

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**252nd 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.pccouncil.org/council-operations/council-meetings/past-meetings/>.

## A. Call to Order

### 4. Agenda

**Phil Anderson** [00:00:00] So that'll take us to A.4, which is our meeting agenda. We have an agenda you have before you under agenda item A.4. Let me first ask Chuck if there are any suggested modifications to our agenda?

**Chuck Tracy** [00:00:21] Thank you Mr. Chair. Not at this time.

**Phil Anderson** [00:00:22] All right. Any modifications to the agenda from Council members? Entertain a motion to approve the agenda.

**Marc Gorelnik** [00:00:33] So moved.

**Phil Anderson** [00:00:37] Moved by Marc Gorelnik. Seconded by Pete Hassemer. All those in favor say 'aye'.

**Council** [00:00:41] Aye.

**Phil Anderson** [00:00:41] Opposed no? Abstentions? Motion carries. We have an agenda. Thank you.

## **B. Open Comment Period**

### 1. Comments on Non-Agenda Items

No comments on this agenda item.

## C. Enforcement Matters

### 1. Tri-State Enforcement Report

**Phil Anderson** [00:00:01] That concludes public comment on our, this agenda item. Takes us to any considerations of the report that we received from our tri-state enforcement representatives. Michele.

**Michele Culver** [00:00:22] Thank you Mr. Chairman. I just wanted to extend special thanks to Captain Dan Chadwick, Lieutenant Ryan Howell, and Lieutenant Jason Kraus for their presentation and to their officers for the work that they've done that were, that was highlighted here in the video that they presented. So I think the work that the Council does is only half the equation and we really rely on enforcement to ensure compliance with the regulations that we are, are recommending to NMFS and, and that we adopt here, so just wanted to echo others that have come forward in public testimony as well. My appreciation for the work that enforcement has done and the coordination that's achieved through the EC.

**Phil Anderson** [00:01:24] Thanks Michele. Any other comments? I think those comments are likely shared by a lot of us. Frank Lockhart.

**Frank Lockhart** [00:01:32] I just wanted to add to that, that NOAA really appreciates the cooperative nature of the work with the state enforcement agencies as someone who has worked on other coasts and firsthand experience that there are other possibilities for that, for levels of cooperation. We really appreciate the level of cooperation that we have with the states and obviously of course, the Coast Guard, and I'd just like to really also point out that I think one of the things that the video showed is that it's not just kind of compliance and enforcement, but the outreach and the contact they have with the public is another kind of hidden benefit that we get from them. So a lot of good work is done and appreciated and I appreciate the opportunity to say that every once in a while during these presentations. Thank you.

**Phil Anderson** [00:02:25] Thank you Frank. Louis Zimm.

**Louis Zimm** [00:02:28] Thank you Chairman Anderson. Thank you Frank for bringing up the Coast Guard. I also wanted to flag the Coast Guards efforts out of San Diego. A while back I pointed out that there was some fisheries and enforcement opportunities out of San Diego with there, the Coast Guards 24 hour presence and I have been fortunate to actually have been stopped a couple of times this last year by Coast Guard personnel that were very knowledgeable in fisheries laws and it's really good to see them on the water. Thank you.

**Phil Anderson** [00:03:04] Thanks Louis. Any other comments? Marci.

**Marci Yaremko** [00:03:08] Thank you Mr. Chair. If I might follow up with Mr. Lockhart. I have a question for NMFS. One of our speakers earlier identified the consolation prize in the letter back from Secretary Ross about enhancing funding for IUU and the Seafood Import Program and I believe there's recently been an announcement about funding and filling new positions at the headquarters level on that initiative. I'm, I'm just curious if, if that initiative will increase enforcement capacity on the West Coast in any way? Is there any expectation that NMFS will be bringing additional officers to the West Coast with those resources?

**Phil Anderson** [00:04:03] Go ahead Frank.

**Frank Lockhart** [00:04:06] Unfortunately I don't know the answer to that, but I can find out and then get back to you. I don't know how long... well... I'll get back to you as soon as I can so, well it looks like maybe an answer can be had right now if we could invite Greg to the front table.

