and if there is some general discussion that needs to take place first before considering a motion now would be the time. Maggie.

Maggie Sommer [00:00:29] Thanks Chair Anderson. Just thinking about the recommendation the GAP made to use a more flexible in-season approach to ensuring that the non-trawl fisheries are not closed because of high salmon bycatch in the, in the trawl sectors and I, I wonder if maybe I could ask the National Marine Fisheries Service to provide their opinion on how that would work and how that might line up with the Council's schedules. I certainly support it, in particular I thought Michele Eder articulated very well the, the interest in being flexible and not constraining fisheries unnecessarily while recognizing that the overall chinook threshold here is not a target and it's not something we're shooting for and we will be very concerned if we find ourselves anywhere near it. At the same time I would not want to set up a, a process where that adds to the Council's in-season workload and burden.

Phil Anderson [00:01:38] Aja.

Aja Szumylo [00:01:40] Thank you Chair Anderson, Miss Sommer. I had this, yeah the same thing occurred to me as Michele was talking and after reflecting on Dan's comments and, and Karen on chat made a really good comment. I was trying to think through when would, when would there be a situation where just us having the automatic authority to close it on either side of the fishery wouldn't be a really good one and the example she gave was the whiting side of the guidance being at the 14,000 ish number, so over you know over the guideline level and into the reserve but then the other side, the non-whiting side being really low in catch that year and then us maybe looking at the situation and saying okay allowing the whiting fishery to continue a little bit you know more into that reserve number makes sense and would still, would still meet the intent of the biological opinion so we'd have, not forcing us to shut down at that number would give a little bit more flexibility to look at the overall situation, look at all the sectors that are running into the fish and catching things and making sure that everybody has the right, you know has opportunities while balancing our, our requirements under the opinion. The automatic, so if we set it up as an automatic action authority again we'd set numbers in the regs or some kind of percentage threshold in the regs so the way that I've seen them set up in other regions is you could say you know 90 percent of the, you know we, NMFS automatically closes at 90 percent of that count of fish. You know when we hit that number we shut down automatically at 90 percent and we'd quickly publish a Federal Register notice to do that closure if that automatic action authority was there, and the other scenario where it's routine we would come back at check-in points at the Council meetings like we do with routine in-season action right now and so we'd have a limited points during the year to check in with each other to, to decide what to do with the fishery, how to, how to slow salmon bycatch and how to create that, that reserve for the, for the fixed gear and recreational groups, so all along I've had some concerns about leaving this all to routine because I don't know that, that provides the right number of check-ins. I think having something automatic might be helpful but I don't know which, I'd have to think through which the right what, what the right automatic level is for things and I think that's something that the Council needs to think through as well, so yeah again in, in this case it's we have to meet our requirements to set up something to allow access to the reserve but the rest of the rules are giving the Council tools to slow salmon bycatch within the season, look at the situation as the year is playing out and, and allow all the fisheries that are subject to the overall cap to operate. So I'll stop there. I don't know if I answered your question.

Phil Anderson [00:04:43] Maggie.

Maggie Sommer [00:04:44] Thanks Chair Anderson and thanks you did answer it and I guess I'll just follow up on your comment that you would need to do some more thinking about how to develop that automatic action authority and we are now looking at selecting a preliminary preferred alternative today and if we are on schedule we'll be choosing a final alternative in November. If the Council chose as a preliminary preferred alternative today the alternative 1 under that action which would say create an automatic authority, do you think you would have the time and latitude to do some further thinking about that with input from Council discussion and staff or other analysts that might be working on this in the interim between now and November? I'm looking for maybe for the best pathway to get there.

Phil Anderson [00:05:44] Aja.

Aja Szumylo [00:05:44] Thank you Chair Anderson, Miss Sommer. So yeah we've actually, Brian Hooper is the lead on this action. He's, we talked over the break about him giving a crack at the regs and thinking through what things would look like and we can try to you know infuse some thoughts about that into the next discussions that come out in November but at first blush I would structure, so yeah to your question about how we would structure an automatic authority again we need, what we need is instructions about what exact number of fish we are supposed to close at and then we, we have processes for you know they're, they're hardwired into the regs then in that case and then we have our APA process for doing an in-season action that's very fast. The routine actions that we do here are you know at the, at the instruction of the Council but we'd set it up as a nondiscretionary number that we would have to respond to in an exact way and that exact way would be you know X sector closes at this number of fish but we'll try to give examples before the next Council meeting so that you can think about it.

Phil Anderson [00:06:56] Michele.

Michele Culver [00:06:59] Thanks. So to follow up on that question then what you're looking for here is guidance from the Council on what that number of fish should be for the different sectors and then we would have an opportunity to be more specific on what that automatic authority looks like and if it's, if it's upon I'll, I'll say what, what seems to be in the alternative right now is upon attainment and I know we've had discussions in the past upon projected attainment and at, at what point does the, does the projection actually trigger the action and so it seems like we'd have some opportunity for that level of detailed discussion later.

Phil Anderson [00:07:52] Go ahead Aja.

Aja Szumylo [00:07:53] Thank you Chair Anderson, Miss Culver. That's correct and yes any, any preference like that would really help development between now and November for us to show examples of what things would look like and for us to consider the data we have available, yeah and there's some advantages projected versus attained depending on the data sources that you're using to inform the action that we're going to take but we can help think through that as we go.

Phil Anderson [00:08:22] Marc Gorelnik.

Marc Gorelnik [00:08:23] Thank you Chair Anderson. I think I need a little bit of clarification on this concern about flexibility that I'm hearing. Is the concern that an automatic closure might be avoided by tapping, by being able to tap into the 500 chinook reserve for the non-trawl sector? I'm not sure that I understand the concern for flexibility here.

Phil Anderson [00:08:57] Maggie.

Maggie Sommer [00:08:58] Thanks Chair Anderson since Mr. Gorelnik was looking at me when you asked the question I'll at least offer my interpretation of that which is that yes that, that could be one potential but another scenario would be the one that Aja relayed a few minutes ago, for example if the whiting sector exceeded or was projected to exceed its 14,500 limit but the non-whiting sector was really quite low relative to its threshold then perhaps we could allow the whiting fishery to continue without jeopardizing continuance of the other fisheries or exceeding the overall chinook threshold.

Phil Anderson [00:09:50] Go ahead Marc.

Marc Gorelnik [00:09:51] Thanks for that clarification. I guess I don't know if my memory is correct but I think that, and it probably is incorrect in some way, but that the, the non-trawl sector kind of got drug into this biological opinion and since we're there we have to address, if its impacts historically have been pretty minor but there it is in the biological opinion and we need to provide some, some numbers there and I'm trying to think in looking only at the 500 I'm trying to, which it represents two and a half percent of the cap and I'm trying to think of a scenario where that would need to be accessed where the trawl sectors have already used ninety seven and a half percent and how much more opportunity would that last 500 fish afford, and it is true I think that the 500 number was generous but it, it is true we contemplated a situation where the salmon season would be closed so a lot of effort would be redirected throughout the year to the groundfishery and that would increase the, the you know necessarily would increase the bycatch. It would still be very low but if you have the whole coast fishing for groundfish the entire year you might need that 500 and since that sector, well since the recreational sector would have lost its salmon opportunity, it'd be a shame to see it lose its groundfish opportunity because the trawl sector needs to exceed 19,500 so that's my feeling on the subject.

Phil Anderson [00:11:45] Karen. Do you...I sense you have something to offer.

Karen Palmigiano [00:11:52] Thank you Chair. I just wanted to clarify Maggie's comment that she just made. So the scenario that I was talking to Aja about was if we wanted to develop automatic actions at the 14,000 level which would be 500 off the non, or off the whiting amount of their guideline plus the reserve, so its sectors are not allowed to take more than their guideline plus the reserve. We can't change that, that's hardwired into the buy-op and is currently in the regulations but what had been contemplated under this action was possibly developing additional automatic actions that would close the whiting sector at 14,000 which is the 14.5 minus 500 or the non-whiting sector at 8500 which is the 5500 plus the 35 and what I had mentioned to Aja was if we developed the automatic authorities at those levels so whiting gets to 14,000 we have to automatically shut them down because we don't have discretion but for some reason non-whiting only has 2,000, so there's a huge amount of salmon left in there. I think that it would be fine to let them continue fishing to the 14,500 level and still keep that 500 and we don't necessarily need to take it off of their side and hold it in reserve for the rec sector because there's so much space under the non-whiting, so what I had suggested is that an easy automatic action would be to close the trawl sectors at the 19,500 point which would then leave 500 fish for the rec sector and I think it would be highly unlikely that if the rec sector or the fixed gear sectors are not taking that 500 amount the Council would feel comfortable allowing folks to fish right up to the 20,000 anyways, so to me that the, that closure is not very likely to be used at the 19,500 but it does provide just a really tiny backstop before that automatic closure of 20,000 that's currently in regulation, so I just wanted to clarify that.

Phil Anderson [00:13:56] That is what you said right Maggie?

Maggie Sommer [00:14:01] Much better.

Phil Anderson [00:14:03] Okay further discussion? Michele.

Michele Culver [00:14:14] Thanks I did have a follow up question to that. So I guess just for clarification Aja then the automatic authority for NMFS it is strictly it, it provides that automatic authority to NMFS. It's not necessarily prescriptive that NMFS shall take that automatic authority or shall take that automatic action, it just provides the ability to take that automatic action absent a Council meeting or a Council decision. Could you clarify that?

Aja Szumylo [00:14:58] Thanks Chair Anderson, Miss Culver. No it is so we would build it in as nondiscretionary that we would have to take that action so it's and yeah the idea around those automatic actions is that again the public knows what our response is in that situation, if the other scenario is it's discretionary and we, you know there's there is room to make a judgment call and we, the idea with automatic is that we're not making a judgment call we're just reacting in this, in this way that we've been programmed to react so.

Phil Anderson [00:15:34] Other discussion? Questions? Michele.

Michele Culver [00:15:44] Thank you Mr. Chairman. I have a motion to offer. I move the Council adopt the following as, should be preliminary preferred alternatives for salmon bycatch mitigation measures in groundfish fisheries. On block area closures, alternative 1, BACs would be developed as a routine in-season mitigation tool for salmon bycatch in the midwater trawl fisheries in the whiting and non-whiting sectors. On the extension of block area closures, for all trawl gears to the western boundary of the Exclusive Economic Zone, alternative 1, develop regulations to allow for the extension of any block area closure seaward of 250 fathoms south of 46 degrees, 16 minutes North latitude, which is the Washington-Oregon border. For all trawl gears to the western boundary of the EEZ, for midwater trawl or to the 700 fathom EFH Conservation Area closure for bottom trawl. On the selective flatfish trawl net requirement, alternative 1, selective flatfish trawl nets would be available for use as a routine in-season mitigation tool to address salmon bycatch in the groundfish bottom trawl fisheries. On Pacific whiting cooperative operational rules, alternative 2, develop regulations to allow each whiting sector co-op to develop salmon mitigation plans for approval by NMFS. Includes a requirement for annual season summary reporting to the Council and NMFS describing the high salmon bycatch incident information and avoidance measures taken. On the automatic authority for NMFS to close trawl sectors and preserve 500 chinook salmon for fixed gear and recreational fisheries, alternative 1, develop an in-season process that would close the trawl sectors as follows, close the bottom and midwater trawl sectors upon attainment of 8,500 chinook salmon. Close the whiting sectors upon attainment of 14,000 chinook salmon. Close all trawl fisheries upon attainment of 19,500 chinook salmon. On development of a reserve rule provision, alternative 1, a sector may only access the reserve if the Council or NMFS has taken action to minimize chinook salmon bycatch in that sector prior to it reaching its chinook salmon bycatch guideline. The requirement for Council or NMFS action to minimize chinook salmon bycatch for access to the reserve by the at sea whiting sectors would be satisfied upon approval by NMFS of each of those sectors respective co-op salmon mitigation plans. The requirement for a Council or NMFS action to min, to minimize chinook salmon bycatch for access to the reserve by the shoreside whiting sector would be satisfied upon approval by NMFS of that sectors co-op salmon management plans provided all participating vessels are memberships of a shoreside co-op within, with an approved salmon mitigation plan. If there are vessels participating in the shoreside whiting fishery that are not members of a shoreside whiting co-op, then additional act, actions by the Council or NMFS may be needed to minimize chinook salmon bycatch, for example BACs or selective flatfish trawl prior to allowing access to the reserve by that sector.

Phil Anderson [00:20:04] Thank you and I noted when you were, when you were making your motion

under the second bullet that's on the screen right now the third line 'co-op salmon mitigation', I believe you said 'management' when you were, when you were reading it or verbalizing your motion and I just want to make sure that the word 'mitigation' was the correct one not 'management'.

Michele Culver [00:20:36] Yes. Thanks.

Phil Anderson [00:20:38] And is the language on the screen, does it accurately reflect your motion?

Michele Culver [00:20:44] I think so.

Phil Anderson [00:20:45] All right. Is there a second? Seconded by Rich Lincoln. Go ahead and speak to your motion please.

Michele Culver [00:00:01] Yes thank you. First of all I appreciate all of the work that has gone into this by Council Staff, NMFS Staff and the GMT and GAP and members of the public. I think there's been a lot of thoughtful discussion about these items and I also appreciate that what we're trying to do with selection of our preliminary preferred alternative at this plan at, at this time is to signal to NMFS and to the public kind of what our advanced thinking is of some of the measures that we would be interested in pursuing further as well as the tools that we would like to have available to us if in the infort, unfortunate event that we have a lot of chinook salmon bycatch occurring in our groundfish fisheries. I would say that I'm striving to strike a balance between having flexible management tools available to us as much as possible for the different sectors, where they make sense and where I think they would have an effective, provide effective mitigation for salmon in particular but also with trying to ensure that while all of the sectors are still joined together that there is also some preservation of the different sectors and different fisheries abilities to continue throughout the fishing year as long as possible without having another sectors salmon bycatch potentially close them prematurely. So with that I tried be as flexible as possible with the block area closures which would be available as routine in-season mitigation tools with the understanding that there are several options that would be available to the Council relative to depth restrictions and latitudes that those block area closures would apply and we would have the ability to assess the amount of chinook bycatch that has occurred, where we are in that fisheries fishing season, how much is left with regard to target species as well as chinook salmon bycatch and what the appropriate block area may be or areas may be that we would want to specify for in-season action. On the extension of the block area closure for all trawl gears to the extent of the EEZ or the 700 fathoms, as we heard in Todd's overview the use of block area closures was not adopted under Amendment 28 by the Council for use off of Washington and therefore I'm proposing that the extension of those block area closures to the extent to the EEZ or 700 fathoms would also not be there, so it doesn't make sense to me to only have block area closures off of Washington for the bottom trawl fishery that is only from 250 fathoms seaward for the purposes of chinook salmon mitigation. Again on the selective flatfish trawl net requirement, trying to be flexible and having that available to us as a routine in-season mitigation tool. On the Pacific whiting co-operative operational rules I think this is a, selecting as a PPA what was recommended by the GAP in their statement and I want to commend them for looking at the different whiting sectors and what may be appropriate for a PPA for those different sectors. I appreciate in developing the alternatives and the analysis that are before us, Council and NMFS Staff looking at it from the lens of what may be needed to achieve the buy-op provisions and which only specify the chinook salmon levels relative to the whiting sectors combined and the bottom and mid, midwater trawl non, non-whiting sectors combined, so what the intent here under the Pacific whiting co-operative operational rules is to recognize that within the whiting sector we do have different sectors and they are managed differently and this would allow each of those sectors to develop their own salmon mitigation plan rather than one salmon mitigation plan that would apply to all whiting sectors and then would allow NMFS to consider each sectors SMP independently. On the automatic

authority for NMFS to close trawl sectors and preserve 500 chinook salmon for fixed gear and recreational fisheries, this is one that I have put a lot of thought and consideration into and I, I do think that first of all I think it is extremely rare that we would be in this situation. Having said that I recall a famous quote of you know one in a million so you're telling me there's a chance and wanting to preserve I guess some, some I'll say reassurance to the extent that we can to those different sectors, certainly if we have a lot of chinook out there, first of all that's, that's fantastic, that's great, have, have really high chinook abundance but I do think that the recreational and the fixed gear sectors need to have some comfort in knowing that they're going to be able to prosecute their fisheries and not be closed prematurely because of bycatch of salmon that's occurring in other fisheries. So I think 500 chinook is generous. It's higher than what any of those sectors have taken in the past but again trying to strike a balance and not necessarily have the, the level of set aside if you will for fixed gear in recreational to be too low since we for the most part will not know what was taken in those fisheries until after their fishing season has closed. On the development of the reserve rule provision again I wanted to look at the whiting sectors separately and ensure that if the at-sea whiting sectors submitted their respective salmon mitigation plans and were approved by NMFS then that would satisfy the requirement for them to access the reserve, similarly for the shoreside sector I don't know to what extent we have membership within the shoreside co-op and how that may change. I don't know if there could be the potential for additional co-ops to be formed and joined for the shoreside whiting fishery, so this is providing the opportunity for that to occur and then also provides some flexibility for the Council to consider that if there's a significant portion of the shoreside whiting fishery that aren't members of a shoreside whiting co-op then the Council could consider additional actions that they think may be needed to minimize chinook salmon bycatch that would potentially minimize bycatch throughout the shoreside whiting sector including applying to those vessels that did not belong to a co-op. Thank you.

Phil Anderson [00:10:15] Thanks Michele. Discussion on the motion? Aja.

Aja Szumylo [00:10:23] Thank you Mr. Chair. For Miss Culver I have a question on the block area closures for midwater trawl and so the motion reads that we wouldn't develop or we're not selecting a primary....or yeah preliminary preferred alternative for midwater trawl block area closures off of Washington, so I know that Amendment 28 doesn't contemplate block area closures off of Washington because we did not remove the trawl RCAs but it seems like having the latitude to use that tool for the midwater trawl fleet might be beneficial in that area as well but I'm yeah interested to hear whether you were, that was what you intended?

Phil Anderson [00:11:03] Michele.

Michele Culver [00:11:05] Thank you. Yes if you would see under alternative 1, the block area closures would be developed as a routine in-season mitigation tool for salmon in the midwater trawl fisheries in whiting and non-whiting sectors that's intended to be coastwide. The only portion that would not apply off Washington is the extension of those block area closures seaward of 250 fathoms to the EEZ.

Phil Anderson [00:11:34] Further questions or discussions? Louis Zimm.

Louis Zimm [00:11:39] Thank you Chairman. Miss Culver I am really impressed about how you've put this all together in a, a very accessible way. I was pretty confused half an hour ago so I really appreciate this and I'm prepared to support it however with the only reservation I have is, is back to the block area closure when the GAP addressed, addressed us and stated that they believe that salmon is most generally inside of 200 fathoms and then they were afraid it would be viewed as a punitive action. Could you expand upon your reasoning there to, to avoid what they've put forward?

Michele Culver [00:12:36] Yes thank you and I will also say that I had a lot of great help in putting this together so it was not just me. Having said that I do think that while I appreciate the, the GAPs thought and consideration that they put into their statement and certainly Mr. Waldeck's testimony of the confidence that he has in the CP sector, I share that confidence but I also do think that there are two, two different reasons here for including in particular the whiting sector and I think one in general is just one of fairness and not, not holding any sector out of the, the possibility of, of needing an in-season mitigation tool. I think that.....so that's one of I guess of fairness and perception. I do hope and believe that the CP sector in particular would be able to develop a salmon mitigation plan that will minimize chinook bycatch that would be approved by NMFS and that will likely be all that is needed to be in place for that sector. The other piece of this though is we've also seen again extremely rare events but we have seen high bycatch of salmon, of chinook salmon in the CP sector and so don't want to completely discount the need to have some tools available to us.

Phil Anderson [00:14:51] Maggie.

Maggie Sommer [00:14:52] Thanks Chair Anderson. Michele thanks very much for the motion and all the detail in it. A comment I guess in general I, I do think these are very responsive to the terms and conditions. You know these, these do provide us with some more tools to effectively manage in-season salmon bycatch and mitigate for that in our groundfish fisheries as well as the reserve access and they do it in a stepwise manner, so to the point that we were just discussing in terms of block area closures and you know as I said earlier I would envision those being a last resort perhaps for the whiting fishery. We would certainly hope that their actions under their voluntary measures and eventually as codified as salmon mitigation plans would be more effective and, and you know we recognize that. I, I do have a specific question for Michele on the, relating to the whiting co-op rules and the development of the reserve provision and how those interact. So I see you have proposed to develop regulations to allow each whiting sector co-op to develop salmon mitigation plans and presumably that would include the shoreside sector and then scrolling down I'm not clear on, thanks Sandra a little bit more so we can see all three of those bullets. Keep going. Great. Thanks. The middle one says the requirement for Council or NMFS action to minimize chinook salmon bycatch for access to the reserve by the shoreside whiting sector would be satisfied upon approval by NMFS of that sectors co-op salmon mitigation plans provided all participating vessels are members of a shoreside co-op with an approved salmon mitigation plan. Does that mean all vessels participating in the shoreside whiting fishery must be co-op members in order for the shoreside co-ops salmon mitigation plan to allow that co-op access to the reserve?

Michele Culver [00:17:20] Thanks so I appreciate the question and perhaps it's not clear here but the intent was for both the first and the second bullet to basically have where there is, there's no need for any additional consideration so if, if we, so both for the at-sea whiting sectors and the shoreside sector, if the shoreside sector has 100 percent of their participating vessels in the shoreside whiting fishery are members of a shoreside co-op and they submit an SMP or more than one SMP if there's more than one co-op to NMFS and those SMPs are approved then that satisfies the requirement. There's nothing more that we need to do or consider. They can access the reserve by that action and then, but that was not to say that, that is the only time that we would allow an SMP to satisfy that action so it was more of that's an automatic satisfaction of that requirement, and then in the third bullet it's if we have vessels that are participating in the shoreside whiting fishery that are not members of a shoreside co-op, then additional actions by the Council or NMFS may be needed, so I wanted to provide some flexibility for the Council to consider so I mean on, on one end of the spectrum we could have no shoreside whiting co-op and no SMP, on the middle we could have some shoreside whiting co-op and some participants abiding by the SMP and some not, it could be 50 50 as an example and then you know on the other extreme end we could have the majority being in the co-op and only a few vessels not and so it's, it's basically it depends and it provides the flexibility for the Council to consider whether or not additional measures such as

BACs or selective flatfish trawl component or something like that is needed as action that would be taken by either the Council or NMFS in order to allow access to the reserve or if the Council believes given the level of participation and number of vessels that are abiding by the SMP if we think the SMP satisfies that requirement.

Phil Anderson [00:20:28] Aja.

Aja Szumylo [00:20:30] Thank you Mr. Chair and a follow on question to that. So is the attention with that, that we in the scenarios where not all members are part of the shoreside co-op and have an SMP that we'd check in at a Council meeting to decide whether that an additional action is necessary?

Phil Anderson [00:20:50] Michele.

Michele Culver [00:20:51] So that could be the case. We could also have I guess more discussion, analysis of those scenarios that are developed between now and our selection of the final preferred alternative and we may decide for the final to, to go a different route for the shoreside sector.

Phil Anderson [00:21:19] Maggie. Follow up on that?

Maggie Sommer [00:21:21] Thanks Chair Anderson. I just wanted to thank you for the clarification and I, I would support, given your explanation, I would support that along with further, further analysis of how we might want to structure that. I'll note that I think that in 2019 there were approximately 18 members of the shoreside co-op and approximately eight shoreside whiting vessels that were not members just for context and we've heard in some public comment about the communication even with non co-op members and, and their actions as well, as well as a request in a public comment letter in our briefing book from the shoreside co-op Executive Director to consider identifying a mechanism to distinguish co-op vessels from non co-op members, for example if block area closures were imposed, so perhaps we can consider that as we're further developing how this approach would be applied.

Phil Anderson [00:22:28] Any other questions on the motion? Michele.

Michele Culver [00:22:32] Thank you. Not a question on the motion but just wanted to elaborate further that I, I have also heard from some folks that you know something to think about potentially is if you had a minimum of 50 percent as an example of your shoreside vessels as members of the co-op perhaps then the SMP would satisfy that and so that's another way to potentially look at how, how we may get at that, that might make it more predictable.

Phil Anderson [00:23:14] Bob Dooley.

Bob Dooley [00:23:16] Thank you Mr. Chairman. I, I have a question on the second bullet. I'm reading it and I think I understand that if you don't have all your members are all the members of a sector, of the shoreside sector regardless whether.....if they're not all members of the co-op and the co-op can't get protection from the SMP is that correct? Or is it members, if you have members of the co-op that don't, that aren't bound by the SMP I don't quite understand, I mean it seems to me that the, the, they should be.....the co-op is a number of vessels, we heard there's eight that aren't in there. We also heard that it seemed like the co-op was willing to mitigate the damages that they might cause by not being under the co-ops control but more importantly this kind of suggests to me that they can't even qualify for the SMP to be eligible to go into the reserve if they don't have every member of the shoreside in that co-op. Is that right?

Phil Anderson [00:24:34] Michele.

Michele Culver [00:24:35] Thanks. No so that is not, that is not the intent. That number two is, is saying that if they do have all members are in the co-op then automatically they get approval of the SMP they can access the reserve, there's, there no question. If, the third bullet is if they don't have all of the members are members, or all of the vessels are members of the co-op and the, the question there then becomes well if you have you know more than half of your vessels not members of the co-op as an example that are not subject to the provisions in the SMP and don't need to abide by those, do we want to have some additional measures in NMFS regulations that govern those vessels, so they're not just you know fishing without having any chinook mitigation measures applying to them and still be able to access the reserve.

Phil Anderson [00:25:51] And I think the previous exchange on that matter was that there needs to be some further thought given to how that might work and that we would have that information in front of us in November when we make a final determination.

Bob Dooley [00:26:07] Right. Okay. Thanks.

Phil Anderson [00:26:12] Further discussion on the motion? Bob.

Bob Dooley [00:26:19] Thank you Mr. Chair. I just because of where I come from I have experience in this and understand the ramifications of how this all kind of works. A good, a good place to look maybe would be the pollock co-operative in the Bering Sea, the inshore pollock cooperative. We have an open access sector in that, in the case where there's open access they're not in the co-op and those, those exist and they can't have the, for instance in their salmon bycatch avoidance program they can't enjoy the, the program, they can't be and so NMFS has a problem with that and because they may be an open access one boat they can't control it through their regulatory processes, they won't even let them be part of the, of the, of that sec....they won't even open the fishery for them, so it's been routine that they have an informal agreement, they go to NMFS and say look we will abide by those terms, we don't want to be part of it, we can't be part of it and NMFS has said okay great and the cooperative has co-op, you know cooperated in that, so it might be something to look toward just to get some guidance how we might navigate that little problem. So just thought. Thank you.

Phil Anderson [00:27:45] Okay. Further discussion on the motion? Okay we'll go ahead and call for the question all those in favor signify by saying 'aye'.

Council [00:27:55] Aye.

Phil Anderson [00:27:56] Opposed No? Abstentions? Motion carries unanimously. Thanks Michele for that motion.

Michele Culver [00:28:09] Thank you Jessie.

Phil Anderson [00:28:10] And take me back to what we're doing here. Thank you. I'll turn to Todd and ask him if there is further business we need to accomplish under this agenda item?

Todd Phillips [00:28:22] Thank you Mr. Chair. No I believe that the Council's provided a good preliminary preferred alternative, set of preliminary preferred alternatives and we will get to work on that very shortly. Thank you.

Phil Anderson [00:28:34] Thank you. Good work everybody. Thanks again to Michele for putting that together for us.

5. Adopt Final Stock Assessments

Marc Gorelnik [00:00:00] All right that concludes public comment and all the reports and brings us to our Council action. We will obviously do this by motion but would invite first discussion. Maggie. Sorry.

Maggie Sommer [00:00:28] Thanks Vice-Chair. Just again I, I offered thanks to the SSC earlier but really wanted to reiterate it to the science centers and the stock assessment team members as well as the star panel members. This was a huge year for stock assessments particularly considering all of the, the updates and the catch only projections that we asked of everybody and I think this Council recognizes that and really wants to send our appreciation to them. Thanks.

Marc Gorelnik [00:01:01] Corey.

Corey Niles [00:01:03] Thanks. Yeah I will echo that but also I would, I don't know if Maggie mentioned this but I would also add that it's not just the stock assessment teams and the star panels but it's, it's all the, from our port samplers taking ages and lengths in our ports and the people reading ages, those, those information from collected by the states are vital to getting these assessments done so I wanted to extend, extend the thanks to, to the all the way down the chain.

Marc Gorelnik [00:01:36] Thanks for that Corey. If we have no further discussion I would invite a motion. Maggie.

Maggie Sommer [00:01:50] Thank you Vice-Chair. Sandra. I move the Council adopt the stock assessments catch only updates and the yelloweye ABC projections, thanks, and catch report endorsed by the SSC in Agenda item H.5.a, Supplemental SSC Report 1, September 2019.

Marc Gorelnik [00:02:21] Maggie does that language on the screen accurately reflect your motion?

Maggie Sommer [00:02:27] It does thanks.

Marc Gorelnik [00:02:28] May I have a second? Seconded by Bob Dooley. Please speak to your motion.

Maggie Sommer [00:02:34] Thanks Vice-Chair. Again this was really a tremendous effort and we really appreciate it. The SSC has endorsed all of these as the best scientific information available and the Groundfish Subcommittee of the SSC has provided some detailed descriptions of their conclusions in their report of their August meeting which is appended to the SSC report following the portion John Field read into the record here. I'll note that the Groundfish Subcommittee in that report also identified major uncertainties and considerations for management decision making as well as some recommendations on stock category sigma and whether the next assessment for each of these stocks should be a fuller update along with their OFL recommendations so a, a wealth of information in there. We really appreciate it and I think that, that has set us up well to move forward and use the results of these assessments and catch only projections and catch reports in management decision making. Thanks.

Marc Gorelnik [00:03:42] Thank you for that Maggie. Are there questions for maker of the motion or discussion on the motion? I'm not seeing any hands so I'll call the question. All those in favor say 'aye'.

Council [00:03:56] Aye.

Marc Gorelnik [00:03:56] Opposed no? Abstentions? Motion passes unanimously. Before I go back to John DeVore does the Council have anything further and I'm going to return to Maggie.

Maggie Sommer [00:04:10] Thanks Vice-Chair I'm going to get in one more comment. Another appreciation for the GMT for their recommendation for further study and comparison of different types of data limited assessment approaches. Those are frequently the case for nearshore stocks which are very important to some of our fisheries in Oregon as well as the other states and we really would support further exploration of that. Thanks.

Marc Gorelnik [00:04:37] Great thanks. Anything further around the table? Corey.

Corey Niles [00:04:41] Yeah thanks Mr. Vice-Chair. I'll keep it brief I do, I think I also want to thank the GMT for the good thoughts and for the public testimony and we've heard about the ecosystem, ecosystem ideas for sablefish in the future and I think we've heard those ideas and hopefully we'll, we will keep our eye on them and when, when they come up here in the future we, I hope we keep those in mind so lots of good ideas out there.

Marc Gorelnik [00:05:11] All right John how are we doing on this agenda item?

John DeVore [00:05:15] Fabulously Mr. Vice-Chair. You have adopted all the stock assessments catch only projections, yelloweye ABC projections and yelloweye catch report endorsed by the SSC. You have completed your task.

Marc Gorelnik [00:05:28] All right thank you very much John. Good job everyone and especially those who are the laboring or getting the stock assessments done. I'll now hand the gavel back to chair Anderson.

Phil Anderson [00:05:41] Thanks very much for the good work and getting this caught up.

6. 2020 Harvest Specifications for Cowcod and Shortbelly Rockfish

Marc Gorelnik [00:00:00] All right welcome back. John you want to remind us of our action here.

John DeVore [00:00:07] Thank you Mr. Vice-Chair. It is on the screen. The first action is adopt a range of alternatives and a preliminary preferred alternative in consideration for revising the 2020 shortbelly annual catch limit. The second action is adopt a range of alternatives and a preliminary preferred alternative in consideration for revising the 2020 cowcod annual catch target and then the third action is specify a purpose a need for any, any of the two proposed actions. So assuming that you do propose action on both of these initiatives we would need a purpose and need statement for each.

Marc Gorelnik [00:00:51] All right. Thanks for that John. Well let me look around the table and entertain some discussion on this agenda item. Perhaps there is a motion but let's give an opportunity for discussion because we've heard a lot from GMT, the GAP and a good amount of public comment. Maggie.

Maggie Sommer [00:01:18] Thank you Vice-Chair Gorelnik. We have heard a considerable amount of good information and I want to recognize that and thank everybody who has provided that to us today as well as in June in the GMT reports as well as the various public comment both written and verbal, I think it's really helped this Council understand the shortbelly bycatch issue and the cowcod issues. I want to speak briefly to the shortbelly issue and we have had a lot of discussions about its importance as a forage species in the California current ecosystem. I think we all recognize that this Council has really demonstrated overall our, our commitment to considering that and protecting important forage species. We have taken some actions to protect a suite of forage species as shared ecosystem component species under the comprehensive ecosystem based Amendment 1 which prohibits development of directed new fisheries. We also often bring forage needs into our discussions of coastal pelagic species such as anchovy and sardine and it's something that we consider quite a bit in terms of ecosystem connections under a lot of our ecosystem management items in the fishery ecosystem plan. So it's, it's clearly something that we hold important and that's important to the, to the public who brought us comments and I appreciate the information and alternatives that have been proposed for us in the regulatory impact review and in the GMT reports and I look forward to some further discussion around this Council. You know a good way to, to move forward on that I think we have some good suggestions to consider.

Marc Gorelnik [00:03:29] Rich Lincoln.

Rich Lincoln [00:03:31] Thanks Vice-Chair. I don't have a lot of comments. It was good, good discussion. I would just add one thought thinking about one of the team's comments about the speaking about shortbelly now and the potential use of ACTs and what that might mean in terms of the lack of management measures. I'm just recalling that in other, in some of our other species work like with coastal pelagic sometimes the use of management measures is as simple as just triggering, triggering a discussion about the status of what's going on in the fishery. So there are some things there that could be done that short of trying to specify some specific measure that would somehow serve to prescript some kind of measure to reduce catch. So just a thought.

Marc Gorelnik [00:04:26] Thanks Rich. Further discussion or a motion? Brad.

Brad Pettinger [00:04:33] Thank you Mr. Vice-Chair. I did go on the web and I found out the maximum size of a shortbelly rockfish is point six pounds so a maximum filet would be right at one ounce, so just....

Marc Gorelnik [00:04:48] Fish nuggets.

Brad Pettinger [00:04:50] If anyone is interested in that. I think it's kind of important because really there's, really is no incentive to harvest these fish. There's no market for it. I could never foresee any market for it. I will have a hard enough time to sell the three and four pound rockfish we catch. It's a, it's a nuisance both at the plant and the vessel and I think looking forward there's a lot of certainty that what's going on the water right and the climate with the ocean. We saw the presentation by Kristen Koch video as far as this warm water that the potential blob we could have so we're really not sure what 2020 is going to bring and I think that's why we need plenty of flexibility to accommodate that. There have been high shortbelly rockfish catches in this fishery in past prior to the observer, of observers being on board a vessel. The RCA will open up next year. Hopefully we'll have some more participation by the trawl fleet in this fishery and so I think that the GAP alternative to me seems like a reasonable place to go because I don't think it matter what the ACL will be I just don't see us ever, ever being an issue but I think it needs some maximum flexibility and let's keep away for salmon, let's keep away from sablefish and those other species that we have, a place a higher value one. Thank you.

Marc Gorelnik [00:06:24] Thanks for that Brad. Further discussion? Christa.

Christa Svensson [00:06:32] Thank you Vice-Chairman. I, I wanted to touch on the marketing component a little bit as well just from a processor perspective and our experience in handling these fish. I spent about 12 years working in sales and I sold quite a bit of rockfish in general over my life. Typically selling into restaurants just for perspective it's, it's typically in that 6 to 8 ounce range so you get a nice rockfish filet. If you go into a grocery store and buy the fish usually it's a 4 to 6 so this is like a potato chip on your dinner plate basically is what we're talking about and you know our company doesn't typically filet, which is why I have to hand it to Mike O, but when we got quite a few of these first of all it pretty much it, it stopped our line like Miss Nayani. That unload should have taken 8 hours it took us 14. We were freaking out about do we get another observer in here or not because that's the window we have to work with as processors and then it becomes what do we do with this fish that we don't currently have a market for? We reached out to some customers in the export market we thought might be interested in whole fish and their response was, well we tried that about 10 years ago and it was a total disaster we're not interested, so then we thought okay well let's go talk to some of our fishermen that use rockfish as bait and their response was there's not enough bone in the nose we can't use it for hanging bait and we're also not interested, so you know we did come up with a solution but we certainly have encouraged the boat that we've been working with to not go anywhere near a shortbelly. I think my plant freaks out if they even hear the word shortbelly, I know I do and we are also not interested and I just wanted to highlight those points because we heard a lot about the market but I wanted to highlight that it isn't just hey it's not at filet market. It's not particularly something I see for bait. I don't see it for whole fish and I don't see a lot of opportunity for us to really develop anything other than use it for forage.

Marc Gorelnik [00:08:51] All right thanks Christa. Bob Dooley.

Bob Dooley [00:08:55] Thank you Mr. Vice-Chair. I wholly agree with the comments of Christa and Brad on this and covered points that are very, very valid. I'd like to stretch this just to a little different perspective from an actual fishing time and how this affects the bycatch overall in the fishery. It's really obvious we want to avoid shortbelly. We want to avoid everything else. We, I mean the whiting sector and we want, we expect them to do that but every time they move they don't necessarily move from a productive area to a more productive area, they're in that area because there's good fishing there and the less time in the water, the less time you tow a net in the water the less bycatch, the less opportunity for bycatch so you're, you're balancing all of these components. As another part of it, if you're in a high

bycatch area of shortbelly, that slows the production down, you have boats in the water, more opportunity for bycatch, longer tows. So all of this is there's tons of incentive to avoid it. You've heard the market, you've heard what I just said about fishing and how this affects bycatch and the length of the season and stretching it out if the CPUEs go down because you're just solely trying to avoid something you really shouldn't be, maybe biologically and I think there's always going to be the tension between where to fish and where not to fish but ultimately it's to avoid all the bycatch and that's, that's been the incentive there so I, I think this is, you know I'm once, once again I'm in concurrence with what the GAP was thinking about and I think that's a good, good, a good middle ground for right now and I don't want to set it so low that, set at a level so low that we end up sitting here next year looking at each other because I am also thinking about a 14 year old stock assessment that has now taken a 28 percent cut this year in our, you know projected in the, in, in the ACL, or ABC I'm sorry because of the new sigma value so there's more, there's more conservation in this now, more buffer and as we heard earlier we don't know if this stock has moved to the north where they, where they have not been traditionally found or have they expanded? My belief from my very informal phone survey is that they've expanded but we don't have enough data to know that but I think this is very precautionary. I think it's right where we need to be and I don't, I certainly don't want to spend a bunch of Council time next year doing it because we set it too low so that's my comments.

Marc Gorelnik [00:12:02] All right thanks for that Bob. Good comments. Further comments around the table? Discussion? Corey.

Corey Niles [00:12:14] Yeah. Thanks Mr. Vice-Chair. I think, I think everyone seems to be on a similar page here. What I'm hearing is I don't believe anyone thinks there's a market for shortbelly. We, as Bob just spoke to and in public testimony here, we were asking our, especially our at sea and our whiting folks to avoid a lot of species and I think if, our duty under the Magnuson Act is to create incentives where they minimize bycatch to the extent practicable and I have no doubt in my mind that we've pushed them to the, to that point of what is practicable and you heard, you heard Geoff Shester with Oceana, one of the original proponent of this saying this was not the intent was to, to constrain fisheries that are behaving as they've behaved over recent time. So I think we're all, we have a pretty good consensus about how the need to recognize the forage value of this species. I'm gonna keep it brief here because I like as I mentioned one of my questions is doing something in 2020 it seems like an overreaction to me. I think we could wait. I think we have discretion under the Magnuson Act to wait until our normal biennial process but I see, I do see some value of making sure we're not here talking about it again inseason but point being I think this is not an easy conversation I don't think. I think taking more time, taking some interim step here and then taking more time to do the, get a more durable policy in place consistent with our ecosystem goals is, is the way forward.