**Phil Anderson** [00:04:20] Yes welcome Greg.

**Greg Busch** [00:04:27] Thank you Mr. Chair. I, I can't give specifics on how many new billets will get. It will depend on what budget is passed but there are, we do intend within the Office of Law Enforcement to fund additional billets that are, are IUU focused and support the Seafood Import Monitoring Program in our field offices. Right now we have two positions that have been identified and we have a, we have pending offers out for, for a position in Seattle as well as in Long Beach and we anticipate also having this new round of funding filling a position in Oakland, so that's, that's our current, we will have three billeted enforcement officer positions or funded enforcement officer positions for the West Coast and hopes to have more as, as more funds become available.

**Phil Anderson** [00:05:18] Okay. Thanks for coming forward. Any other discussion on this agenda item? All right. We'll close this out. Thank you very much.

## **D. Coastal Pelagic Species Management**

### 1. National Marine Fisheries Service Report

**Phil Anderson** [00:00:00] That concludes public comment. Takes us to any Council discussion on the National Marine Fisheries Service Report. Chuck.

**Chuck Tracy** [00:00:09] Thank you Mr. Chair. Just to give you more of a comment than a question but in regards to the sardine overfishing or rebuilding plan business, we do have three meetings scheduled on the Year-at-a-Glance, they're shaded, for I think April, June and September but I think it'd be useful for us to get together, Council staff and NMFS staff to talk about the contents of those plans and process and timing for all that business so we intend to do that starting here at this meeting I believe so....

**Phil Anderson** [00:00:42] Great thanks. Frank.

**Frank Lockhart** [00:00:43] Just like to say we welcome that. We think it's a good idea as well. Thank you.

**Phil Anderson** [00:00:47] Okay. Any other comments? All right that concludes this agenda item. Takes us to our lunch break. See you back here at 1:15.

## 2. Preliminary Review of New 2019 Exempted Fishing Permits

**Phil Anderson** [00:00:00] That concludes public comment on this agenda item. Takes us to our Council action, which is to consider the 2A EFPs that had been proposed and to consider putting those out for public review.

**Briana Brady** [00:00:20] Thank you Mr. Chair. I just want to express my support for the EFPs and if there's no other questions I have motion.

**Phil Anderson** [00:00:27] Okay. Let me ask if there is any other Council discussion? Doesn't appear to be so, so please proceed.

**Briana Brady** [00:00:37] Sandra. Thank you. I move that the Council adopt the preliminary exempted fishing proposals in agenda item D.2 Attachments one and two for public review.

**Phil Anderson** [00:00:51] Language on the screen accurately reflects your motion?

**Briana Brady** [00:00:55] Yes it does.

**Phil Anderson** [00:00:55] And is there second? Seconded by Christa Svensson. Go ahead and speak to your motion please.

**Briana Brady** [00:01:02] Thank you. I'd like to first say thank you to Diane Pleschner-Steele and Michael Okoniewski for working on these proposals and continuing this work. It's information that's valuable and needed for providing information for the nearshore to close the picture of what we need for the information from the nearshore from the NOAA ship. Additionally, I'll note that the Southwest Fisheries Science Center also expressed support for the EFPs in their agenda item earlier today.

**Phil Anderson** [00:01:37] Thanks Briana. Discussion on the motion? Michele.

**Michele Culver** [00:01:43] Yes thanks for the motion. I wholeheartedly support it and I just wanted to echo my thanks to both our staff that have worked collaboratively with the West Coast Pelagic Conservation Group. Mike Okoniewski and Greg Shaughnessy as well as the California Wetfish Producers Association. I think both of these EFPs are excellent examples of collaborative projects with industry in filling a much needed research and science data gap that helps inform our management so I think we're getting some useful information out of these EFPs and certainly support them continuing.

**Phil Anderson** [00:02:38] Thanks Michele. Further discussion on the motion? Go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:02:48] Aye.

**Phil Anderson** [00:02:48] Opposed no? Abstentions? Motion carries unanimously. Back to you Kerry... is there any other business under this agenda item?

**Kerry Griffin** [00:02:59] Thank you Mr. Chair. No that concludes your business under this agenda item. These will be considered adopted for public review and then we will plan to bring them back in the April meeting for final approval.

**Phil Anderson** [00:03:09] All right. Thank you very much.

### 3. Methodology Review Preliminary Topic Selection

**Phil Anderson** [00:00:01] That concludes public comment on this agenda item. Just reminding us that we have a COP that lays out our process for methodology review... it's and... it's at least in part in our situation summary. We do not, we did not have any new methodologies recommended in terms of topic selection absent the proposal that came forward from our advisory panel. So I guess I'm struggling a little bit here in that this is preliminary topic selection. We really don't have a methodology, a topic that's been identified as needing review, so I'm not, there was a little bit of discussion between Briana and David Crabbe relative to the proposal that the AP included as it related to a potential look at the issue as part of the Star Panel process and seeing if something came out of that, that maybe would come back to us possibly in a year as a methodology topic but Kerry, am I missing something?

**Kerry Griffin** [00:01:42] Thank you Mr. Chair. No, I think you are accurately capturing the situation you're in right now. Normally this would be the point where the Council would, you know, give approval or nod or guidance on moving forward with a, with a methodology review proposal. In this case, you're really limited to providing sort of general guidance. I think you've heard a couple of ideas about how the habitat model may be reviewed. There was a suggestion to include it in an upcoming Star Panel review. I'm looking around for Science Center or NMFS representatives who might have a comment but I, it is safe to say.....I did bounce this informally off that are reps on the CPS Management Team and it would be nearly impossible to have a full methodology review prior to the 2020 Star Panel review for sardines so you know, that would, that has its own inherent challenges but you know, you have heard some concerns but again I guess back to my point is that you are limited really to a discussion and, you know, informal guidance here.

**Phil Anderson** [00:02:57] Thanks Kerry. Michele.

**Michele Culver** [00:03:00] Thanks. I appreciate that and accept where the Council is relative to the process and that we did not have a proposal come forward in time for the briefing book and to facilitate review and discussion by the SSC and the management team and the advisory subpanel at this meeting. Oh, there's the report. I, I would say in spite of that, though, I do think that this is an important issue and I recall when it came up a couple sardine assessment cycles ago and it was a bit of a surprise in terms of how we were accounting for attributing the catch of the southern subpopulation in the context of the assessment and I think the Council had had a discussion at that time that while the portion of the southern sub, subpopulation that was off the southern West Coast of the U.S. was being excluded from the stock assessment when the Council went through its process to set annual catch limit for sardine, there was recognition that there is catch that comes into Southern California and landings that are on fish tickets that count against our annual catch limit, even though some portion of that catch is from the southern subpopulation was excluded from our process of actually setting the catch limit. So, I do think that this is an important issue. I don't know to what extent the stat team is going to consider the SSC, CPS Subcommittees advice to include in the new benchmark assessment a review of the basis for the habitat model. If that is done, I would certainly welcome the Star Panel reviewing and, and discussing that methodology but absent that, then this is perhaps something for the Council to take up under our next methodology review.

**Phil Anderson** [00:05:40] Okay. Thanks Michele. Louis Zimm.

**Louis Zimm** [00:05:48] Thank you Chairman Anderson. I want to thank Michele for bringing up that, that I don't have any institutional memory about. I really appreciate that just in my time on the Council, I've seen sardines in our San Diego area and have often wondered whether they're southern or northern stock and have been unable to determine that there is a time of the year where it switches from southern

to northern, so these are really important questions and I really appreciate you asking for, for us to delve deeper into this and I hope we can in some way. Thank you.

**Phil Anderson** [00:06:40] All right. Any further discussion? Okay so my understanding is that during the Star Panel process, this question will at least be discussed. Something may come out of that as a recommendation for a methodology review that would be interjected into our process under the normal timing of methodology reviews for CPS species and we would take it up accordingly at that time. Okay with that, that brings us to the end of this agenda item.