Marc Gorelnik [00:13:52] Thank you Corey. Further discussion? Aja.

Aja Szumylo [00:14:00] Excuse me. Thank you Mr. Vice-Chair. Just to Corey's point about the necessity for doing something this year, so I want to remind everyone that the, the National Standard 1 guidelines state that if catch exceeds the ACL for a given stock or stock complex for more than one in the last four years then the system of ACLs and AM should be re-evaluated and modified if necessary to improve performance and effectiveness, and so in my view this action to raise the ACL for the next year was a, a bridge towards that exercise of re-evaluating the AMs for this fishery, so I, you know I've been asking for coming up with a system of AMs for all of the, or yeah all the stocks and all the ACLs in 2021-2022 specifications but in the meantime for 2020 if we were to leave things as they were we would have to really think about the approach that we took with the AMs that are available to us for the fishery, and I think in this case because it's the third year of exceeding we would have to consider closing the fishery in that case, so I would like to see an action for 2020. I think that is symbolic. I think

that that moves towards addressing the, you know, the operational issue that we caused by setting up the ACL system this way for the fishery and I do think it is necessary.

Marc Gorelnik [00:15:16] Thank you Aja. Further discussion? Maggie.

Maggie Sommer [00:15:23] Thanks Mr. Vice-Chair I'm prepared to offer a motion but don't want to cut off any further discussion.

Marc Gorelnik [00:15:28] I, I think we're ready for that.

Maggie Sommer [00:15:31] Thank you and with your indulgence I, I have a series of motions for the separate components of this action and would like to start with one proposing a purpose and need for shortbelly rockfish.

Marc Gorelnik [00:15:43] Please.

Maggie Sommer [00:15:44] Thanks. Sandra. I move the Council adopt the following statement of purpose and need for revising the 2020 shortbelly rockfish annual catch limit. Action is needed to reduce the risk of closures or constraints in groundfish trawl fisheries due to the possibility of high bycatch of shortbelly rockfish in 2020 and avoid the adverse economic impacts to West Coast fishing communities that would result from such closures or constraints while continuing to protect the availability of shortbelly rockfish as important forage in the California Current Ecosystem. The purpose of this action is to review and adjust the annual catch limit for shortbelly rockfish in 2020 to a level that will accommodate incidental bycatch of this stock given recent high bycatch in groundfish trawl fisheries while continuing to minimize bycatch and discourage development of a targeted fishery for shortbelly rockfish.

Marc Gorelnik [00:16:48] All right. Does the language on the screen accurately reflect your motion?

Maggie Sommer [00:16:53] It does.

Marc Gorelnik [00:16:54] All right. Is there a second? Seconded by Christa. Please speak to your motion.

Maggie Sommer [00:17:02] Thanks Vice-Chair Gorelnik. This action is responding to a need expressed well by industry comment and the GMT today as well as in June and I would like to specifically recall Agenda Item I.7.a, Supplemental GMT Report 1 from June 2019 which addressed the shortbelly bycatch issue in the body of the report and in greater detail in its appendix. It's also responding to the need that Aja just noted to re-evaluate the specifications and accountability measures for species when an ACL is exceeded in more than one out of four years. As has been noted the key task is to balance achieving optimum yield for target stocks with supporting ecosystem function by protecting important forage species and minimizing its by, bycatch of it. The potential to achieve harvest goals for whiting and other midwater stocks is at risk if fisheries are closed or constrained due to exceeding the ACL for shortbelly rockfish. As we heard in the GMT report today and the following discussion with Dr. Thompson, high recent recruitment and favorable habitat conditions have probably contributed to an abundant stock overall at this time as well as a northward expansion of its distribution and the increased bycatch off Oregon and Washington. Once again I'd like to thank Dr. Thompson for lending his expertise to the GMT and the Council on this subject and helping us understand the best current science. This evidence suggests that the increased bycatch seen in recent years does not jeopardize the ability of the shortbelly rockfish stock to continue to provide a robust forage base. As

we know the ACL was exceeded in 2018 and will be again, in fact I believe has been already in 2019 and while that has not yet resulted in closure, it has raised concerns about the potential for a closure next year of the midwater trawl fisheries which would have severe economic consequences. In addition the urgent need to avoid shortbelly bycatch due to concerns about exceeding a low ACL have meant that the whiting fishery has added shortbelly to its list of priority species that they avoid through voluntary measures. This was noted again in some public comment in June. This results in a cost to the whiting vessels if they have to move to avoid shortbelly rockfish and it can also push the fleet into areas with higher bycatch of other stocks potentially increasing bycatch on stocks that have higher priority conservation needs such as chinook salmon. The GMT noted for us as has industry that avoidance measures don't work very well for short, shortbelly rockfish since they're distributed so widely and they move relatively rapidly, and I'll note that the GMT did observe that shortbelly rockfish could be somewhat reduced by the drastic measure of not fishing for whiting between 100 and 200 fathoms where bycatch rates of shortbelly have been high from 2017 to 2019, however this would be an extremely drastic measure. I don't think anybody has been proposing that, that's necessary here and in fact GMT projections from their June inseason report show that even if the fishery avoided that zone they would still exceed the 500 metric ton ACL, so not a beneficial tradeoff. Supplemental GMT Report 1 at this meeting as well as the GMTs inseason report in June and Mr. Geoff Shester's public comment today reviewed the history of the annual catch limit for shortbelly. The Council said it with an intent to discourage development of any targeted fishery, to accommodate incidental bycatch of sharp belly rockfish in order to support achieving optimum yield of target stocks while minimizing, while minimizing adverse economics as well as minimizing bycatch and to allow most of the harvestable surplus of the stock to be avail, be available as forage fish in the California current ecosystem. That intent remains under the statements of purpose and need. I do appreciate the reasons, the information on the reasons that it's highly unlikely a directed fishery will be developed in 2020 provided by industry experts in public testimony today as well as in Council discussion, and also as noted by Miss Lori Steele and the West Coast Seafood Processors Association letter in June. That gives me great confidence that we are certainly not looking at an immediate development of a directed fishery. I'd like to thank Miss Heather Mann for her reference to the national standards which I have also attempted to weave into the rationale I've provided here although not quite as specifically as she did so I appreciate that as well as her specific examples of how action under this would meet each of the ones she mentioned. And finally I'd like to thank again Mr. Geoff Shester for his well-articulated summary of the goals of recognizing the ecosystem importance of shortbelly rockfish and prohibiting future development of a targeted fishery as well as finding a durable solution and I look forward to the Council taking those items up under a different, those topics up under a different agenda item since we're only focused on 2020 here. Thanks.

Marc Gorelnik [00:22:29] Thank you Maggie. Are there questions for the maker of the motion and or discussion on the motion on this purpose and need statement? I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

Council [00:22:43] Aye.

Marc Gorelnik [00:22:43] Opposed no? Abstentions? The motion passes unanimously and Maggie.

Maggie Sommer [00:22:56] Thank you Vice-Chair Gorelnik. I'd like to offer a motion with alternatives, a range of alternatives and a preliminary preferred alternative for shortbelly harvest specifications in 2020. I move the Council adopt the following range of alternatives for the shortbelly rockfish annual catch limit in 2020 and select alternative 1 as the preliminary preferred alternative. No action. Maintain the 500 metric tons shortbelly rockfish ACL for 2020. Alternative 1, increase the 2020

shortbelly rockfish ACL to 3,000 metric tons, and alternative 2, increase the 2020 shortbelly rockfish ACL to 4,184 metric tons which is the anticipated 2021 acceptable biological catch.

Marc Gorelnik [00:23:45] Maggie does the language on the screen accurately capture your motion?

Maggie Sommer [00:23:50] Yes. Thank you.

Marc Gorelnik [00:23:52] I'll look for a second. Seconded by Bob Dooley. Please speak to your motion.

Maggie Sommer [00:23:58] Thank you. This range of alternatives is expected to be protective of the forage contributions of the shortbelly rockfish stock to the ecosystem while several among them acknowledge the needs of the whiting fishery to reduce some of the negative consequences of bycatch constraints as I discussed under the purpose and need. Under no action the GMT concludes there would be a high risk of exceeding the 2020 ACL as approximately 40 percent of simulated bootstrap seasons exceed 500 metric tons with some simulations as high as 1,000 metric tons. That information is from Agenda Item I.7.a, Supplemental GMT Report 1, June 2019. In addition we may continue to see favorable ocean conditions supporting shortbelly rockfish distribution up in the Pacific Northwest and potentially continued abundance in the next several years of shortbelly rockfish. The GMT projects that the total mortality of shortbelly rockfish from all sectors will likely exceed 1,000 metric tons in 2019. It was in June the GMT suggested developing an alternative with a middle ground ACL somewhere between no action and ACL equal to ABC. At that time, or the GMT suggested 1,000 metric tons as a minimum starting point for discussion to match the estimated projection under high bycatch scenarios. We've had some discussion about the 1,000 metric ton level and I appreciate the GMTs emphasis that the projections of shortbelly rockfish impacts are highly speculative as the high bycatch from 2017 is unprecedented in the record we have and the contributing factors remain unclear and the future of those factors uncertain. For that reason I'm proposing alternative 1 with an ACL of 3,000 metric tons which is also the level proposed by the Groundfish Advisory Subpanel. This will set, this will set the ACL at a level well above the maximum projected impacts to accommodate uncertainty in projections. I'll note on this one that I, I considered a different level somewhere between the 500 metric tons and, or pardon me somewhere between the 1,000 metric ton projected impacts and the ABC level, for example 2,000 metric tons. I found it very helpful to hear Ms. Sarah Nayani's discussion of the impact on individual, at the individual vessel level of what the ACL would be and that a 3,000 metric ton level would be probably most likely to really provide some relief from the need to prioritize avoiding shortbelly rockfish there in closer priority with some of the species about which we have stronger conservation concerns. Both, I'll note both the GMT and GAP recommend the approach I use here to alternative 2 which would be to set the ACL equal to the ABC using the 2021 and 2022 anticipated ABC of 4,184 metric tons. Since that will be the constant ABC for that period and potentially beyond this could be considered both as a short term solution for now and potentially under 8, agenda item page 8 an alternative for consideration for a long term solution. I will note that the GMT observed that this alternative could reduce the incentive for midwater trawlers to voluntarily avoid bycatch since shortbelly are not managed with IFQ or at sea set asides and therefore it may not be as protective of shortbelly even though it would meet the stocks acceptable biological catch. However in contrast the GMT did carefully note that a higher annual catch limit and catches even up to the alternative 2 level will not jeopardize the ability of the stock to produce, to provide a robust forage base even if bycatch, actual bycatch amounts are fully up to that level. I'll note that under all alternatives the OFL would remain at 6,950 metric tons with a precautionary P-star of point four and an ABC of 5,789 metric tons which includes an increased buffer due to the new sigma values as Mr. Dooley noted and I propose alternative 1 as the preferred, the preliminary preferred alternative because it is still an additional, additional precautionary amount below the ABC and leaves a substantial portion of the harvestable

surplus available to meet ecosystem needs considering its role as an important forage species and it also recognizes the needs of the whiting fishery to avoid constraints that aren't necessary for conservation purposes. Thanks.

Marc Gorelnik [00:00:01] Thank you Maggie are there questions for maker of the motion? Is there discussion on this motion? Corey. All right Pete, or Rich, I mean someone raised their hand. Corey..... (laughter)

Corey Niles [00:00:17] Excuse me sorry for the confusion there Mr. Vice-Chair. Thank you and thank you Maggie for the motion and I didn't raise my hand fast enough on your first motion to thank you for that and really well spoken to. I think you covered a lot of my thoughts including I was going to thank Heather Mann for the reference to the national standards. I do like when people frame, frame their thoughts in those, in those using those as I think they really help us think about the important factors to think through. I guess my thought here is and I'll go back to Aja, Aja's words about and I'm, I'm, about the necessity of doing this I'm not going to quibble with that now but I'm going to highlight that this is a bridge for next year and Maggie's speaking to the fact that we can look for a more durable solution on another agenda item and I guess I would without, without that first motion about the purpose and need and the justification and explanation I would be a bit worried about the message this would send on its own. Why we're, Aja says we are revisiting our accountability measures but I would, I would say no we are just, looks like we are just raising the ACL and not doing anything, accountability measure and it might send a signal that we are okay with people increasing, changing their behavior and increasing harvest to these levels which I don't think is the intent and that's not at all what was spoken to in the last motion so with it being a bridge to talking about the solution and I think we need to get to where Mr. Lincoln spoke to earlier about a place where we, we like, like just happened inseason a place where catch is so unusual that it calls for an evaluation, what happened and the GMT gave us an excellent evaluation recognizing the uncertainty of what could be happening, so with those caveats about the message this might send on its own I, I will support this. It gives us a range, a wide range, really wide range to come out you know not only come at something in between in November but again we have that more durable converse, or durable solution conversation about that coming up close behind. So thank you for the motion.

Marc Gorelnik [00:02:38] Thanks Corey. Pete.

Pete Hassemer [00:02:39] Thank you Mr. Vice-Chair and thank you for the motion. I just wanted to speak in support of it and maybe a slightly different angle. In speaking to the motion Miss Sommer referenced the statement we heard from industry from Miss Nayani about providing some relief at the individual vessel level and, and I support that but another piece I heard from several in the public comment was at this higher level in alternative 1 that it provides more flexibility to the fishers to manage their fishing operations to minimize some of the bycatch and they were talking about not just short or shortbelly but the range of species that could be included in the bycatch without naming them, but it could be salmon, it could be black cod, it could be something else and I view this as an opportunity, it expands their portfolio to manage their fishing operation to minimize bycatch to the extent practicable. They're looking across the range of fisheries and how they can minimize bycatch and keep fishing and I think that was very important and it demonstrates the willingness of the industry to manage that and puts various accountability measures on themselves. So again I'm speaking in support of that. Thank you.

Marc Gorelnik [00:04:20] Thanks for that Pete. Phil.

Phil Anderson [00:04:23] Thanks and thanks Maggie for the motion and for the previous one as well

on the purpose and need. I'm not going to oppose the motion because it is a step toward a final action in November. I will say that I am not comfortable with alternative 2. I don't think alternative 2 recognizes the importance from a forage value of this resource and I also don't think it encourages or promotes avoidance of this species to an acceptable level but understanding that it's going out just for public review. Maybe that will elicit some of those comments from people that feel similar to that but again I appreciate the motion. Be prepared to support it but with those reservations.

Marc Gorelnik [00:05:36] Further discussion around the table? I just want to echo what Phil said. I think a lot of the discussion from the public as well as around the table has been to disabuse the Council of any notion that there would be a directed fishery and I don't think that has ever been my concern. My concern was the use of the cap to promote avoidance, so I just wanted to make that comment and if, if there's any other discussion we'll have it otherwise I'm going to call the question. All those in favor say 'aye'.

Council [00:06:11] Aye.

Marc Gorelnik [00:06:11] Opposed no? Abstentions? Motion passes unanimously. All right Maggie do you have another one of your excellent motions?

Maggie Sommer [00:06:32] Thank you Vice-Chair Gorelnik. I'd like to offer a motion on, with a purpose and need statement proposed for the cowcod rockfish ACT issue. I move the Council adopt the following statement of purpose and need for revising the 2020 cowcod annual catch target. Action is needed to reduce the risk that vessels fishing south of 40 degrees, 10 minutes North latitude in the groundfish trawl individual fishing quota program will reach their annual vessel limit for cowcod in 2020 and have to cease fishing in the trawl IFQ program for the remainder of the year which would result in severe adverse economic impacts on those vessels and fishing communities in the area. The purpose of this action is to revise or remove the annual catch target for cowcod in 2020 south of 40 degrees, 10 minutes North latitude given the improved state of the cowcod stock and to reduce the yield set aside for cowcod mortality in research activities based on anticipated research impacts in 2020.

Marc Gorelnik [00:07:41] Language on the screen actually reflect your motion?

Maggie Sommer [00:07:43] Yes.

Marc Gorelnik [00:07:44] All right do I have a second for the motion? Seconded by Brad Pettinger. Please speak to your motion.

Maggie Sommer [00:07:51] Thank you. This action is, this purpose and need is for an action in response to an issue brought to our attention in public comment in June 2019 from affected trawl fishery participants south of 40 10 requesting relief from the very small annual vessel limits for cowcod. They've commented that cowcod have been increasingly hard to avoid in the last two years and some trawl fishermen are approaching their annual vessel limits prematurely which threatens their ability to target healthy stocks such as chili pepper rockfish, thornyheads, and sablefish. The current cowcod vessel cap of 858 pounds is likely to constrain vessels fishing in the trawl IFQ program in the area south of 40 10 in 2020 as it is this year. Vessels that reached their vessel caps are unable to fish in the IFQ fishery for the remainder of the year. If this occurred it would severely limit the opportunity to achieve optimum yield for target stocks in the IFQ fishery in that area. Because there are so few trawl vessels active in the area, it would also result in substantial adverse economic impacts on the fishing communities of which those vessels are a part. Because of the severity of the consequences of reaching a vessel cap, vessels are extremely precautionary incurring additional costs and foregoing catch of target

species in order to avoid cowcod bycatch. We have been managing with an ACT below the ACL in order to account for management uncertainty and provide an extra layer of precaution for the cowcod stock while it was in rebuilding status. Given the recent cowcod stock assessment that we just adopted at this meeting and the substantial increases in potential harvest specifications that we will be considering for 2021 and beyond, it's logical to consider whether it is necessary to retain the ACT below the low 2020 ACL in order to meet a conservation need. When revising or eliminating the ACT would provide substantial relief for the trawl IFQ vessels constrained by the current low vessel limits. I'll note that the action being considered here could benefit all IFQ vessels operating south of 40 10, and finally I'd also just like to note that given that no fishery management measures would change other than the annual vessel limit increases that would result from raising or removing the ACT, I don't see a reason to expect a significant increased bycatch in other fisheries and risk to the 2020 ACL due to management uncertainty. Thanks.

Marc Gorelnik [00:10:39] All right thanks for that Maggie. Are there questions for maker of the motion or discussion on the motion? Not seeing any I'll call the question. All in favor of the motion say 'aye'.

Council [00:10:57] Aye.

Marc Gorelnik [00:10:57] Opposed no? Abstentions? Motion passes unanimously. Maggie.

Maggie Sommer [00:11:06] Thank you Mr. Vice-Chair. I'd like to offer a motion with alternatives for the cowcod annual catch target in 2020.

Marc Gorelnik [00:11:16] Proceed.

Maggie Sommer [00:11:18] Thank you. I move the Council adopt the following range of alternatives for revising the 2020 cowcod annual catch target and research set aside and select alternative 1, option 2 as the preliminary preferred alternative. No action. Maintain the 6 metric ton cowcod ACT for 2020. The cowcod annual vessel limit is 858 pounds. Alternative 1, eliminate the 6 metric ton cowcod ACT for 2020 and manage fisheries to stay within the 10 metric ton annual catch limit. Reduce the 2020 research set aside by option 1, no adjustment. The set aside remains 2 metric tons and the cowcod annual vessel limit would be 1,124 pounds. Option 2, 50 percent reduction. Set aside is 1 metric ton. Cowcod annual vessel limit is 1,264 pounds or option 3, 75 percent reduction. Set aside would be 0.5 metric tons and the cowcod annual vessel limit is 1,335 pounds.

Marc Gorelnik [00:12:29] Maggie does the language on the screen accurately capture your motion?

Maggie Sommer [00:12:36] Yes thanks.

Marc Gorelnik [00:12:37] All right I'm looking for a second? Seconded by John Ugoretz. Please speak to your motion.

Maggie Sommer [00:12:43] Thanks Vice-Chair. I would first like to note that the alternative numbering here is different than what was used in the regulatory impact review document and the advisory body reports because I am only proposing one alternative in addition to no action, so alternative 1 as you see here to eliminate the cowcod ACT for 2020 and manage to the 10 metric ton ACL is what was identified as alternative 2 in those other documents just to be clear. Cowcod are successfully rebuilding and according to the 2019 stock assessment have now attained a healthy and rebuilt status. Given that situation these alternatives will all encompass a range that includes the

opportunity to meet the need to provide some relief from the constraining annual vessel limits for trawl IFQ vessels south of 40 10. As I noted as the stock has increased in a, has increased in abundance incidental bycatch of cowcod has been increasingly difficult to avoid and some vessels south of 40 10 are prematurely approaching their vessel limits and threatening their ability to prosecute their fishery. We are interested in providing some economic relief as demonstrated by the purpose and need statement we just adopted and raising or eliminate, or eliminating the ACT with a possible reduction to the yield set aside, we'll do that. I'll note that the ACL would remain at 10 metric tons for all of these alternatives, so alternative 1 would eliminate the, the ACT entirely and have us manage fisheries to remain within that 10 metric ton ACL. This would result in an adjustment to the annual vessel limits which are based on a proportion of the allocation that flows from that. I'll note that I eliminated the middle ground alternative of keeping an ACT but raising it as that did not seem necessary to meet any need for conservation or to accommodate management uncertainty and it did not seem as effective at meeting the needs for relief from adverse economic impacts. Specifically on the adjustments to the research set aside, these are the alternatives proposed in the regulatory impact review document and the primary element of the alternatives. Here are the amount of adjustment to the set aside. I included the cowcod annual vessel limits to provide some reference as to what that would mean for those. I took those from the regulatory impact review document but I would just like to note that in the case of any inconsistencies it is again, it is the adjustment to the yield set aside, that is the primary part of those options under alternative 2 just in case I made a typo. I am proposing that we select alternative 1 and option 2 as the preliminary preferred alternative. Again I believe this best meets the need to provide opportunity to better achieve OY for the target stocks in the trawl IFQ fishery south of 40 10 and is, it is no longer necessary to meet a conservation or management uncertainty need for cowcod management. Thanks.

Marc Gorelnik [00:16:44] Thanks Maggie. Are there questions for Maggie on her motion or discussion on the motion? John Ugoretz.

John Ugoretz [00:16:52] Thank you Mr. Chair and thank you Maggie for a well described and written motion. I want to agree with you and point out that this is supported by the management team and others and that with, with the renumbering just again reclarifying for everybody that what is written here was reflected as alternative 2, option 2 in the documents in the briefing book. I feel that the preliminary preferred alternative as proposed provides necessary flexibility in the fishery with very little or no conservation risk and I support that.

Marc Gorelnik [00:17:39] Louis.

Louis Zimm [00:17:40] Thank you Vice-Chair and thank you Maggie for a very well informed and complete motion. I will be supporting this motion wholeheartedly and want to appreciate the option 2 under alternative 1 that you've put forward. I think it's a good compromise alternative or option and I just wanted to say I'm glad that you kept the option 1 and option 3 in there for consideration because as we speak the hook and line Harms survey is right now fueling up, putting on their hamburgers and cans of coffee to go out and do their CCA survey and of course survey also other points in Southern California so we will be further informed by what they see in their research just in the next three weeks. Thank you.

Marc Gorelnik [00:18:54] Further discussion on this motion? Bob Dooley.

Bob Dooley [00:19:01] Thank you Mr. Vice-Chair. I'd like to thank Maggie for putting together such a thoughtful motion and it captures all the information pertinent to, that was offered by the advisory panels as well. I am mostly happy about this because and supportive of it because it also offers a way

for people that weren't in that, in the collectives EFP to also have some relief on this and I'm, I was concerned about that as well and I think that's right. I think the, in the EFP for the collective I did notice that they offered membership, open membership for people that wanted to join that but not everybody wants to or can and so I just, I imagine they can but I, I wanted to note that, that it offered, it's a, it's a package that offers relief for all participants so I appreciate that. Thank you.

Marc Gorelnik [00:20:04] Further discussion on the motion? Not seeing any hands. All those in favor say 'aye'.

Council [00:20:11] Aye.

Marc Gorelnik [00:20:11] Opposed no? Abstentions? Motion passes unanimously. Maggie I think that completes your suite of motions. Thank you very much for helping us move forward on this issue. Let me look around the table and see if there's any further discussion or action folks want on this agenda item and not seeing any hands I'll turn to John DeVore see how we're doing.

John DeVore [00:20:44] Thank you Mr. Vice-Chair. You have adopted a range of alternatives and preliminary preferred alternatives for both actions and a purpose and need for both actions. Further between the advisory body comments, the public comment and the thoughtful discussion around the table here, from my view we have a very strong record to understand the rationale for these and with that I'd say you have completed the task under this agenda item.

Marc Gorelnik [00:21:15] All right thank you John. Good job everyone. We've now completed H.6.

7. Phased-In Approach to Changing Harvest Limits - Scoping

Marc Gorelnik [00:00:00] We do not have any public comment so that brings us to Council discussion and action. So we've, we have a team report supported by the GAP on this issue which provides a direction forward. John.

John Ugoretz [00:00:28] Thank you Mr. Vice-Chair. I think the management team did state it wisely that while new approaches are, are often interesting and can be worth consideration I think that after what we've seen on this particular one that the workload associated with implementing it might not be worth the Councils time in terms of actually effecting a change that would help us better manage stocks and I don't really see a reason to continue pursuing this at this time.

Marc Gorelnik [00:01:06] Corey.

Corey Niles [00:01:08] Yeah thanks. Mr. Vice-Chairman and thanks John for those thoughts. We heard that message loud and clear from the GMT and the GAP and trying to get some discussion going I think maybe I'm having trouble getting my head wrapped around and what Maggie and the GMT on the issue Maggie was asking the GMT about so maybe if someone, Maggie or Aja could help think this through as the workload issue seems to be the main concern. I think having a, a tool in the toolbox to apply where the benefit does, do outweigh the workload costs seems like it, always seems like a sensible thing to do so maybe Maggie you had you it seems like in your question you had, you had an idea of a case-by-case approach and or maybe if I'm putting words in your mouth apologies here but could you, could you articulate what was behind your question there to the GMT a little more.

Marc Gorelnik [00:02:10] Maggie.

Maggie Sommer [00:02:13] Thanks Vice-Chair Gorelnik. Thank you Corey for the question. You know in response to the GMTs note in the report that even if we do not pursue an FMP amendment to incorporate the prescribed approaches of three year phase-in or ACL carryover and instead we use the existing flexibility for case-by-case deviations from default harvest control rules, we may still want to consider whether there is some benefit in, in specifying the criteria or the, the factors that we would evaluate to determine when stocks, when we would consider stocks eligible for departing from them and so my, my question really was I guess essentially you're recommending we don't make the, we don't do the FMP amendments to incorporate the prescribed approaches because of workload and there's not a tradeoff benefit and I was hoping to get at whether the GMT thought there was, it was worth it to codify those criteria and my understanding from the response we received was, was not a definite no but that it certainly seems clear that those are the kinds of things this Council would be considering anyway so we may not need it ourselves to understand what we would want to consider when determining whether stocks eligible for a case-by-case deviation. There could be some benefit in making it more visible to the public, the factors we would consider and I think it's maybe up to us to understand what the workload would be associated with that and whether it's worth that tradeoff.

Marc Gorelnik [00:04:08] Corey.

Corey Niles [00:04:09] Thank you Mr. Vice-Chair. Thank you Maggie. That makes sense and I was wondering then maybe you were going to do this already but and not to put Aja on the spot but can we speak to the workload of what it would take to, you know what we'd be missing by not putting something FMP and what workload, you know just along the lines of what Maggie was going into there. Any insights NMFS would have would be appreciated.

Marc Gorelnik [00:04:34] Aja.

Aja Szumylo [00:04:35] Thank you Mr. Vice-Chair and Corey and Maggie. I agree, I agree with the comments you made. Yeah, that's the tradeoff we're making is that balance between you know airing to the public what criteria we're going to use to consider these deviations versus just being able to do it on the fly. So to me the workload consideration is identical in both cases where the laying out the criteria upfront is an administrative change similar to what we did for Amendment 17 for pelagic species so in that case we, we gave the Council latitude to do something in the FMP. It wasn't a change that they had to make but it was something that, so that one was a change to the live bait possession limit, not possession limit maybe that's not quite the right words but the live bait allowance in the, sorry the fisheries, which fisheries? Is it anchovy fishery? Yes sorry, so the live bait allowance and it was, it's an administrative change in that we didn't set a level or have to analyze the level in that action, we were able to analyze the actual level in the specifications action later on. So what happens here with the, with the phase-in requirements and provisions we analyze an approach and it's an administrative change because we're not actually changing anything with that. Where you analyze it is in that case-by-case basis so you know if we were interested in using the phase-in provisions for Oregon black rockfish then we'd analyze the changes around that fishery. So to me it's identical to either use the case-by-case basis, the case-by-case analysis or actually adding the provision into the FMP. We have to do an amendment for specifications either way in this case. There's some other changes in specifications that we're considering that are going to require us to do an amendment so we're already doing one. It provides an opportunity right now for the Council to put a marker down around when we would use these phase-in provisions but you know I understand that what I'm hearing from people is that there's limited appetite to really define those cases at the moment. I do, I'd like to note too that adding the phase-in provisions doesn't preclude you from using the case-by-case approach. It doesn't stop you from, you know it doesn't actually stop you from deviating from the, the ABC control rules in the FMP, it just, it provides a structured way to do that deviation and it says that you know you'll approach that deviation over a three year period using this provision in the National Standard 1 guidelines. The FMP still allows any deviation with justification, and one other note that I'll make is that you know no matter what, what we're looking at, what the agency is looking at is that the ABC recommendation that comes through the process that the SSC puts forward that the Council blesses will prevent overfishing so you know in either case if we're not able to make that justification we still can't approve that the numbers that come out of that. So these, you know adding that tool in the FMP or having that case-by-case deviation provision isn't enough, you need the story, you need to be able to prove that the numbers that you're setting, achieve the objectives of the Magnuson Act. So I'm happy to answer any other questions about what I, what I just mentioned but I am in favor of a tool just because we're already doing an amendment anyways.

Marc Gorelnik [00:08:01] All right thanks for that explanation Aja. John and then Maggie.

John Ugoretz [00:08:10] Thank you Mr. Vice-Chair and thank you Aja. While I agree that you know having broad tools that are clear to the public is, is important, I think there is a risk of adding something like this into an FMP in that when we do deviate from it when it is in the FMP that there will be members of the public who are pushing strongly against a deviation simply because it is in the FMP and so I think that doing this separately from that, workload may be the same, it's not the same if we don't end up using it. So I, I think that I would be more comfortable not putting this in the FMP at this time. We can always revisit it at a later date if it becomes the tool that we want to use on a more regular basis.

Marc Gorelnik [00:09:08] Maggie.

Maggie Sommer [00:09:10] Thanks. I guess a similar thought on the potential criteria to determine

which stocks would be eligible for deviation from default control rules. I don't disagree with the value of making those clear to the public. I see the GMT has put at the end of their statement the proposed criteria from a Council motion in June. I have not heard that anybody has focused on those criteria or given them a lot of thought and I can't believe that even a simple administrative change to the FMP would be a non workload issue. It will still require some further consideration by with Council floor time and with our advisory bodies and public I would imagine and given the fact that we, we already have in the FMP the flexibility that allows us to make rare exceptions and you know continue to meet national standards and meet our goals in whatever the specific circumstances are at the time I would be more comfortable with not making a change to the FMP right now. I do think the work that has gone into thinking about this is valuable. I think we, it has given us all some good framing for what we can do under our current FMP and we've had some good discussions on when we might want to deviate from that but as, as it stands I would support the recommendation from the GMT and the GAP to not continue pursuing this item at this time.

Marc Gorelnik [00:11:17] Further discussion and if not I think we should wrap this up with a motion. Even if it's merely to adopt the team's recommendations or whatever else people prefer to do on this action? John.

John Ugoretz [00:11:41] Thank you Mr. Vice-Chair. I do have a motion that I can read into the record. Ready? Thank you. I move that the Council not proceed with adding new approaches for phased-in changes to harvest limits comma harvest control rules comma and ACL carryovers to the Groundfish Fishery Management Plan at this time.

Marc Gorelnik [00:12:31] Thank you John. Is the language on the screen accurately reflect your motion?

John Ugoretz [00:12:36] It does. Thank you.

Marc Gorelnik [00:12:40] Is there a second? Seconded by Louis Zimm. Please speak to your motion.

John Ugoretz [00:12:46] I think I've, I've expressed my concerns with doing this right now. While I appreciate the potential for new tools in the toolbox I think codifying them in the FMP and the issues that, that may raise over or outweigh the benefit. I think the management team and, and advisory panel have supported this approach of not putting it in the FMP right now and I think that would best serve the Council.

Marc Gorelnik [00:13:25] Thank you John. Are there questions for maker of the motion or discussion on the motion? Corey.

Corey Niles [00:13:38] Thanks John. Thanks for the motion. I'm having some mixed feelings. We've heard from the GAP and the GMT it's maybe not worth our time. I hear our NMFS representatives telling us this is a good time. We're doing an amendment. I've heard either there's pros and cons to stating your criteria ahead of time. If this, if this ever arises it's going to be most likely in a circumstance where time is short and we're going to have to make up the criteria as they go which is case-by-case decision making is, is can be good. It could also be, you risk being inconsistent so these are some mixed feelings. I, my sense of the room is that there's not a lot support so I won't oppose the motion but I'm just wondering if we're giving up a missed opportunity to take this up in a way that's pretty administratively simple. I'm hearing Aja say we could do this without having, what I'm reading between the lines maybe without having to do a lot of analysis of actual applications to scenarios, we could just

put the tool in the toolbox pretty simply with what we're doing now but again if no one else is sharing those views I will not oppose this motion.

Marc Gorelnik [00:15:00] Thank you Corey. Further discussion on the motion? Aja.

Aja Szumylo [00:15:05] Thank you Mr. Vice-Chair. Just to, yeah I agree with Corey. I, you know I think this is a good time to do it but it's you know it's, I'll go with the will of the Council and I do agree with Maggie I should have highlighted that you know Council floor time we take a lot of time discussing these kinds of things and I think that there is some concern that the criteria will be comprehensive enough and so I acknowledge that it probably could take more time to get through it as part of this process for that reason but yeah we'll go with the will of the Council on this one as well.

Marc Gorelnik [00:15:37] Further... Maggie?

Maggie Sommer [00:15:38] Thanks Vice-Chair. I do want to express that I, I support the motion while with some reservations that I hope we are not taking this opportunity, that we're not forgoing a tool that we will find ourselves wanting. My support for not continuing to pursue an FMP amendment to incorporate either the phased-in approaches or the ACL carryover or the potential criteria for departing from default control rules is really primarily workload based. This council has taken on a huge amount of groundfish tasks and we have a very large number of them pending on the list formally known as omnibus and you know what I think this could have some benefit but it is in my mind not tipping the scales to enough benefit at this time to seem worthwhile pursuing.

Marc Gorelnik [00:16:55] Thank you Maggie. Further discussion on the motion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

Council [00:17:05] Aye.

Marc Gorelnik [00:17:05] Opposed No? Abstentions? Motion passes unanimously. Before turning to John let me ask the Council if there's any further discussion or action on this agenda item? Chuck.

Chuck Tracy [00:17:27] Thank you Mr. Vice-Chair. I guess I will note that we've got a revised SSC statement that includes their italicized notes. It does have one comment regarding the comments on the technical memo that National Marine Fisheries Service has requested. I guess I do kind of want to make a point here that the initial request came from headquarters for comments on that technical memo in asking that, that our SSCs respond directly to National Marine Fisheries Service. The executive directors of all eight Councils sent a response saying they didn't think that, that was an appropriate way to conduct business, that our advisory bodies are advisory to the Council and not to National Marine Fisheries Service directly. So, so that's why I kind of made a point of this. We did communicate that with Council leadership and staff so while, you know while this isn't a very big deal here and this particular comment I think is just a, just a matter of best management practices I guess or that, that I think those sorts of things should go through the Council or at least the Council should be aware of what the comments developed are so they can understand the issues and some of these things have management implications that the Council may want to consider. If we were moving ahead with something here today that could have been relevant so I guess I would ask that that Council take a quick look at the revised SSC notes. There's basically one, I guess it's really, really just one sentence on the, on that near the end of their revised notes and to just have the Council acknowledge that, that they are aware of that and if they have any problem with forwarding those to National Marine Fisheries Service to let us know.

Marc Gorelnik [00:19:34] Thank you Chuck. Further discussion around the table? Response to Chuck? All right John how are you doing?

John DeVore [00:19:46] Thank you Mr. Vice-Chair, Council members. You've adopted the no action alternative. Made it very explicit. There's a lot of good discussion here. I am presuming that Mr. Tracy's comments here would be followed up by a letter to the National Marine Fisheries Service appending the SSC's report with their italicized notes. I also note that the, the figure that Dr. Field was talking about that they had some further debate is not captured in these notes. There was some, a lot of verbal comment back and forth on that. I am not sure that's fully resolved based on Dr. Field's comments. So I'm, I'm not sure if that's a sticking point at all with respect to formal comments to National Marine Fisheries Service but I didn't get the sense that it was so I don't know what if Dr. Field agrees with me if I got that correctly. Yeah I'm getting a positive head nod so with that I would propose we draft a letter to National Marine Fisheries Service appending the SSC's com, comments on that NOAA tech, technical memorandum.

Marc Gorelnik [00:21:17] That okay around the table? I think that's the right course forward. At least that's the signal I got from Chuck so.

Chuck Tracy [00:21:25] Thank you.

Marc Gorelnik [00:21:26] All right. I gather then we've completed this agenda item H.7. a little bit early which is great. I'm now going to hand the gavel back to Chair Anderson for the balance of the day.

8. Initial Harvest Specifications and Management Measure Actions for 2021-2022 Management

Phil Anderson [00:00:00] That concludes public comment on this agenda item. Takes us to our Council action. There are three categories of action but before we launch into decisions just an opportunity for some discussion that you may wish to have. Brad.

Brad Pettinger [00:00:31] Thank you Mr. Chairman. I think today I liked to see the hope, hope to see a full range of alternatives for the November meeting. Listened to the talk about the petrale situation as a, as an example I think that a 100 percent accountable fishery like the catch share program requires an accurate assessment or estimate of what's in the water and because when an assessment shows a very healthy stock with a large catch projection like petrale we need to realize that fishermen will encounter those fish on the grounds. Now the quota is out of sync with the reality on the water. Fishing will be curtailed especially on the shelf in the summer with Petrale. Petrale is a major land limiting species on the, on the shelf currently as we've heard before in the testimony and also talking to folks on the dock and a more robust quota will allow a fuller prosecution of the fishery in the next few years and I think that the rationale of the fleet is it there's a lot of fish in the water let's take them now. If it does go down, approaches the target we will encounter them less and the quota could match up with that and it just will be, the fishery will run much smoother so I think just we need to realize it. We're a 100 percent accountable so every fish, there's no discards they don't get caught up and there's less, that's why we have to line up our quotas with, with what's in the water for a more viable fishery and make it more stable. So thank you.

Phil Anderson [00:02:12] Other comments? Marc.

Marc Gorelnik [00:02:14] Thank you Chair Anderson and I'm going to be very brief because this doesn't really relate to the Council action but it does relate to a comment, a public comment we received with regard to cowcod in Southern California. I think that if someone or an organization rejects a careful and controlled fishery under conservative guidelines using the best available science which we are bounded to by this Council then I'm not sure how to characterize that as other than a rejection of the Council process.