#### 4. Central Subpopulation of Northern Anchovy Nearshore Estimation Methodology, Frequency of Overfishing Limit Reviews, and Accountability Measures

**Marc Gorelnik** [00:00:03] We're on Council discussion and action on agenda item D.4 and I'll ask Kerry to refresh our recollection and then we'll, I'm looking for some discussion.

**Kerry Griffin** [00:00:19] Yes thank you Mr. Vice-Chair. Under your Council action and the more detailed items that are in bold print on the backside of your situation summary, it talks about considering appropriate interval, interval or an interval for updating OFLs and ABCs, considering stock status triggers that would lead to accountability measures, considering methodologies for nearshore abundance and then provide further guidance. You see a lot of 'considers' in there. I think between the April meeting and you know maybe a month or ago or so there was maybe, maybe hope of being able to get to some numbers and select some of these, you know options, these factors that go into the you know the flow chart and the framework, but as we came out of the October meeting, it became apparent that there was, there was a lack of comfort among the meeting participants and management team members in taking you know a hard sort of action. So that's, I just wanted to give a little background. That's why you see a lot of, you know, the word 'consider' sprinkled through here. I think it's because the team and the, the principals of the workshop felt like, you know they just weren't quite there and you know, you saw some recommendations for moving forward and in the advisor.....advisory body reports and you heard some public comments as well so I think I'll just leave it at that and, and, you know, I and the other advisory bodies, especially the team, are looking for some guidance and indication of how you would like to move forward.

**Marc Gorelnik** [00:01:59] All right thanks Kerry. I think the goal here is to move the ball, even if we can't get all the way there. So, we do have some good comments, as Kerry said, from the management team, SSC, from the advisory subpanel, from the public, so I'm going to look around the table and see who wants to get our discussion started. Briana.

**Briana Brady** [00:02:28] Thank you Mr. Vice-Chair. I guess I'm wondering if you're looking for guidance or a motion?

**Marc Gorelnik** [00:02:35] Well I guess initially I'd like to know if there's any discussion on what we've heard and if there is no discussion, then I'd like to hear some suggestions for at least for guidance. I don't want to short circuit any discussion, but if there isn't any, then I'll be looking for some suggested guidance that the Council can provide, so if you're prepared to offer, suggest some guidance.

**Briana Brady** [00:03:08] Well I guess I would just start by saying that I, I'm supportive of the flowchart that's been put forth and think that a lot of good work has gone into looking at preliminary numbers and helping us to understand how that flowchart could work in the future and we've heard suggestions from the MT that they need to look at it further but at this point I think there's a good process in front of us to consider.

**Marc Gorelnik** [00:03:40] Thank you. I also, as I came to understand the flowchart, thought that was a good, good place to get started. I like the idea that it, that there were frequent check-ins on where we were and adjustments, but there was some hysteresis built into it so we weren't constantly moving the numbers around. Michele.

**Michele Culver** [00:04:09] Thank you. I had similar thoughts. I thought that in the SSC Report where the SSC agrees that the framework for updating the management reference points is appropriate. I think

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they were focused appropriately so, given their role on the methodology and on the modeling that had been done whereas I think the team in indicating that they wanted to evaluate the flowchart and framework at their February meeting and discuss a timeline that it would be needed to do that, were more focused on implementing the framework and ensuring that the, the steps involved or, you know that the description that's in the flowchart accurately captured each of those steps and I guess the, the other thing I would mention is that I think it would be good for the Council to have a discussion about are we intending that the framework would be in the FMP as an FMP amendment and then if so, then as the team develops their proposed timeline, it would be good to, to take that process into account in their description of the timeline. I'll just say that it, it seems appropriate to me to, to have a framework that is in the FMP, but then that the, the values can be updated more easily than going through framework, a FMP framework or FMP amendment, whether that's through a safe document or through a specified process.

**Marc Gorelnik** [00:06:31] I think that's a really good idea. Is there... I don't know that we need to make a decision right now but is... Frank.