Phil Anderson [00:02:59] Other discussion? I'm going to burden you a little bit because I have a thought, a few thoughts that I would like to share with you and I'm, I'm admit that I'm a bit focused on the lingcod because that's the decision table I've been looking at but my comments apply to really any of these species where we're setting ACLs and particularly those where we have the benefit of having a decision table. My first just concern and I don't, I don't have really any answers to it other than I would hope that we will keep this in mind is that we generally have low, medium and high in terms of what the state of nature is in these decision tables and we almost always maybe, maybe there's been exceptions if there have been, I don't remember it but we've almost always go with the base case though there's a 50 percent chance that it might be better than that and there's a 50 percent chance that it might be worse than that and we generally look at that center column and my concern is and maybe the ecosystem plan will help address this but my concern is that we are in a what I characterize as a rapidly changing environment relative to ocean conditions and productivity of different species and always assuming and always be, being willing to accept that there's, that if you're got to, if you're have an equal chance of being right or wrong that you're, that, that's a good place to be. I'm left less comfortable with that assumption than I used to be. The second concern that I have is that when you, and I'm going to use lingcod as an example, we went through a time frame where I think we had up to nine species that were overfished at one time that we had rebuilding plans for and many of us if not all of us lived through what it takes to rebuild a species and then it certainly wasn't just us, the people that we serve both

commercial and recreational, and the conservation community lived through that with us and we've made some extraordinary, what I called extraordinary remarkable, achievements in terms of rebuilding stocks and we, and we should all be proud of that. What concerns me is that and I'm going to use lingcod as an example, using that base case right now there's an estimate that we're at about 66 percent depletion so we're, we're in good shape or that resource appears to be robust and so the, the default harvest policy has us fishing that as at a rate that will reduce that and take us down to something close to 40 percent which is our default harvest policy and the, the implications of that is that we go from something in the neighborhood of 5,000 metric tons under today's situation and we go all the way down to 3,500 tons within the next 10 years so we're, we're fishing that stock down because we think we're getting down, we want to fish it down to a default where we're consistent with a different harvest policy and we are, and, and but over that time we're, we're both assuming the state of nature stays average and we're willing to fish it at a higher level now to get and get to a lower level later and the conversation around petrale sole kind of struck a nerve with me is that there are people in the fishery who let's catch them now and not let them, we lose them later, catch them while you got him and if, if it's, if the, if the sector that is involved in that you know expresses that desire and there isn't an impact on other sectors that's one thing but if it's a species like lingcod which are really important to a number of different sectors, that's a different thing in my mind and if and when we look at the how lingcod are allocated if we have one sector that says yeah let's, let's fish that as hard as our default harvest policy allows and then we're fishing that stock down and we're wrong they aren't the only ones that pay the price of rebuilding and so my, my I don't know if it's a bottom line but my bottom, my, my desire is we have, we go through this process, we get our stock assessments, we have these decision tables that are associated with many of the stock assessments and I'm not sure how much attention we really pay to those. We produce a table like, like and rightfully so that John has done that have all those ACLs that are based on our default harvest rate or policy but we don't take the time to look at what that means in terms of a long term implications of what the future harvest levels will be particularly for those species where we're well above our target and just, I'm almost done, I remember and I don't know how many years ago, it was a long time ago, where we had a sablefish assessment and we approved, we the Council approved something in the neighborhood of 13 to 15 thousand metric ton ACL. They weren't called ACLs then and what was put in front of us actually by the scientist was we're going to fish this down and when we get down to 40 we're going to pull back our yolks and we're going to level the plane off and we'll be at about 7,500 and we should stay at 7,500 from that point forward which is a great theory if your productivity stays as you assume and the state and nature stays the same but the consequences of that if you're, if you're wrong and then we got down to where we were considering harvest levels I think that we're down, at one point down almost 4,000 or 3,800 and then we've gone back up since then, but I just remember living you know and I was, I remember looking at that and I was really unsure of myself and I didn't say anything at the time sitting in one of these seats here but I, I remember what happened after we did that and we started that downward trend in terms of the spawning biomass where we reduced it over time and we went right by our target and it wasn't because we weren't making decisions based on the best science but it was the fact that we were assume, assuming everything was going to stay the same, productivity was going to stay the same and all those things so I know I've said I was going to stop in a minute a while ago so I will now but I just hope that there or wish that there was a way that we could spend a little bit more time and make sure that we're looking at these decision tables when we're taking this action to set these OFL, ACL, ABCs, the action that were taken today for 2021 and 22 that we take a longer, a longer view of what it is we're doing. I will stop now. Corey.

Corey Niles [00:12:26] Thanks Mr. Chair and that was well said. I think I share, we've been doing this for a few cycles now with the P-star sigma approach and I, I find that we don't pay much attention, as much attention to the decision tables as we used to and except I will say I think this time I think that the GAP and the GMT both put a thought into petrale and sablefish which was really nice to see and just hope for the future for some people sitting around in the back of the, is I hope one day we can get

to what, what happens at the, at the Halibut Commission and the whiting realm where we have these decision tables that, that help I think do what Mr. Anderson is saying but I thank, again my thanks to the GMT and the GAP for thinking hard about petrale and sablefish this time. It's appreciated and I think that's what we're trying to do here, set up a range of alternatives so we can do what, what, have a better discussion in November about the type of thought Mr. Anderson just expressed.

Phil Anderson [00:13:25] Louis.

Louis Zimm [00:13:27] Thank you Mr. Chair and Mr. Chair I really appreciate your thoughtful description of past occurrences and our ability to learn from them and I want to use this in reference to the cowcod situation. The SSC has advised us because it's a Cat 2 assessment and because it's, we're lacking some really important data on it to consider the lower case of nature as the one that we should presume is what we're facing and we're of course looking at unpredictable changes, quick changes in our environment so..... (background noise)...here comes the train, so precaution in is really a big part of the Council process. As an adviser to the Sport Fishing Association of California I want you and everybody here in the room to realize that decisions there are based on the science and I do not think that the Sport Fishing Association of California would ever reject the Council process, in fact I think it's listening very closely and listening very closely to the SSC. I'm looking forward to an innovative solution to finding more ages and we'll have discussion of that and hopefully we come up with something really good but as far as the Sport Fishing Association of California offering to have their 60 boats with 20 to 30 on them go out for even one day and target cowcod which must, most of us older skippers know where they live. I don't think that's, I don't think that's the solution. I think something much more innovative and I, and I think Marc's got some really good things in mind and I look forward to seeing that.

Phil Anderson [00:16:15] Maggie.

Maggie Sommer [00:16:16] Thank you Chair Anderson. I'd like to express my complete agreement with your remarks about the importance of the decision tables and consideration of the states of nature particularly in light of the environmental changes we're seeing and the potential acceleration of that and the erosion of our ability to predict what the future will be. I do think that those decision tables have been an underutilized resource in my short tenure here at the Council in general. I very much appreciated the GMT calling our attention to them for risk decisions in their report under this agenda item. I have a specific question on since you used the lingcod decision table as an example. I have a question that was in my mind as I was looking at that when you were talking and this is perhaps something that Mr. DeVore can speak to, did the, did that decision table assume full ACL removals?

John DeVore [00:17:45] Yes it did.

Maggie Sommer [00:17:47] And I, I note that we haven't been getting anywhere close to that for lingcod so we, if we looked at that through the lens of realistic catch streams we might see a different depletion picture. I did want to note that for lingcod but I don't want that to detract from the point you made and that I am agreeing with that I think it is increasingly important for us to consider that low state of nature maybe a little bit more broadly than we have in the past. You know we may tend to look at it in terms of things very intrinsic to the stock assessment and I think we might want to broaden our thinking about uncertainty in the future and the potential for lower productivity or other factors than we have so I just thank you again for expressing those thoughts and they're certainly at the forefront of my mind as we consider our specifications and management measures process.

Phil Anderson [00:18:56] Thanks. Corey.

Corey Niles [00:18:56] Thanks. Mr. Chair and thanks Maggie and not to detract from Maggie's point but a point of confusion on, on the lingcod maybe and Mr. DeVore can help or maybe point to who could help but I thought that lingcod was a catch only update which means for the very reason that it was updated with actual catches and projections of realistic catch scenarios. So was the decision table not reflective of that?

Phil Anderson [00:19:26] John.

John DeVore [00:19:29] Yes thank you. Yes Mr. Niles I definitely needed to qualify my answer a little better than that. For 2021 and beyond it assumed full ACL removals. In the case of lingcod I'm trying to recall and maybe I can phone a friend here whether they use the GMT catch assumptions prior to 2021 and I'm getting a head nod yes so those were less than full ACL attainments based on how we've seen the fishery track but the rules of the game going forward are since we don't have management measures and don't really know what the impacts are in 2021 and beyond yet haven't modeled those yet, we assume full ACL attainment for those years.

Phil Anderson [00:20:20] And I would just say that I understand that the decision tables assume that those values of metric ton catch would be fully attained if... I understand that but it is, it is a reflection of our policy. Our policy is such that we would be willing to accept something allowable, an ACL that declines by 30 to 35 percent over the next nine years and that, now that probably won't happen because those, they won't be fully taken and they'll rerun those and they'll look different but I'm just so, I don't want to get into the weeds here because I was really talking above that just in, this is a reflection of implementation of our current policy assuming that the fishery could catch the full amounts that are represented in that table. Maggie.

Maggie Sommer [00:21:30] Thanks Chair Anderson and thank you I appreciate that point. I will add that we have had more recent discussion about increasing the frequency of doing catch only updates particularly for stocks where we have some concern and I think looking at a decision table like the one for lingcod where you do see it declining to under the low state of nature for example a lower depletion level than I think we would want to see, I think that we would be very likely to request those updates more frequently and provide us with new information and the opportunity to revise our specifications.

Phil Anderson [00:22:17] Okay. Is it going to contribute to this action we're about to take John?

John DeVore [00:22:27] Just a point. Catch only projections are, are useful when you have less than ACL attainment. All you're doing is replacing the actual catches with what the catch assumptions in the old assessment are, but to really get a sense of what you, a better sense of what's happening with the population you need to do at least an update assessment and update the dynamics as well, so that distinction is important to understand.

Phil Anderson [00:23:00] Any other general discussion before we launch into our action here? Okay. Maggie.

Maggie Sommer [00:23:09] Thanks Chair Anderson. I, I do think that it would be good to have a little bit of discussion about shortbelly rockfish and an approach to that. I think we had some you know clearly some good discussion earlier under our action and some good recommendation from Geoff Shester in his public comment to us and so I, you know as I see it we will be looking at setting harvest specifications for 2021 and 22. We might want to consider an ACT. We might want to consider accountability measures that are triggered when that ACT is reached and as an alternative to that or perhaps somehow in conjunction with it we might want to consider designating it as an ecosystem

component species or simply amending the FMP as was suggested to prevent development of a directed fishery so I think we have a lot of permutations of that pathway out there that we might want to have a little discussion about before we get to a motion on it.

Phil Anderson [00:24:35] Would that, that might come under the second item on our list here of actions?

Maggie Sommer [00:24:50] Yes.

Phil Anderson [00:24:50] Or I suppose it could also be under the first one. Yeah go ahead.

Maggie Sommer [00:25:01] Thanks Chair Anderson. I think we are probably, we're not talking necessarily about OFLs and stock categories and sigmas here, it would be more management measures. I think there's some overlap between the categories and as a spoiler I had drafted a motion pending further discussion and some potential revisions to that, that included both items 1 and 2.

Phil Anderson [00:25:32] Okay. Aja.

Aja Szumylo [00:25:38] Thank you Mr. Chair and Maggie. Yeah, we, we'd been thinking internally about different approaches to shortbelly too in part related to the H.6 agenda item and then yeah recognizing that things we're going to come up under this agenda item. I think there's a really broad range of approaches for shortbelly. You know a simple one that fits into the ACL framework and the AM ask that I've been making over and over again and suggests you know set, set an ACL and set a closure mechanism or set up you know an ACL, an ACT structure that has some management measures around the ACT. If there is a possibility for developing them and so that, you know that could be a really simple approach that would fit into specifications. There's some broader approaches too like ecosystem component designation that's come up. I also understand there's a shared ecosystem component framework that covers the four Council FMPs that would likely require an amendment for shortbelly as well. I, I don't recall and I may be imagining this but I seem to remember that there were other stocks that could be candidates for shared ecosystem component or ecosystem component designation as well and, and from yeah in the list that's currently included in the groundfish FMP and so I'll stop there because I don't know if that's true or if I made that up but if that is true you know it, it bears discussing those things all together at the same time. That shared ecosystem component designation it sounds like would just be a shift within this FMP and doesn't take the bigger Magnuson shift that, that happens when we designate something as an ecosystem component. Both of those require an FMP amendment which I think we're already going to be doing concurrent with specifications anyways and then the ecosystem component designation takes a, it's a Magnuson thought exercise of going through 10 questions that they added in, into the National Standard 1 guidelines at the, at the last revision in 2016 and so I think, you know I think considering all of those options against each other paints a really good picture for why one approach might be better than another and I don't, yeah I don't have any guidance right now about whether that's best, you know the ecosystem component type designations are best accomplished through another action separate from specifications because they could be more inclusive of other species or if we're already talking about and we may as well just deal with shortbelly here and right now so yeah I agree, I agree with you Maggie it might take a little time to needle through the best approach for it but and I think there are really strong pros and cons for each. I think we can come back at the next meeting and talk through those if that, if that helps but some of them involve some development that might need to get rolling right now.

Phil Anderson [00:28:34] It's not a motion right? Maggie.

Maggie Sommer [00:28:38] Thanks Chair Anderson. Thanks for the response Aja. That's helpful. I guess more on shortbelly and I think that we all share and we said this earlier the desire expressed by Geoff Shester to not just prevent the development of any kind of targeted fishery whether it's for the one ounce filets now which sounds unrealistic or for you know some kind of reduction fishery in the future and who knows what the world will look like in 10 years in terms of potential markets for a product there, I certainly agree with that, but we also want to provide an appropriate level of incentive for avoiding bycatch of these and I'm stating that cautiously just because of the discussions we have also already had about prioritizing the multitude of species that we are asking the midwater trawl fisheries to avoid and this one at this time is probably relatively lower priority than many of the others so I am thinking specifically about this question of setting an, an ACT and triggering some kind of response to that and I'm really struggling with what that response might be. We have heard that it can be very difficult to define an area where to avoid these because of their wide distribution that we've seen in recent years certainly and rapid movement. I know there were some thoughts earlier that it might just trigger a Council review and discussion on whether we want to make any requests or requirements of industry at that time so I think I would appreciate it if there are further thoughts that might flesh that out for us.

Phil Anderson [00:30:41] Bob.

Bob Dooley [00:00:00] Thank you Mr. Chairman. This is, kind of reminding me a little bit about the discussion we've, we had about co-op rules and the buy-op and all of that it's similar to that and since this is focused more heavily on the whiting fishery and what the co-ops would do to mitigate the encounters with short bellies, it seems to me that more in the line of, of an ACT that would trigger a conversation rather than a, an action because we'd have to understand what they're, what's, what is actually causing us to approach that level and what, what actions are being taken voluntarily as we approach that because these co-ops are very responsive. I mean demonstrate that by the fact we probably wouldn't have even known about this, this year wasn't for them coming forward. It might have come later but not then. So I, I am hesitant to put in anything that would preemptively, or proactively steer the co-ops or you know get into the, into what their tools because there's a lot of really good tools that are available to them and not knowing the ex, external factors that could in, that are influencing that as we approach some type of a threshold, but I do think that, that's certainly a good idea to visit it and, and to proactively to what, what's going on and I think it might, it might even precipitate the opposite thing to happen where they would come to us before they're approached and that to tell us what's going on and how we might consider that going into it. So in the context that I heard the number proposed to be a high number, you know a higher number than others have proposed. There was a big range, I think a thousand to two thousand, three thousand ACL. I think it would be, it would be good to have some intermediate level that still would, it still is acknowledging the geometric expansion we're seeing in this bycatch that we don't know the reason for yet or why, why it's happening. I mean it's you know we've got to 500 last year and this year now we're over 500, we haven't even started the at-sea fall sector to any extent, at-sea sector and I expect, and we have an acknowledgement and a heightened awareness by the co-ops that are actually proactively doing something now to avoid them, so who knows what that number would have been without that, so I'm worried that this number could escalate not be a biological problem but could be more than what we think but we ought to know that so I, I'm, I'm kind of, I would like to explore at least some type of an ACT with an ACL as long as they're reasonable numbers because.....and leave it in an informative way, so I went on so long. Thank you.

Phil Anderson [00:03:38] Corey and then Brad.

Corey Niles [00:03:39] Yeah thanks Mr. Chair and Bob. No I think that's a good thought. I'm going, well point being I think we, we have, my thought is we will take that up on number three which really

kicks off in November and then we have April and June to really flush out some things so I think there's creative ideas out there. I like this maybe just popping to mind now an ACT that it's maybe it's just 500 for example where then if you hit that point then set asides kick in or that are meant to keep you below some ACL. I think there's all kinds of ideas we can look at. I'm hearing we, every, a lot of people think it's important and I think we can really dig into it starting in November and, and through that November, April, June three meeting process.

Phil Anderson [00:04:20] Brad then Aja.

Brad Pettinger [00:04:22] Thank you Chair Anderson. In the line with what Bob is saying there I think at the very least I think that it'd be good to have the co-ops come to us at the June and September meeting, give us an update, let us know what's going on because ultimately they're going to pass the red face test. I mean we've known these people for, I mean this is not a short term relationship and I think that they've proven over the years that you know they do what they say for the most part but really they I think that right there to handle most of what we're looking for because if there's an issue I mean they're going to jump on it. I mean they're the ones that you know that noticed this early on and did something about it and I would, I'd be shocked if, if that was to continue in the future especially in the situation, the discussion we've had and to alleviate the fears that we've been hearing here today. Thank you.

Phil Anderson [00:05:23] Aja.

Aja Szumylo [00:05:24] Thank you Mr. Chair. I would like to again applaud industry's responsiveness to the shortbelly issue. I you know don't question that at all. I, yeah to say it bluntly I'm not a fan of limits that don't have a clear management response. I think that, that was one of the big challenges last time was that we had a number and did not have a clear way to respond to it and so even if we have, if we set up an ACT that's below that ACL level and are just saying that we're going to check in and then come back together and speculate about how we're going to respond to what we're seeing on the water. We still leave industry in the same situation where they're like what is the Council going to do this time, what is NMFS going to do to respond to this one. I like clear management responses. That an ACT in my mind, so you, you use it in one of two ways, on the front end you use it as a target for catch, you set bag limits or trip limits to reach that ACT or you respond to it once you've exceeded it so like in the CPS fisheries we reduce the possession limit once we've hit that ACT, but if we're not going to do anything around that number, if we're going to just come back and talk together, if from my perspective we're in the same spot that we were with the lower ACL. So my preference is to have meaningful boxes that have a well-defined management response and I'll stop there. I, I just don't like to be in the position where people are looking to the agency for what to do when we haven't defined it.

Phil Anderson [00:06:54] Okay. Further discussion and we're going to take a break before we do motions just so you know. Bob.

Bob Dooley [00:07:05] Thank you Mr. Chair. I just wanted to make sure I was clear in what I was suggesting. I was not suggesting any prescribed management, particular actions, that, that would be, it would be more of a threshold that requires a response and I am speaking in the context of, of the of the whiting fishery particularly in the co-ops because they have tools that we could never have or enforce as a Council or as the agency. They have quick response and they've demonstrated that, so I would hate to prescribe something that's preordained that doesn't take into consideration the, what's going on, on the grounds and what they're doing and what, what conditions are causing this and particularly in this instance when we're trying to avoid you know everything else under the sun, salmon, everything so you know the suite so I in this particular case I would not have prescriptive things. I think it's really the

threshold to say okay what's going on and, and I would put it not so close to the ACL so that we have that situation but I would, but it needs to be, but I wouldn't put it as low as what, what Corey was suggesting because we're already there and why that we know that's probably pretty likely if everything continues. So but I think it's, it's due diligence, it's being prudent. Now if it were a different fishery that had none of those, those management measures that are in place and I think that you're right there should be some prescribed things that way but this isn't that fishery so thank you.

Phil Anderson [00:09:04] Aja.

Aja Szumylo [00:09:06] Thank you Mr., Mr. Chair and Mr. Dooley. So I agree I don't, you know I, my, from my perspective we should explore a number of options against each other. One option is to set the ACL a little higher and have a, a more, a more aggressive response to it and then allow industry to avoid and move around underneath that high limit so similar to what's happening with the salmon biological opinion it's a higher number that we don't think that they're going to hit but we're, we're depending on industry to come up with their own management response to it. We should explore that against all the other options that I went over earlier against ecosystem components, against shared ecosystem components, but I think laying out all those choices against each other. We should throw an ACT on the list and then I can complain about it being a bad option, then when it, when it comes up later but I think laying that all out you know provides the public the best and us the best opportunity to make a decision that will be a good solution for everyone.

Phil Anderson [00:10:08] Okay thank you Aja. We're going to take a break. It's 2:40, about 15 minutes at 2:55..... (BREAK)..... And we're on agenda item H.8, our initial harvest spex and management measure agenda item. We've heard reports, you know if you have a discussion to have you should take it out in the hall, Bob, Jeff. We had a, we received our input from our advisory panels, our Scientific and Statistical Committee, had a good discussion, heard from the public so now it's time for us to take action on the items that are listed here on the screen and I will turn to Maggie Sommer.

Maggie Sommer [00:11:14] Thanks Chair Anderson. Thank you for your patience with technology too. Sandra I'm ready for motion 1 please. I move the Council number one, adopt the 2021, 2022 OFLs and category designations shown in tables 1 and 2 in Agenda Item H.8, Supplemental Revised Attachment 1, September 2019 for all stocks except for shortspine thornyhead, canary rockfish, english sole and brown rockfish. Two, adopt the following range of P-star acceptable biological catch and annual catch limit values for those stocks that may depart from default harvest control rules for more detailed analysis as shown in the table below which presents the recommendations in Agenda Item H.8.a, Supplemental GMT Report 1, September 2019. Allow the GMT to evaluate a higher level for the petrale constant catch ACL alternative. If you could scroll down, that table is again the one from the Supplemental GMT report under this agenda item and it presents some alternative ABCs and P-star values for shortbelly rockfish, Oregon black rockfish, cowcod south of 40 10, petrale sole and sablefish. And finally number three request that Council staff work with the Northwest Fisheries Science Center and the SSC to develop projections for the stocks that may depart from default harvest control rules shown in the table above to inform consideration of harvest specifications for these stocks in November.

Phil Anderson [00:13:16] And I will ask if the language on the screen accurately reflects your motion?

Maggie Sommer [00:13:20] It does.

Phil Anderson [00:13:22] And is there a second? Seconded by Brad Pettinger. Please speak to your motion.

Maggie Sommer [00:13:28] Thanks. As noted in the, in the motion the OFLs, sigma values and harvest specifications were approved by the SSC in Agenda Item H.8.a, Supplemental SSC Report 1. I'll note that the SSC observed that the OFLs were obtained from 2019 assessments which already included the time varying sigmas as well as for those stocks with assessments conducted prior to 2019. As we've heard at several times at this meeting we had a number of new projections from the Northwest and Southwest Science Center Stock Assessment Staff that incorporated the new time varying sigmas. As the SSC noted the OFL for, the OFLs for shortspine thornyhead, canary rockfish, english sole and brown rockfish were not yet available for review or need additional examination and will need to be considered at the November SSC meeting. That's why they are excepted from this motion to adopt and I also note that the OFLs for 2022 for all stocks are contingent on the assumption of ABC removals in 2021 which are in turn contingent on the Council's choice of the probability of overfishing or P-star, use of alternative harvest control rules, or use of alternative harvest control rules as discussed, pardon me, and as proposed in the table below and may need to be revised based on Council decisions or changes to the default. Regarding the alternatives in the table specifically, the goals of these are to include responding to new scientific information and associated uncertainty, improving the opportunity to achieve optimum yield, stabilizing fisheries and meeting conservation objectives. I will refer to the specific rationale provided by the Groundfish Management Team for each in their supplemental report under this agenda item and I would incorporate that here as the rationale for those. I do want to highlight several, first for petra, pardon me shortbelly in the first row I do want to note that alternative two here does differ from the GMTs table. In the table in the GMT report they had proposed that this alternative to be to manage shortbelly rockfish as an ecosystem component species. I have removed that and will address further management measures for shortbelly rockfish under a separate motion but this table is referring simply to harvest specifications for the next two years. Oregon black rockfish I have already spoken to at this meeting and before and we are proposing maintaining the 2020 ABC of 512 metric tons in 2021 and 22 to stabilize our recreational fishery while we work to develop a new fishery independent survey data that can inform a new assessment. Cowcod the, we had quite a bit of discussion about precaution relating to cowcod as we move from a very low ACL to the potential for substantially higher harvest and are considering some alternative P-star approaches here. Similarly with petrale we've had some good discussion about uncertainty in the petrale assessment and projections going forward and so the GMT has proposed several alternatives for consideration including a constant catch of 3,200 metric tons and a P-star of .4. Specifically on these I noted that the GMT should be allowed to adjust that constant catch value upward. I note the GAP concerns about a constant catch approach here and share those. I do think it would be worth some further analysis to understand whether that would provide any benefit over for example using a .4 P-star approach to address our uncertainty related to the future of that stock and then we've also had some robust discussions about sablefish and the GMT has proposed a P-star going in the other direction they're going back to a P-star value of .5 so proposing that we analyze that. Again as I did before in Council discussion I appreciate the GMTs really making the point and emphasizing it that the decision tables will evaluate our risk, will, will help us evaluate the risk of various harvest specification choices as well as management measures and want to commend them for putting that discussion in there and I think the overall the alternatives here will help quantify the potential tradeoffs and benefits. Finally the, the number three again is just a, a recognition of the point that I think I mentioned earlier that with the OFLs in the second year of the biennium in 2022 will be dependent on removals in 2021 and the assumptions on removals there so we will be requesting some alternative projections for our consideration and evaluation in November. Thanks.

Phil Anderson [00:19:42] Thanks Maggie. Discussion? John DeVore.

John DeVore [00:19:47] Excuse me just one point of clarification on the motion for the third one, the request for those additional projections, it would be more appropriate for us to work with the Southwest

Fisheries Science Center Staff for the cowcod projections but understand the request it's just the targets different.

Phil Anderson [00:20:08] Maggie.

Maggie Sommer [00:20:09] Thanks Mr. Chair. Thanks very much John. I should have just made that generically 'the Science Centers'. If, if we can just go with the understanding that, that's what will occur that would be great if it requires an amendment happy to see that happen.

Phil Anderson [00:20:26] Why don't you change it to 'Science Centers'.

Maggie Sommer [00:20:38] Thanks.

Phil Anderson [00:20:38] Okay discussion on the motion? Corey.

Corey Niles [00:20:48] Thanks Mr. Chair and thanks Maggie for framing this up so nicely and again as I said earlier our thanks to both the GMT and GAP for their comments and yeah I think what we're doing here again is setting up our discussion for November and I believe this motion does that. You know I, the analyses Maggie is, is going to help, this motion would help prompt, will help us have with these, these sablefish and petrale sole risk decisions though I appreciate the motion and will support it of course.

Phil Anderson [00:21:26] Thanks. Other discussion? Call for the question. All those in favor say 'aye'.

Council [00:21:33] Aye.

Phil Anderson [00:21:33] Opposed no? Abstentions? Motion carries unanimously. Maggie.

Maggie Sommer [00:21:45] Thanks Chair Anderson. Thank you Sandra. I move the Council adopt the preliminary range of potential groundfish management measures for 2021 and 2022 in a, Sandra would you strike 'agenda' right there please. Yes that one. Thank you. In Supplemental CDFW Report 1, Supplemental GMT Report 1, and Supplemental GAP Report 1 under Agenda Item H.8, September 2019. In addition for shortbelly rockfish consider an ACT below the ACL and actions that might be triggered by approaching or reaching that ACT, amending the Fishery Management Plan to prohibit directed fishing and managing shortbelly rockfish as an ecosystem component species or a shared ecosystem component species. Thanks.

Phil Anderson [00:22:59] Thank you. Language accurately reflects your motion?

Maggie Sommer [00:23:02] Yes.

Phil Anderson [00:23:04] Is there a second? Seconded by Rich Lincoln. Speak to your motion please.

Maggie Sommer [00:23:13] Thank you. In terms of the management measures that were proposed in the various reports from California Fish and Wildlife and the GMT and GAP that those offer a very comprehensive list of measures that might be necessary to implement harvest specifications for 2021 and 2022 as we look forward to some further analysis on those and I note of course that the list is subject to change before a range of alternatives is finalized. I do want to note, I'll leave it there, specifically on shortbelly rockfish we had a fairly robust set of discussions under this item, agenda item and earlier ones on management approaches for shortbelly rockfish in recognition of its importance as forage to

the California current ecosystem and along with the specifications for shortbelly in 2021 and 2022 considered under the previous motion I think it's important to add a range of management measure alternatives that include a suite of different approaches. I will note that I don't see these as mutually exclusive and I would like to see some further development of values that might be used, for example for an ACT and what the actions might be that we would want to consider taking when reaching that ACT as well as an amendment to the FMP to prohibit directed fishing even if the stock remains in the fishery or alternatively to change its designation to an ecosystem component species and I will note that at this time I believe that the Council might have the option to, to monitor, at least monitor and perhaps put some, some triggers and some accountability measures that would apply to the bycatch of shortbelly rockfish even if it was an ecosystem component species so I would like to understand some further, further interactions between those elements of how it might be managed as we go forward and, and develop the details of these approaches. Thanks.

Phil Anderson [00:25:49] Thanks Maggie. Discussion on the motion? John Ugoretz.

John Ugoretz [00:25:55] Thank you Mr. Chair and thank you Maggie for the motion. I will be supporting the motion but would offer perhaps some caution in the bulleted considerations for shortbelly and I support the motion because it's just a consideration and a range to look at but as we've seen in other fisheries, the coastal pelagic species comes to mind for me, that establishing prohibitions on directed fishing for species that are considered an ecosystem component or, or considered forage can lead to quite a bit of workload in terms of defining when you can and can't do that. What is directed fishing? If it's an arbitrary percentage of a load then does that constrain legal fishing for other species? So I really just offer some caution when you do consider that to think about.

Phil Anderson [00:27:00] Further discussion on the motion? Rich Lincoln.

Rich Lincoln [00:27:04] Thanks Chair. Thanks Maggie for the motion. Just a quick question on the ACT bullet there in terms of potential actions that might come back to us for consideration. Were you thinking that, that could very well include the kind of discussion that we were having earlier with some of the Council members with respect to an ACT perhaps triggering an evaluation or discussion of the Council with industry in terms of the type of actions that they're taking to dampen catch?

Maggie Sommer [00:27:37] Thanks Chair Anderson. Thanks Rich for the question. Yes I was.

Phil Anderson [00:27:42] Other discussion on the motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

Council [00:27:51] Aye.

Phil Anderson [00:27:51] Opposed no? Abstentions? Motion carries unanimously. Maggie you're on a roll.

Maggie Sommer [00:28:00] Thanks Chair Anderson I have one more. I move the Council request that the SSC review the sablefish ACL apportionment methods proposed an Agenda Item H.8.a Supplemental GMT Report 1, September 2019 at the SSC meeting in conjunction with the November 2019 Council meeting.

Phil Anderson [00:28:32] Language on the screen accurately reflects your motion?

Maggie Sommer [00:28:35] Yes thanks.

Phil Anderson [00:28:36] Is there a second? Marc Gorelnik seconds. Maggie.

Maggie Sommer [00:28:46] Thank you. As the GMT noted in their supplemental report under this agenda item the current apportionment is based on the long term average ratio of annual trawl survey swept area biomass estimates. Long term would be from 2003 through 2018 at this point and they suggest that using a more recent set of years would better reflect the current stock distribution and biology and better meet the best available science standard that's illustrated, the potential for that is illustrated in figure 1 of the GMT Report where it indicates that a rolling five year average appears to be a better fit for recent survey years with lower statistical error. I do want to note that I, the motion is not intended to suggest that the comprehensive proposal for SSC review is contained in GMT Report, Supplemental Report 1 under this agenda item but that the GMT and the SSC agreed that the GMT could further develop a proposal and submit it to the SSC in time for the November briefing book deadline and then the SSC would be able to review that at their meeting and report back to us on it. Thanks.

Phil Anderson [00:30:05] Thank you Maggie. Discussion on this motion? Okay go ahead and call for the question. All those in favor say 'aye'.

Council [00:30:14] Aye.

Phil Anderson [00:30:15] Opposed no? Abstentions? Motion carries unanimously. Thank you very much Maggie. Back to you John.

John DeVore [00:30:32] Thank you Mr. Chair, Council members. You have adopted all of the 21, 22 OFL stock categories and sigma values that were endorsed by the SSC under the default harvest control rules. You also chose some alternative harvest control rules for further analysis for an ultimate decision in November and you did adopt a preliminary range of new management measures to provide a little more focused comment and analysis for your November decision to decide on a range of management measures for detailed analysis. So with that you have completed all the tasks under this agenda item. Very well done.

Phil Anderson [00:31:26] Thank you very much and thanks to Maggie for putting those motions together and for all the work that everybody did to bring us to this point. We have lots more to do on that item as we move through the year but thanks very much.

9. Final Action on Inseason Adjustments – Including Final Recommendations on Exempted Fishing Permits

Phil Anderson [00:00:00] Then that takes us to our action which is, you can see on the, on the screen. That looks remarkably like the last thing we did. There you go. Thank you Sandra. Any preliminary discussion on this, on any of the matters on this under this agenda item? Maggie.

Maggie Sommer [00:00:38] Thanks Chair Anderson. I am wondering if the, if the National Marine Fisheries Service has any thoughts on the differences I guess between the proposal for changes to rex sole catch handling as described in the GEMPAC Report versus the GMT's recommendation to consider improved lighting or different changes to catch handling practices and if that's something that you are looking for Council guidance on or something you will just be working through the terms and conditions?

Phil Anderson [00:01:30] Aja. Oh.

Aja Szumylo [00:01:33] I'll wait to call up Kayleigh to.

Phil Anderson [00:01:35] Sure.

Aja Szumylo [00:01:36] Thank you.

Kayleigh Somers [00:01:38] Hi. Thanks for the question. So there was some confusion between what the GMT understood had been discussed at the GEMPAC, GEMPAC so when we got the report it was a little bit different. They were specifically proposing that they could discard rex sole under the other flatfish category which is different than what we had thought they were proposing which was discarding rex sole as dover sole like they're doing with deep sea dover or with deep sea sole, however our basic concerns were still there in that if they're having difficulty identifying rex sole from separate other flatfish that, that could cause a problem in terms of being able to correctly identify for both quota and also for mortality management so we were still, we still, all of the concerns that we brought up are still there and we still felt that there could potentially be some improved lighting and handling practices that could help deal with the issue rather than including rex sole as a discard with other species. Let me know if that did not answer your question.

Maggie Sommer [00:02:52] Thanks that did.

Phil Anderson [00:02:55] Thanks for coming up. Any other questions or discussions? Okay then we've got our, we've got recommendations here that have been made by the GMT and the GAP. We're going to get there I know we are so. Maggie.

Maggie Sommer [00:03:40] Thanks Chair Anderson. When and if the electrons make their way through the ether to provide Sandra with version two of a motion under this I will be prepared to offer it.

Phil Anderson [00:03:55] Okay. Can you cue up Simon and Garfunkel's Sounds of Silence?

Maggie Sommer [00:05:02] Thanks.

Phil Anderson [00:05:03] Maggie.

Maggie Sommer [00:05:03] And before I start I'll note for Sandra that as I get to the second paragraph I'm going to make some modifications because I just noticed some typos. I move that the Council adopt sablefish daily trip limit alternative 2 for a limited entry north, 1,700 pounds per week not to exceed 5,100 pounds per two months and alternative 1 for open access north, 300 pounds per day or one landing per week up to 1,500 pounds not to exceed 3,000 pounds per two months as recommended in Supplemental GMT Report 1 and Supplemental GAP Report 1 under Agenda Item H.9, September 2019. In addition recommend to the National Marine Fisheries Service extending the midwater trawl and electronic monitoring EFPs through 2020 with the proposed modifications. Encourage the National Marine Fisheries Service and industry to consider improved lighting and or catch handling practices to address the, thank you, to address the issue and then if you would strike 'altering the EFP to allow vessels to discard'. To address the please also strike 'to allow vessels to discard', perfect thanks and in its place where your cursor is please insert 'relating to the identification of' and then rex sole and after rex sole would you just put 'by EM systems', and I will reread that second sentence. Encourage the National Marine Fisheries Service and industry to consider improved lighting and or catch handling practices to address the issues, pardon me, the issue is fine, relating to the identification of rex sole by EM systems.

Phil Anderson [00:07:28] Check to make sure the language on the screen accurately reflects your motion?

Maggie Sommer [00:07:32] It does thanks.

Phil Anderson [00:07:33] Thank you. Is there a second? Seconded by Bob Dooley. Speak to your motion please.

Maggie Sommer [00:07:41] Thank you. The first part of the motion is adopting the daily trip limit adjustments recommended by the Groundfish Advisory Subpanel and the Groundfish Management Team based on their updated projections at this meeting. Should provide some increased opportunity for sablefish fishery participants. On the second part regarding the EFPs, extension is necessary to provide for adjustments through the transition period for vessels and EM providers and other parties in this EM venture as well as the midwater trawl EFP which provides us with a very valuable opportunity to collect some information on salmon bycatch in the, this redeveloping midwater rockfish fishery. I am suggesting we support the proposed modifications that were described in the GEMPAC Report and I'll highlight in particular the hard drive submission issue that Heather Mann spoke to. Regarding the rex sole catch handling proc, issues, you know I know we have all heard how challenging EM has been for bottom trawl vessels and I think we are interested in doing whatever we can to help that succeed. At the same time I want to acknowledge the concerns raised in the GMT report and by Dr. Somers about the potential degradation of data that we have on catch streams of these species going forward so if there is you know some way to improve that situation rather than just discarding them under the other flatfish category that would be ideal.

Phil Anderson [00:09:45] Thank you. Is there discussion on the motion? John Ugoretz.

John Ugoretz [00:09:50] Thank you Mr. Chair. Just a question Maggie you said it just now but are the only proposed modifications you are considering including those found in the GEMPAC Report?

Phil Anderson [00:10:06] Maggie.

Maggie Sommer [00:10:08] Thanks Chair Anderson. If there are other proposed modifications I would appreciate you specifying them right now.

John Ugoretz [00:10:16] That was my question to you. I didn't, I didn't know of any others so as long as those are the only ones we're talking about.

Phil Anderson [00:10:26] Maggie.

Maggie Sommer [00:10:27] It's my understanding that the GEMPAC Report in general captures those modifications which are specified in the EFP applications and my intent was to support the modifications in the EFP applications.

Phil Anderson [00:10:46] Okay other discussion on the motion? I'll go ahead and call for the question. All those in favor signify by saying 'aye'.

Council [00:10:57] Aye.

Phil Anderson [00:10:57] Opposed no? Abstentions? Motion carries unanimously. Back to you Todd.

Todd Phillips [00:11:10] Yes thank you Mr. Chair. The Council has considered and adopted inseason adjustments as well as recommended extending a midwater trawl and EM EFP so I believe you have completed your business.

Phil Anderson [00:11:23] All right thanks very much. Thanks again to you Maggie for the motion and to the GMT and the public for providing all of us that great advice. So that closes out our groundfish agenda items for this meeting.

10. Methodology Review – Final Topic Selection

Marc Gorelnik [00:00:00] This brings us to Council action on the agenda item H.10 which is to adopt the topics for review in 2020. There are three topics and let's have discussion and or a motion. Louis Zimm.

Louis Zimm [00:00:19] I wish I had crafted a motion. I'm trusting that somebody else here in the room will help me on this but I was involved in the blue deacon assessment as representative from the GAP and I actually got to see firsthand the, the early work that Patrick and Oregon had done with the ROVs and with the acoustic, the fathometer type way of looking at the schools and very innovative and I think it's really a wave of the future and I would really like to see it used in some other places for instance the CCA, the cowcod areas or the RCA areas that we can't access in any other way so this is great stuff and I really encourage it.

Marc Gorelnik [00:01:08] All right. Thanks Louis. Further discussion? Pardon me Bob Dooley.

Bob Dooley [00:01:15] Thank you Mr. Vice-Chair. I agree with Louis comments totally and I, you know from the, the education I get year after year at the MRAP program, it's the fourth year coming up now. I see these big blank spots on the coast up and down where we can't survey with the trawl because they're restricted for one reason or another and this offers us a way to get a better picture of what's out there and I really support it so thank you.

Marc Gorelnik [00:01:47] All right thanks for that Bob. Looking for further comments or a motion? Maggie.

Maggie Sommer [00:01:56] Thanks Vice-Chair Gorelnik. I could offer a motion if I'm not precluding any further comments?

Marc Gorelnik [00:02:02] I'm not seeing anyone rising to speak so.

Maggie Sommer [00:02:11] Sandra. I move the Council adopt the following topics for groundfish methodology review in 2020. Combined visual hydro-acoustic survey of Oregon's nearshore semi-pelagic black, blue and deacon rockfish as proposed an agenda item H.10, Attachment 1. Data moderate approaches that are highly reliant on length data as proposed in agenda item H.10, Attachment 2 and a meta-analysis of productivity estimates for elasmobranchs.