**Frank Lockhart** [00:06:43] Just wanted to add on. Mostly agree with comments and maybe add a little bit more to what Michele just said. I think, you know, we've had some preliminary discussions, but we need to have some more discussions on what should be in the FMP and so I guess I was looking forward to the MT talking about what should be in the FMP, I mean there's, you can go a very broad overview of a framework or you can get incredibly detailed. I don't know what the right level of that is for the FMP, so I guess I'm interested in hearing back from them on that. Otherwise I agree with folks talking about it makes, it seems to make a lot of sense to work towards that framework and there was a lot of good discussion on that and, and then also agree with folks that giving the MT some time to kind of think about that and the details of that would be good to come back to us at some later date. Thank you.

**Marc Gorelnik** [00:07:46] Michele.

**Michele Culver** [00:07:48] Thanks. I also was thinking through similar to the CPS Advisory subpanel statement at the bottom of page one where they were indicating that they could, you know support the flowchart, the framework, but they couldn't support the rigid prescription of the, of the values and they gave some examples and I'll say the, the question came into my mind as to, you know, to what degree do, do we get to this prescriptive level of specificity for any of the other stocks that we manage and I don't think we do, so when I think through our sardine assessment, we have a, we have an assessment schedule. Now the Southwest Science Center has brought forth a stock assessment prioritization and we have a schedule for the next couple of assessment cycles and then I'll also say that we've also deviated from our sardine stock assessment cycle more often than not, than what we've identified and then I think for the groundfish stocks, we just have a general of not more than five years is when they should be updated, but then every time we go through the assessment prioritization process, there is also recognition that even if a stock hasn't been, had a, had a robust or benchmark assessment in five years, if there's no data to inform another full assessment, we make those decisions as well. So I don't know, I'll just say it seems that in this case, we are considering being a little bit more tightly prescriptive than we currently employ for our other stocks and I'm not entirely sure that that's needed, but given the advice that we've been provided, it seems like maybe even specifying something as more of a minimum, so this would be the minimum time between assessments you know pending significant new information or, you know, methodology that we want to have an assessment more frequently.

**Marc Gorelnik** [00:10:43] Further discussion? Maggie.

**Maggie Sommer** [00:10:49] Thanks Vice-Chair Gorelnik. Just wanted to also offer my support for the DRAFT Council Meeting Transcript  
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framework as it has been developed to date and that approach for addressing this and the flowchart as a visual representation of that and the pathways and I really appreciate all the thought that went into the comments provided by the management team and advisory bodies and public comment and I also support setting up a path for further consideration of some of these questions that have been teed up and look forward to some, some opportunities to further really explore the tradeoffs and let us all collectively think about the best approach for adopting and implementing what we finally choose here. So thanks.

**Marc Gorelnik** [00:11:52] Thanks Maggie. So, I think we have CPS back on the agenda in April and we have the team meeting in February. Is that meeting also going to include the AS and the SSC subcommittee? Does anyone know? Kerry.

**Kerry Griffin** [00:12:15] Yes thank you Mr. Vice-Chair. We don't have any plans at this point to, we really just found a time, dates and a place to have it just in the last couple of weeks. It's been really challenging so, you know, there's been some talk about, you know sometimes a one or two reps come from other advisory bodies and I guess I would look to the Council for direction on that if, if you'd like to broaden it a little bit more beyond just the CPSMT, you know, or give the director some latitude that, that's all on the table but it hasn't been decided yet.

**Marc Gorelnik** [00:12:53] All right. Well it seems like the management teams got some work to do to come back in April to provide, other than to do their additional review they feel like they need time for and as well as to maybe start to flush out some of these details that we'd like their input on in terms of triggers and the other things on the screen. What is the pleasure of the Council in terms of providing guidance to the team? Briana.

**Briana Brady** [00:13:26] Thank you Mr. Vice-Chair. I think what we just discussed sounded good to me as far as allowing the team to talk about a timeline at their February 2020 meeting and then coming back to us to let us know what would work as far as their workload goes and the rebuilding plan that they have to consider and the other FMP amendment they're doing. So whether or not they develop their timeline and just send it to the AS for input, that might work or we need to actually send a rep.