Marc Gorelnik [00:02:40] Thank you Maggie is the language on the screen accurately reflect your motion?

Maggie Sommer [00:02:45] It does. Thanks.

Marc Gorelnik [00:02:47] Looking for a second? Seconded by Louis Zimm. Please speak to your motion.

Maggie Sommer [00:02:54] Thank you. These three items have the potential to inform and or improve groundfish stock assessments. The SSC endorsed them for methodology reviews in 2020 with GMT and GAP support. I'll note the first topic responds to the need that's already been mentioned by John and in some of the reports and some of the comments here around the table for some fishery independent estimates of abundance for that's been identified in assessments for black rockfish and blue deacon rockfish as well as many other nearshore stocks noting that black rockfish is the most important stock

for Oregon's recreational and nearshore commercial groundfish fisheries and we feel very strongly that improving the data available to inform the next assessment is critical to responsible management of this stock given significant uncertainty in the last assessment. Specifically we are very hopeful that this survey will help reduce uncertainty in estimates of scale in upcoming stock assessments. The second topic addresses the need for further development of data moderate assessment methods for stocks with limited available data such as some nearshore rockfishes. Assessment of these stocks relies heavily on length data and according to the SSC the use of methods such as the length based integrated mixed effects method or simple stock synthesis could reduce time for assessment model development and review. I'd note that the SSC recommended that the review take place before March next year so the terms of reference for stock assessments can be revised in time for the 2021 assessment cycle and I'm sure the SSC will and Council Staff will schedule that appropriately as well as the potential to hold it in conjunction with the already approved workshop on data poor methods, and finally the meta-analysis of elasmobranch productivity estimates was recommended by the SSC to enable revisions to the current steepness value, SPR proxy for MSY and or biomass target to resolve some inconsistency between these current values as they stand. Thanks.

Marc Gorelnik [00:05:02] All right. Thank you Maggie. Were there questions for maker the motion? Discussion on the motion? Not seeing any hands so I'll call the question. All those in favor say 'aye'.

Council [00:05:18] Aye.

Marc Gorelnik [00:05:19] Opposed no? Any abstentions? Motion passes unanimously. Mr. DeVore are we, any further business on this agenda item?

John DeVore [00:05:36] Thank you Mr. Vice-Chair. No you've, you've adopted topics for a formal methodology reviews next year and as recommended by your, your advisory bodies and I will follow through and, and help to coordinate and schedule these reviews as laid out in the SSC statement for next year and so with that I'd say you have completed all the tasks that were before you under this agenda item.

Marc Gorelnik [00:06:11] Thank you John. Is there any, any further comment from the Council members on this agenda item? All right thank you. I'm going to hand the gavel back to Chair Anderson.

I. Highly Migratory Species Management

1. National Marine Fisheries Service Report

Marc Gorelnik [00:00:00] This brings us to Council discussion on this agenda item after which we'll take our morning break. Is there any discussion on this agenda item? I'm not going to require it but I want to give the opportunity but if no one raises their hand then we're going to, I'm going to turn to Kit and see if we're done. All right Kit how we doing?

Kit Dahl [00:00:28] Mr. Vice-Chair it certainly seems so yes.

Marc Gorelnik [00:00:32] Okay. All right.

2. Recommend International Management Activities

Marc Gorelnik [00:00:00] So this brings us to our Council action which is to provide recommendations to the Permanent Advisory Committee et cetera. We had some great reports and we had some recommendations from the AS so let's see what the wish of the Council is here. We'll see who wants to get us started. Lieutenant Commander.

Scott McGrew [00:00:30] Thank you Mr. Vice-Chair. I just thought it was a timely discussion point to mention that the Coast Guard just had our cutter Melon finish a WCPFC and PFC patrol and during the, their time of the WCPFC region. They did 11 boardings that constituted 32 violations but a couple of other things that the cutter Melon had reported back to, to us was that and it's listed under the, in Supplemental Attachment 1 at the bottom is one of the unprioritized action items is pollution and garbage management and of all the..... all of the ships they boarded in, in the region none of them had any garbage containers on board. None of them had any garbage on board yet they'd been at sea for, for months so that was one of the things that they had seen that there is a CMM but there's, there's I guess there's no, there's kind of no teeth to that CMM so that all the garbage is going overboard including plastics so that was one of the things they noted. The second one was that unlike domestic fisheries and Magnuson that has a requirement for boarding ladder there's no, there's currently no boarding ladder requirements or there's a lack of compliance on the boarding ladder so there was numerous vessels that they attempted to board but were unable to get on board because the, the participants didn't have a boarding ladder and there was no other safe way to get on board the vessel, so that was a couple of things coming out of a very recent patrol. Several significant violations documented in that and they just got back to Seattle on the 2nd of September so this is very new information.

Marc Gorelnik [00:02:13] Thanks for that interesting insight that you can be at sea for that long and not have a scrap of garbage on board. Louis.

Louis Zimm [00:02:23] Thank you Vice-Chair and thank you Lieutenant Commander. What was the geographic scope of that patrol?

Scott McGrew [00:02:35] Mr. Vice-Chair. Thank you Louis. The, so we were operating in both the WCPFC and NPFC region so as far as they were in the North Pacific kind of working in and out of Yokosuka, Japan and I don't have exact latitudes of how far south they were but it was, it was all mostly in the North Pacific region.

Marc Gorelnik [00:03:08] Further discussion on this agenda item as well as recommendations? Christa.

Christa Svensson [00:03:12] Thank you Vice-Chairman. First I'd like to say I really appreciate the opportunity to have attended the meeting. I think the continuity of having Dorothy who was the chair gave me an opportunity to start making those relationships and meeting folks and that's important. I think it was incredibly important with the number of stakeholders that were involved, that was the largest delegation we've ever sent to the Northern Committee and it really gives folks a better understanding of how those meetings work so that hopefully we can all be better able to engage with our delegates and be more effective in those changes and that leads me to possibly a recommendation, and I don't know how folks feel about this around the table, but we did hear comment in Agenda Item I.1 dash C which is the HMSAS report where they make a recommendation towards a more equitable distribution between the EPO and WPO with regard to bluefin and I would be in favor of putting that forward as a recommendation to the committee but I don't want to step on anyone's toes if other people feel differently.

Marc Gorelnik [00:04:35] Thank you Christa. Any response around the table to Christa's suggestion? Anyone opposed to that suggestion? Anyone feel like their toes are being stepped on? Thanks for that Christa. There were also some recommendations in the AS report. Anyone have any comments on those specific recommendations? Looking around the table hoping to get some input. Louis.

Louis Zimm [00:05:26] Thank you Vice-Chair Gorelnik. It's, it's an interesting situation here with this United Nations convention on the law of the sea which I believe the United States has not ratified as yet and I think we need to be involved in it but it's, it's an interesting quandary of how do we address something that we actually haven't ratified and how much does that actually, the enforcement of it affect us so these are just sort of questions that I put out.

Marc Gorelnik [00:06:09] Thank you. Ryan.

Ryan Wulff [00:06:16] Thank you Mr. Vice-Chair. Maybe just another piece of information regarding that point. You know State Department is obviously the lead when it comes to the BBNJ negotiations but we are aware that due to industry feedback they are planning to have a meeting with fishing industry stakeholders I think sometime this fall. It has not been scheduled yet but they are looking to get additional input before the next meeting of that and so I'm happy to pass along that information as soon as we know when they've set it up.

Marc Gorelnik [00:06:59] Caren.

Caren Braby [00:07:01] Thank you Mr. Vice-Chair. No, no words of recommendations or specific priorities but just thanks to the entire U.S. delegation in this arena. This is, we've been reminded this is a challenging arena for us to operate in and it takes a lot of work and a lot of relationships and I just appreciate the time that's spent on our behalf and bringing back this information to us so thanks.

Marc Gorelnik [00:07:30] Thanks for that Caren. Let me ask specifically about one recommendation from the AS that had to do with recommending a change to the quorum requirement for the Northern Committee. Is that a recommendation that folks can get behind under this, under this agenda item? It certainly was a challenge. A lot of folks traveled to that meeting only to find there's not a quorum. So what do folks think about that recommendation? Christa and then Caren.

Christa Svensson [00:08:15] Having attended the meeting and seeing how difficult it was to have a conversation around things without having a quorum, I mean you did feel like your hands were tied. I do think that having a lower number, you know maybe it's two thirds as opposed to three quarters would allow some of the work at that level to move along in a way that was perhaps not brisk but faster than it currently is. As it stands now we have an open meeting and we'll have that open until December when we can hopefully ratify it and it is, it's concerning. It's a lot of money in terms of travel. It's a lot of time for folks that are involved and I think it is important that we do address that issue long term to, to make the RFMOs better functioning than they are now which is highly functioning.

Marc Gorelnik [00:09:21] All right thanks for that Christa. Caren. Louis.

Louis Zimm [00:09:30] Thank you once again. My question and perhaps concern is, is how much support we would get from other members, other countries on this and I think maybe Dorothy can inform us or somebody else can inform me on this. I don't want to be tilting against windmills but I know it's, It may be difficult because you do have to get full concurrence to change things like this.

Marc Gorelnik [00:10:07] Kit.

Kit Dahl [00:10:10] Just a little bit of context as I understand it. So the Northern Committee does not have their own separate set of rules of procedure so they use the, the full commission's rules of procedure. Obviously the membership of the commission is much larger, 28 or something members so a quorum requirement for a body that large is perhaps you know problematic for a, for a smaller, the smaller committee so I think that, that's where the discussion would go is sort of the mechanics of either inserting something into the commission rules of procedure specific to the Northern Committee or having the Northern Committee adopt rules of procedure. I think those details we don't have to worry about but specific to Mr. Zimm's question I don't think that there would be resistance. It's, it's a little hard to say you know there's this dynamic between the Pacific island countries and the developed countries. I would say that there is a certain amount of suspicion on the part of the Pacific island countries of this Northern Committee which is maybe seen as rich countries club. They, some member, some island countries have gained membership. I believe there's some requirement to show documented catch of a northern species and but I don't think that their lack of attendance was strategic in that respect. It's just that individually I would guess they all felt it was a low priority for them and they didn't really consider the implications that collectively them not showing up would produce this result so I don't know, I, I don't think that there would be massive resistance. I think it's more a matter of some of those technical details of how you would implement a separate quorum standard for the Northern Committee and certainly defer to the, the government leads, the U.S. government leads that have the expertise on those details to figure out a way to get it done.

Marc Gorelnik [00:12:41] And I'd just like to point out that we're merely making recommendations to the Permanent Advisory Committee and it, it'll be up to the Permanent Advisory Committee to take our recommendation into account when you know, you know to bring.....whether or not to bring this issue and how to bring this issue forward at the WCPFC. Brad.

Brad Pettinger [00:13:15] Thank you Mr. Vice-Chair. Well I sure do like the idea of maybe moving forward with that recommendation. Kind of counterintuitively like a smaller quorum might actually increase attendance because it sounds to me like people maybe gaming the system here by not attending. My only question would be we've talked about maybe two thirds of, would that....would two thirds been a quorum at this last meeting and so I'm kind of curious what if a lower quorum number still would have got them to a proper quorum to vote?

Marc Gorelnik [00:13:52] I, I don't know if two thirds would have made it but it's hard to establish a quorum requirement that isn't greater than a majority otherwise. All right I'm going to just, the last call for any recommendations on this agenda item? Corey.

Corey Niles [00:14:19] Thanks Mr. Vice-Chair I don't have a recommendation. I'm comfortable with, with people investigating the change to the quorum rules. I was, I was also able to be part of a U.S. delegation for a couple of days and want to echo Caren's, what you said earlier about I think we're in good, good hands with the U.S. delegation with bluefin and getting the management strategy evaluations et cetera. I now have a much better idea of what we've asked Dorothy and Kit to do for us and very appreciative of what they do and of all of the NMFS staff as well and on the bluefin rebuilding I'll just say that the Japanese call for flexibility in rebuilding, we saw some presentation sounded very familiar to our experiences with, with rockfish and some of the issues they're raising so I do encourage the U.S. delegation to continue to try to rebuild the stock with a high probability while looking for, for flexibility I think we all wish we had some more flexibility under the Magnuson Act at times and we've shown we can rebuild stocks successfully with, while continuing participation of our fishing community, so again it was very interesting to see I think the U.S. delegation is, is moving us in the right direction.

Marc Gorelnik [00:15:35] All right thanks for that Corey. I'll turn to Kit and see if you've been able to capture the Council's discussion adequately.

Kit Dahl [00:15:46] Yes thank you Mr. Vice-Chair. Yeah from what I heard there are two recommendations that came out of your discussion. One was to support continued efforts to ensure there's an equitable distribution allocation of quotas or fishing opportunity for Pacific bluefin between the Eastern Pacific and the Western Pacific so we can certainly as the stock rebuilds and catch limits for countries are considered we can keep that at the front of our minds and then the other was just the discussion you just concluded around seeking change in the quorum rules for the Northern Committee so that it's more likely that they can achieve a quorum so certainly we can discuss that and see if there's a way forward if the U.S. government can find a way forward on, on having that happen.

Marc Gorelnik [00:16:50] All right. Any further business on the agenda item, on this, on I.2 before we move on to I.3? Well let's move on to I.3 then.

3. Exempted Fishing Permits – Final Recommendations

Marc Gorelnik [00:00:00] That completes all the reports and public comment and brings us to Council discussion and then Council action which I recommend should be done by a motion. So let me look around the table before see if there's any discussion and then I'll see if anyone wants to offer a motion. I'm not seeing any discussion. Do you have something to say John?

John Ugoretz [00:00:29] I do have a motion if the Council is ready for it.

Marc Gorelnik [00:00:33] Let me just see. I don't see anyone jumping in to speak so why don't you go forward your motion.

John Ugoretz [00:00:39] Thank you Mr. Vice-Chair. I move that the Council approve the EFP applications submitted by Mr. Nathan Perez and Mr. Thomas Carson to fish a modified configuration of both standard and linked night set buoy gear and recommend that the national, that National Marine Fisheries Service issue the EFP with a requirement for 100 percent observer coverage.

Marc Gorelnik [00:01:01] John does the language on the screen accurately capture your motion?

John Ugoretz [00:01:05] It does. Thank you.

Marc Gorelnik [00:01:06] I'm looking for a second? Seconded by Bob Dooley. Please speak to your motion.

John Ugoretz [00:01:12] Thank you Mr. Vice-Chair and I appreciate the public comment on this matter. I do think that EFPs should be used for exactly this, to test new versions of gear types and to see if they can be effective and useful in our fisheries. I think in particular with our consideration of deep-set buoy gear coming up in the next agenda item that having the ability to use this gear in another way at night to further increase the catch of swordfish and help offset losses in other gear types while still minimizing bycatch would be excellent. Whether or not this succeeds is dependent upon how well they do and with 100 percent observer coverage we'll be able to know what the bycatch rates are and if there are any concerns.

Marc Gorelnik [00:02:04] All right. Are there any questions for the maker of the motion? Phil.

Phil Anderson [00:02:09] Who pays for the observers? Same question didn't really get an answer last time.

Marc Gorelnik [00:02:16] John.

John Ugoretz [00:02:17] Well at least in my understanding and in other EFPs it depends on whether there are funds available at NMFS to cover it. If there are then NMFS has shown the ability to do that in the past. If there are not it's up to the EFP participant to pay for those observers in order to test the gear that they're trying to fish.

Marc Gorelnik [00:02:40] Ryan.

Ryan Wulff [00:02:40] Thank you Mr. Vice-Chair. That's correct. To date we have been funding the buoy gear EFPs but I agree with everything John just said.

Marc Gorelnik [00:02:56] All right discussion on the motion? Christa.

Christa Svensson [00:03:00] So I'd like to ask one question and I am very in favor of the motion and I am also in absolute agreement about this is the type of project to help us get new scientific data into our fisheries. I'm just wondering if and I feel like I am channeling myself at the last meeting and asking about the green light if, if that is something that is negotiable or not negotiable if it does become a navigational issue. One of the things that we have in here is that it's similar to those used to illuminate bait. I would argue that there's a big difference between something that's two feet in the air above a buoy versus illuminating bait so you know I don't know, I mean if green is an attractor and we need to have it great but if we get reports of boats that are feeling confused then you know maybe we want to think about that and I just don't know how hard set it is because I haven't been through a million EFP processes for, for new gear types, if we're hard and fixed based upon what they've put in their proposal for items such as that.

Marc Gorelnik [00:04:12] John.

John Ugoretz [00:04:13] Thank you Mr. Vice-Chair and thank you Christa for that clarification. It was my understanding at the last meeting that the EFP applicant stated they could use any color as desired by Coast Guard or other representatives to avoid confusion. So I, I definitely agree with your, your sentiment there that green is perhaps not the best color given that it could look like a navigational light or, or a ship's operating lights.

Marc Gorelnik [00:04:49] Scott.

Scott McGrew [00:04:51] Thanks Mr. Vice-Chair. We did have some discussion about it and I would note that the current fixed gear regulations don't specify, it just says they need to be marked by a light. It doesn't specify what color light so theoretically someone could have a green light on their high flyer now on a fixed gear fishery. I've never seen that but there's nothing that says in the regs that it couldn't be. I'd also just note that white could be confused as light. Red could be confused as light. Green, amber, and there's a multitude of colors that would either be marked on a navigation or in some configuration of vessel running light so.

Marc Gorelnik [00:05:34] All right. Well I guess we only have one vessel doing it at the moment so it may not be as big a problem as if it gets more broadly authorized. Further discussion on the motion? I'm not seeing any so I'm going to call the question. All those in favor of this motion say 'aye'.

Council [00:05:54] Aye.

Marc Gorelnik [00:05:54] Opposed no? Abstentions. Motion passes unanimously. I believe that was our sole task under this agenda item but before turning back to Kit I'm going to look around the table and Ryan.

Ryan Wulff [00:06:16] Thank you Mr. Vice-Chair. Just wanted to make one point clear. Kit touched on it in his overview but just a reminder that this is not currently covered in our ESA consultation with the other gear. This isn't considered a new gear so we will need to do new NEPA, an ESA on this. We don't yet have a projection as to timing but just a reminder to the Council that we'll be undertaking that. Thanks.

Marc Gorelnik [00:06:40] Thank you Ryan. Any further comments on this agenda item? Kit are we done?

Kit Dahl [00:06:52] Mr. Vice-Chair. Yeah you passed a motion approving the proposal or making a recommendation to NMFS. There is this concern raised about the color of the light on the high flyer on the surface gear but as Mr. Wulff noted they will go through a fairly exhaustive process of reviewing, further review of the application and I would expect they've taken on board those comments by the Council so they can have that as a consideration in their review.

Marc Gorelnik [00:07:35] All right. Thank you Kit. Well it's been a great morning and I'll hand the gavel back to Chair Anderson for the final agenda item for the day.

4. Deep-Set Buoy Gear Authorization – Final Action

Phil Anderson [00:00:00] Judging by the silence in the room I'm guessing everybody thinks we should start. Okay we'll come back into session here we are on I.4 Deep-set Buoy Gear Authorization Final Action. We've heard from National Marine Fisheries Service, our management team, our advisors and the public and so now it comes to, back to the Council for potential action. I'll entertain a little bit of discussion first if there are some things or thoughts that Council members would like to express before we get into a motion. John.

John Ugoretz [00:00:45] Thank you Mr. Chair. As you know we've all been considering this fishery for some time now and we've heard quite a bit over the years now on what the fishery can do. I think the EFP participation has proven that the gear appears to be effective and low bycatch and a positive contribution to the, the quiver of potential gears to catch swordfish in, in these areas so I strongly support moving forward. I think that we've, we've got the information we need and that NMFS has the information they need. I think the analyses I've seen from NMFS to date are very sound, provide me with comfort that we can get through a NEPA process on this fishery and that it'll be good to get this you know into the hands of fishermen as fast as we can.

Phil Anderson [00:01:48] Thanks John. Other thoughts or comments before we consider an action? Okay well then we shall..... Caren are you thinking about something or not. Oh good, all right so let's think about what action we want to take and if there's a motion to bring forward now would be a good time. John.

John Ugoretz [00:02:25] I do have a motion. Mr. Chair it is somewhat lengthy and I want to make sure that people can read it, so if you don't mind a momentary pause.

Phil Anderson [00:02:41] Totally good with that.

John Ugoretz [00:02:42] While I find it.

Phil Anderson [00:02:44] Okay we'll give you a minute to do that and make sure that Sandra has it.

John Ugoretz [00:02:50] Yeah one second here. There it goes. Okay it's in the ether. I feel like we should have Jeopardy music.

Phil Anderson [00:03:25] What's that? You want some....

John Ugoretz [00:03:26] Jeopardy music to play?

Phil Anderson [00:03:28] Oh yeah need a little music.

Marc Gorelnik [00:03:29] Like the Jeopardy music.

Chuck Tracy [00:03:32] Cue it up Craig.

Phil Anderson [00:03:36] You got any elevator music over there? No you don't. The lead in to Thriller or something..... (laughter)...

John Ugoretz [00:03:56] All right. It did leave my system.

Phil Anderson [00:04:00] The Twilight Zone was that what that was? Okay and that's the sound of it progressing over to Sandra.

John Ugoretz [00:04:17] Any luck? I could probably type it faster than this.

Phil Anderson [00:04:25] I don't think so. The length of that motion I'm not. We'll be fine. Okay.

John Ugoretz [00:04:40] She got it. Okay thank you. Okay, if it pleases the Chair.

Phil Anderson [00:04:50] Yes please.

John Ugoretz [00:04:50] I move that the Council adopt the preliminary preferred alternative for authorization of a deep-set buoy gear fishery as its final preferred alternative with the following clarifications as outlined in the HMSMT Supplemental Report 3 and changes based on public comment. One, permit issuance is intended to be cumulative adding 25 permits each year to the prior year total until a maximum of 300 permits is reached. Any permits issued in previous years that were not issued or renewed would be available, would also be available for issuance each year. Two, NMFS will provide updates to the Council on permit issuance though the number of additional permits issued by NMFS each year need not be reconsidered nor approved by the Council annually. Three, a cessation or temporary halt, pause in permit issuance before 300 permits are issued is possible and would be considered by the Council in order to address concerns identified by NMFS or the Council. Four, remove the end date for demonstrated landings found in the limited entry permit issuance criterion number eight. I also move that the Council adopt the amendments to the Highly Migratory Species Fishery Management plan as proposed by the Highly Migratory Species Management Team Agenda Item I.4, Attachment 1 with the following changes. One, modify the gear description to read line fishing gear in two configurations, standard buoy gear and linked buoy gear. The gear consists of either a vertical line affixed to a buoy array with one or more hooks or a horizontal line with hooks attached connected to the terminal ends of two vertical lines affixed to buoy arrays respectively. Both configurations limit the number of hooks used and require the hooks to be set deeper than a specified minimum depth and that buoys are configured to avoid entanglement. The gear is fished during specified hours and requires active tending. Two, modify the deep-set buoy gear permit transfer section to read 'HMS limited entry deep-set buoy gear permits are not transferable' striking the remaining text. Three, modify the limited entry permit qualify, qualification criteria to read, one, deep-set buoy, deep-set buoy gear EFP holders who have, who made at least 10 observed deep-set buoy gear sets by December 31st, 2018. Two, drift gillnet limited entry permit holders who made at least one drift gillnet landing between the 2013, 2014 and 2017, 2018 fishing years and surrendered their drift gillnet limited entry permit as part of a state or federal drift gillnet permit trade in or buyback program. Three, deep-set buoy gear EFP holders who have made at least 10 observed deep-set buoy gear sets by the effective date of the final rule authorizing deep-set buoy gear. Four, individuals who possess a California swordfish permit in the 2018, 2019 fishing year and made at least one swordfish landing using harpoon gear between 2013, 2014 and 2017, 2018 fishing years. Five, drift gillnet limited entry permit holders who have made at least one drift gillnet landing between the 2013, 2014 and 2017, 2018 fishing years and who did not surrender their drift gillnet limited entry permit as part of a state or federal drift gillnet permit trading or buyback program. Six, drift gillnet permit holders who have not made a swordfish landing with drift gillnet gear since March 31st, 2013 and surrender their drift gillnet limited entry permit as part of a state or federal drift gillnet limited entry permit trade in or buyback program. Seven, drift gillnet limited entry permit holders who have not made a swordfish landing with drift gillnet gear since March 31st, 2013 and did not surrender their drift gillnet limited entry permit as part of a state or federal drift gillnet permit trade in or buyback program and eight, the part with the change, any individual with a documented commercial swordfish landing, the striking the final date there, the basis

for documenting a commercial swordfish landing attributable to the applicant will be specified in federal regulations.

Phil Anderson [00:09:29] Thank you John. Does the language on the screen accurately reflect your motion?

John Ugoretz [00:09:35] It does.

Phil Anderson [00:09:37] And is there a second? Seconded by Marc Gorelnik. Go ahead and speak your motion please.

John Ugoretz [00:09:43] Thank you Mr. Chair. While I don't feel that there's a biological concern, economic issue or realistic problem with crowding, I do feel that taking a reasoned and controlled approach to issuing new permits for a newly approved gear type makes sense. This approach which would slowly grow the fishery and allow time to react if an issue does arise is a prudent path forward and that's why I support limited entry. That said I feel very strongly that creating a new permit with inherent value that becomes a tradeable commodity would be a significant error. While our preliminary preferred alternative prohibits permit transfer, it also explicitly contemplates later decisions to allow transfer. Given the known problems we've encountered with transferable permits, especially in other HMS fisheries and the fact that this new gear type is intended to supplement an increased catch of swordfish, I feel we should make the permits nontransferable and keep them that way. I'm cognizant of the issues that arise within a fishing family when a permit holder passes away. As such I feel we should allow a one-time transfer in that case which provides a path forward within a family without creating a transferable permit that would be sold later. It is however my understanding from discussion with legal counsel that this may not be possible during our current consideration, so I recommend that we ask NMFS to come back to the Council as soon as possible to provide an option on how to accomplish this change in, in the FMP. In regard to the overall list of issuance criteria in our preliminary preferred alternative, I feel that the issues have been discussed at length and that I haven't heard anything today that makes me desire to make a significant change to those criteria. I do however agree with the suggestion to remove the end date in criterion number eight so that anyone with swordfish landings at any time could still get one of these permits before someone in the general public. I agree with the team's clarifications regarding the pace and process for addition, for issuing additional permits and the Chair's important comment that we expect NMFS to be providing us updates annually. I also agree that I, I just think that I really want the public to understand that, that value in a deep-set buoy gear fishery should be in fishing and that people wanting one of these permits as a payback for something else lost or as a potential future gain in holding the permit should not have that in their minds, that new permits when people stop fishing this gear should be issued to new entrants in the fishery without significant permit cost and that's why I really want to hit home the point that the preliminary preferred alternative expressed the desire to have these non-transferable and I'd like to keep them that way. Thank you.

Phil Anderson [00:13:19] Thank you John. Discussion on the motion? Kit.

Kit Dahl [00:13:31] Thank you Mr. Chair. I just have one question for Mr. Ugoretz. In your proposed change to the FMP language you strike the sentence related to considering making the permit transferable as part of the biennial management process and I just wanted to be clear is your intent there that it should involve an FMP amendment?

John Ugoretz [00:14:03] My intent is that the Council at any time can consider a change. Whether we need an FMP amendment or not depends on the nature of that change. I do not want to forecast to the public or the fishery that the Council is at this time contemplating making these permits transferable

and as such if that requires a future FMP amendment I would be inclined to go that route but frankly if it's up to me we would never undertake that route to change this.

Kit Dahl [00:14:41] Thank you.

Phil Anderson [00:14:47] Caren.

Caren Braby [00:14:51] Thank you Mr. Chair and thank you John for the motion. I, I'm both excited to be at this juncture where we're ready to move forward with this authorization and thinking very carefully about where we are and what we've heard today and, and how this motion fits with where we've been trying to get to and I just have a couple of thoughts. I intend to support this motion but I agree very strongly with your words of wanting to reward participation in the development of this gear and appreciate not only Chugey but all of the fishermen who've worked with him and who have applied for EFPs and have taken a chance to try and make this gear work and so it's, it's hard to know how to exactly reward that but I think that this comes, this is our preferred, preliminary preferred alternative which is this almost with a couple of adjustments does a good job of doing that and it, it does recognize that investment. It also acknowledges that we have a great amount of experience in our HMS buoy writ large across the coast with swordfish fishing and recognizes that transition seems to be coming to this fishery across, across the coast in some form or another and rewards that experience as well and so I appreciate that approach. I also appreciate that we're moving into this recognizing that although we don't think that there's going to be necessarily a huge problem with crowding there a lot of concerns about it and this is a rational approach to grow the fishery without needing to back down. Instead we're step by step rationally growing the fishery and I think that is also a good approach and so I appreciate that. So thank you for the motion. Thanks for the discussion. There's a lot of things going on in my mind but I think that this is a good, a good start and I look forward to having this on the water.

Phil Anderson [00:17:55] Bob Dooley.

Bob Dooley [00:17:58] Thank you Mr. Chairman. I really appreciate all the work that's, many years of work that's gone into this process and it's good to see it here because it's good to have options in fisheries and I think this is presented as a good faith, good opportunity for many fishermen to keep swordfishing. I will support this motion. I think it's a very good one. I have a couple of comments though and a couple questions but most importantly number three here under modified limited entry, if you'd roll it up just a bit. I notice it stops at number eight and I remember there was a qualification for anyone in the general public at some point to apply for this permit and I thought that was an option in there and I see it missing in this list. I don't know if that's intentional or if maybe I'm missing something but that's, that's one question and I'll stop there if we have an answer but I have another.

Phil Anderson [00:18:58] Go ahead John.

John Ugoretz [00:19:01] Thank you Mr. Chair and thank you. It is not excluding that. In the proposed FMP amendment language the specific criteria ended at eight and there was text following that regarding what happens if there's still permits left. I would intend for that language to stay in.

Phil Anderson [00:19:26] Bob.

Bob Dooley [00:19:27] Thank you Mr. Chairman. The other is, is this whole issue of transferability and I know there's a, some procedural issues but I do, we heard a lot of testimony about someone dies or wants to be transferred in through their family that, that's really not, that I think that should be allowed. I think it should be considered at some time in the future here and be included in the thought

process. I, I fully appreciate the no transferability clause and I agree with that in the context of, of not creating a monetary value to these permits and I think there's value in that and I think it leads to new entrants and it leads, it's, it's the right thing to do in my opinion. However this family issue we heard several testify to that. I think that's a different issue so thank you.

Phil Anderson [00:20:29] Louis and then Christa.

Louis Zimm [00:20:32] Thank you Mr. Chair. I too am supportive of this motion, about 98 percent of it and once again I'm going to use tilting against windmills or other more quaint ways to describe what I'm about to talk about. The number two on your paragraph three concerns me and I really appreciate Oceana's suggestion that maybe that would encourage people to give up their DGNLE permits. However putting that so high, almost above everything else bothers me and I'll tell you why it bothers me. We have every assurance that this is gonna work but what happens if it doesn't work and those boats that have a DGN permit have given up their DGN permit and that's it, they're, they're in a fishery that doesn't work. They can't go back to a DGN permit. The next thing we know we're going to have people coming in and asking for more longline permits which we know is going to be controversial so I want you all to think about whether we have to have number two in that position or whether we need to move it down a little bit. So I just want you all to think about this worst case. We have to think about this in groundfish when we're thinking about assessments but we need to think about it here too. What if this doesn't work and those people that turned in their permits and are rewarded for it. We're talking about not only reward people for their actions. You know what happens if it doesn't work and they have to, they can't go back to the fishery. What happens to the markets which will now depend on imported swordfish which we don't want to have either so I just want you all to think about that.

Phil Anderson [00:22:45] Christa.

Christa Svensson [00:22:49] Thank you Mr. Chairman and thank you Mr. Ugoretz for the motion. I'm appreciative of the thought that went into it. I'm appreciative of the acknowledgment that this is a supplementary fishery in many ways looking at the testimony and the reports we saw today. I'm sensitive I think as everybody is around the transferability portion but I am in favor of them being non-transferable at this time. I understand that we have families and believe me I loved fishing with my parents but I also have really pressed upon crew and new entrants and part of that is I'm lucky I'm the oldest kid but what happens to the second or third child and having that vehicle where they have an opportunity to get in I think is important and that's really where I'm seeing you know that item may not get its, its low down on the list but as folks work through items one through seven we may not see all 300 go in those categories and that does open up the opportunity for more family members and again more crew to get involved in fisheries as, as we move forward and can demonstrate success.

Phil Anderson [00:00:00] Other comments? Marc Gorelnik.

Marc Gorelnik [00:00:04] Thank you Chair Anderson. I'm going to support the motion which probably isn't a big surprise since I seconded it although there is precedent and I, I'm going to support in particular the non-transferability understanding we may revisit that in the future since the Council can always revisit its positions but I want to make a further comment on the transferability issue. One of the challenges that limited entry permits create is essentially a calcification of the fishery, it prevents new entrants from coming in either through speculation or otherwise and while it is true someone's child may wish to continue on the family fishing business, somewhere else there's someone else's child who wants to get into the fishing business and you know I, I would not support down the road something that would you know further freeze the population or the families that are allowed to, to participate. I'm not aware of any state or federal license that's treated as property such as we see in, in this community

so that's something we'll, we'll raise down the road and we can have a good discussion and maybe I'll change my mind but I do support the motion as written particularly with regard to the non-transferability.

Phil Anderson [00:01:44] Corey.

Corey Niles [00:01:47] Thanks Mr. Chair and thanks John for the motion. I will be supporting the motion and again as I've spoken to before we're looking at this as with deference to our colleagues from California as this is a localized regional issue, I'm going to speak just to the limited entry aspect and just I think John had some good rationale in his, in supporting the motion. Caren maybe I noted a little bit slightly a difference, Caren was a little bit worried about more about overcrowding than John maybe I'm, I'm hearing from the concerns about overcrowding and, and the economics are pretty uncertain here. So I'm just going to speak and say first thanks to the, the team and to the NMFS Staff who gave us the analysis of the, of the Magnuson factors on unlimited access systems, 30.B.36 and I'm seeing basically a lot of reasonable cause to, to go limited access and I would just point to one more, I don't think John mentioned this but I at preparing for this meeting looked at the national standard guidelines and for National Standard 5 which also covers that limit access system provisions and it does speak to situations like this for a new fishery underutilized fisheries and making sure being careful with the economics, for I think the phrase that uses is for the pioneers of the fishery, so again my point here is that this is it seems like a really reasonable way to approach this new fishery and we too are excited to see what happens. On transferability I think we've been pretty thorough here on these. I don't know that we've really discussed that issue much and I haven't thought about it much. When we create licenses in Washington it's our legislature who does it with recommendations from my department so it's not an issue I've thought about it much so I would, I would hope we take that up and in, in the future and put some good thought into that but again thanks for the motion and I will be supporting it.

Phil Anderson [00:03:53] Further comments or discussion? I have a couple of thoughts. I, first of all like others appreciate all the work that's gone into this and the analysis and the motion that John has put before us. My, what I heard however in, in John when he spoke to his motion relative to transferability was that he expressed a desire for National Marine Fisheries Service to assist the Council in looking for a mechanism by which transfer could occur within, within a family, I don't know that he used those exact words and I, I listened to Mr. Gorelnik's perspective and appreciate that but as I've been around the fishing industry almost all my life I can think of examples over and over and over and over where sons have followed fathers, in some cases daughters have followed fathers in, in the business and, and my, my in just my short conversation with a few, Chugey in particular, many of the people that are standing in the wings to move in to the being the primary participants in the fishery are the sons and the daughters of the people that are doing, in the fishery now and so my support of the motion is, was, is or was with the understanding that the comments that John made relative to this issue in terms of moving forward with looking and exploring ways that we could make that accommodation is a very important piece for me and I think in talking with a couple of the people that had engaged in this issue and the advisory group and whether they were members or there, were just part of the discussion as non-members, this was a really important issue to them and I think to walk away from this without an expressed intent to follow up on this issue would be a huge mistake. Further discussion on the motion? Caren.

Caren Braby [00:07:11] Thank you for those thoughts Phil. When I first made my comments I didn't speak to transferability and I, I feel strongly that we should not create value in these permits and that we should provide opportunity for new entrants and I also see that instance of being able to inherit a business that's whole from your parents who built it is important and so I think that exception is, is important but generally creating a permit that has value in and of itself that has some commodity value

that, that is outside of your family business it is not something that I'm, that I want to support so I, I would like to see somehow if this discussion is sufficient I would like to see that built into this action today that we have that inherent ability, promise or hope or something that we understand we don't necessarily have that language worked out exactly what that would be, how we would build that in here but that's my intent also.

Phil Anderson [00:08:33] My suggestion would be that we after we've had our full discussion and comment on the motion that we would take action on the motion and then take that matter up in a separate discussion. That's my recommendation. Is there further comment or discussion on the motion? Christa.

Christa Svensson [00:08:59] Yeah and I can get on board with that type of transferability but my concern is assigning monetary value and in the sense of inheriting a full business I understand that, I can, I can totally be onboard with that. My understanding with this motion was that it would be a one-time typically you know if somebody died in your family type transfer but not an ongoing.

Phil Anderson [00:09:30] Yeah that's not in the motion so that's a separate, that would be a separate discussion.

Christa Svensson [00:09:35] Yeah no and I understand that is part of the ongoing.

Phil Anderson [00:09:41] All right. Further discussion on the motion? Okay I'll go ahead and call for the question. All those in favor signify by saying 'aye'.

Council [00:09:53] Aye.

Phil Anderson [00:09:54] Opposed no? Abstentions? Motion carries unanimously. Okay wondered if I could ask, impose on John to articulate again what his thoughts were about the transferability issue and what we might be asking of NMFS?

John Ugoretz [00:10:21] Thank you Mr. Chair and I did, I heard this last night from people and in testimony today and I wholeheartedly agree that a non-transferable permit should be inheritable by whoever is connected to the person who held it before for, for a one time transfer in order to allow that fishing family to continue. I think it's, it's you know we talk about the graying of our fleets. We talk about the fact that we want to encourage young people to continue fishing and this is one way to do it. There are provisions in California Fish and Game code that allow for this sort of thing to happen with some, some specific language. I think perhaps the federal rules on how to do this may be slightly different so it would be something that I think we would have to ask NMFS to sort of carry the ball for us to explain how it could occur and then for the Council to take action on that and I would want that to happen, you know I don't know if it can happen in parallel to the authorization of the fishery which is going to take a couple of years or if it has to happen you know separate from that I don't know.

Phil Anderson [00:11:52] Okay. Ryan do you have any thoughts, response?

Ryan Wulff [00:12:05] Thank you Mr. Chair. No I'm glad we got the clarification during the last discussion and before the vote on the motion that it's not part of that specific package but I, and I think John clearly stated to have NMFS look into this. I do think there are some questions we would need to work through including consistency with fairness and equitable aspects of the Magnuson Act so I think NMFS has heard Council discussion here. I think we can take that back and we'd have to bring it back to the Council based on those discussions at a future date and, and at that point probably could elaborate

further to John's last point of, of exactly how that could happen and if it could happen in parallel.

Phil Anderson [00:12:55] Okay. Thank you Ryan. All right. Kit how are we doing? I, maybe I should be more specific. How are we doing in terms of completing our work on this agenda item?

Kit Dahl [00:13:18] Thank you Mr. Chair. I believe with that motion you have completed your work. It's, it's fairly explicit and based on a lot of the work that led up to this decision so I, I think we have a clear path forward and the motion included some specific edits to the FMP amendment language so I think not hearing otherwise I believe that we could incorporate those changes and not need to bring you know the FMP changes back to you for further review. Having said that I'm sure this won't be the last time, although this action is complete, I'm sure that this won't be the last time we'll be visiting elements of this proposal and I would think for example that NMFS may want to when they are in a position to have, have some draft proposed regulations which you know would spell out of a lot, a lot of details about how things would work, they would likely want to have the Council take a look at those regulations as part of the deeming process that we work through so I'm sure that we'll be talking about this proposal again in the future but for now we've crossed the finish line I think on taking final action on the Council's proposed fishery authorization.

Phil Anderson [00:14:54] All right thanks and thanks again to John for putting that motion together for us.