**Marc Gorelnik** [00:14:03] Chuck.

**Chuck Tracy** [00:14:04] Thank you Mr. Vice-Chair. I guess I'll just point out we don't have anything on the Year-at-a-Glance for this topic, so that's something we'd have to decide if that's worthy of a, some agenda time in April or when so in other words there's no placeholder for the management team to come and report back to the Council yet, so just something else to think about.

**Marc Gorelnik** [00:14:31] And Chuck, is April already pretty well subscribed?

**Chuck Tracy** [00:14:36] Thank you Mr. Vice-Chair. Pretty well, it's at five point six days now, however March is at seven point five.

**Marc Gorelnik** [00:14:43] All right. Well, I kind of hate... Bob go ahead.

**Bob Dooley** [00:14:50] Along that line, there is no, I don't see any CPS on the agenda.

**Marc Gorelnik** [00:14:55] Microphone.

**Bob Dooley** [00:14:55] Oh, I'm sorry. Sorry, Mr. Vice-Chair. I don't see any CPS on the agenda for March, but I do see it on the agenda in April. Is that correct?

**Chuck Tracy** [00:15:03] That's correct. That's our typical pattern. We have HMS and ecosystem in March and CPS in April.

**Bob Dooley** [00:15:12] Thank you.

**Marc Gorelnik** [00:15:14] Well it's hard to give the team guidance if we don't know when they're going to be able to report back. I think we can maybe seek at this point decide what we want from the team and maybe at workload planning decide when we're going to ask for it. Does that seem like the way forward here on this agenda item? So Briana could you recap again what you, what you suggested that we want back from the team in terms of a timeline?

**Briana Brady** [00:15:54] Thank you Mr. Vice-Chair. It's essentially outlined in the CPS Management Team Report, what it is that they would like to consider when they're building their timeline and then coming back to us to tell us how their timeline will work.

**Marc Gorelnik** [00:16:08] Is there further guidance we need to provide to them or can we rely upon what they're proposing to do in the report because now is the time to provide additional guidance. Maggie. Michele.

**Michele Culver** [00:16:29] I see how this works now with your calls you just turn your raised hand into a finger and point at someone else so I'll have to try that out later.....(laughter)....So I'm, I'm comfortable with the, how it's captured in the team report. I think it's, it'd be great for them to have this discussion at their February meeting. I'm not feeling that, I have strong feelings that they definitely bring it back to us in April, but I would encourage them to do this work in February if they have that opportunity and then the Council I think should consider whether it goes on the April agenda as a new item that isn't there now in light of all of the other items to consider.

**Marc Gorelnik** [00:17:26] All right. That sounds good. Frank.

**Frank Lockhart** [00:17:29] On that specific comment. So I had a similar question asked a CPSMT member and so with, well, I may get it slightly wrong, but I think what they were intending is that they would report it. They would have their meeting in February. They would present a document for future agenda item planning to be presented at the April meeting and then decision of how to respond would be made at the end of the April meeting, not that they wanted a whole agenda item added to April.

**Marc Gorelnik** [00:18:07] Okay so they would provide a report that we would use during future meeting planning in April and then place that on a future agenda.

**Frank Lockhart** [00:18:19] Yes.

**Marc Gorelnik** [00:18:21] Okay that works. Maggie.

**Maggie Sommer** [00:18:28] Thanks Vice-Chair Gorelnik... and there's been some discussion of the potential to include some level of description of this framework and how we manage anchovy as we do the FMP amendment that we currently have scheduled for the June meeting and I have been, as we've been having this discussion about February and March and April, thinking about how that might fit in and I have not come to a conclusion, so I guess I'm putting it out there if there are others around the table who have thoughts or recommendations on that it might be helpful. I don't want to miss an opportunity to integrate that if that seems like an efficient way to approach it.

**Marc Gorelnik** [00:19:25] Louis.

**Louis Zimm** [00:19:27] Thank you Maggie for bringing that up. I was going through the same thought process that, that you were and I would hope that the February meeting and the information that's presented to us after the February meeting and agenda planning in April would inform this and it does seem to be pushing it awful late but I don't, I don't see how we can avoid it and certainly we need to have some, some direction in April so we can plan for the June meeting and to get all the information out for the, for the briefing book so I hope that can happen. Thank you.

**Marc Gorelnik** [00:20:18] I do notice that while it's not solidly in the agenda, we are reviewing some FMP revisions perhaps in June on CPS, so I don't know if, I don't know if in April will decide where that fits in, but we'll have to see what the management team suggests. Further discussion? Well Kerry yes. How are we doing Kerry?

**Kerry Griffin** [00:20:50] I think you're doing just fine. Thank you, Mr. Vice-Chair. Yeah, I just wanted to mention one thing. I do appreciate this discussion. The Council is cognizant of the fact that the CPSMT has a fair bit on their plate in the first half of the year 2020. There's a sardine rebuilding plan to be developed and then there's an FMP amendment to be considered slated for April and June respectively and those two items are pretty major items. We had hoped to get to them at this meeting, but that became very apparent that wasn't going to happen and so the February 5th, 6th meeting was designed to address those two, and now we, the team will also be considering this central subpopulation framework and flowchart and that's fine, but they are becoming quite fully subscribed. So you know we had quite a bit of discussion about that and I guess I'm not making a strong recommendation here, but I did want to point out that one thing the team could do is coming out of their February meeting is they could submit a report to the March meeting on future agenda planning so that, you know, it's too late to adjust the April agenda, I realize those will be set ahead of time, but it at, it would at least give the Council some information in March about what the team is thinking schedule-wise as, you know, then we go into April and June and whatnot and kind of see what you know, what might be adaptable or adoptable to, you know, a schedule and being able to address these three plus major issues, there's also a sardine benchmark assessment coming up, so there's a fair amount of subscribed time, but anyway I just wanted to mention that we could, the team could put in a report for the March meeting even though they won't be there.

**Marc Gorelnik** [00:22:49] Phil.

**Phil Anderson** [00:22:51] I am, would be concerned about trying to do that. We don't have CPS on the agenda in March. We don't have our advisers at the meeting and if we're going to do some workload planning around potential FMP amendments around this and the other that we're doing, we need to have the input from those folks before we map out where we're going, so I would be concerned of us trying to do that in March in the absence of that input from those folks.

**Marc Gorelnik** [00:23:27] And it wouldn't, it'd be later in the year anyway so I think April would be fine since they're going to, they'll be there in April. Frank.

**Frank Lockhart** [00:23:39] So a couple of maybe closing thoughts for me, I guess. I'm quite worried... well I'll, I'll start another way. We've been devoting a lot of time about reducing the risk of exhausting the anchovy resource and I think they also have to think about the risk of exhausting our CPSMT and other advisers. There's a lot going on. There really is and so I think I really appreciate Chair Anderson's comment there. You know we, I don't think we can overload everyone by just adding more and more things and try to take advantage of the things that we are looking at. A couple other things, we all know

this but, you know, we sometimes have to make choices about what people work on. It would be nice if everybody could do everything all the time but I think we can't do that here and I, but I am, we did hear a few things there from the SSC and the workgroup report that we have a lot of buffers in place that kind of give us the time I think to kind of, and especially given the status of anchovy, we don't necessarily have to rush you know. All that being said I'm interested in hearing what the MT comes back with on their February report and see where they think progress can be made and maybe there is an opportunity to kind of do something more, more quickly than I'm anticipating right now so but we, they have a lot on their plate and so I think we need to be very cognizant that in order to put something else on, we might have to take something off and so I'm comfortable with this plan right now but I think we'll have to very carefully consider what we're asking them to do once we get back in April. Thank you.

**Marc Gorelnik** [00:25:40] Well the team did suggest they'd review these things in February, and I trust that when they do provide their report they'll be realistic with their capabilities and come up with a realistic timeline. Further comments, guidance on this agenda item? Maggie.

**Maggie Sommer** [00:25:59] Thanks Vice-Chair Gorelnik. Frank thanks for that last point on the current anchovy abundance and, and perhaps the buffers of time. I think that is important to keep in mind as we think about timeline for all this. Somewhat related I also wanted to acknowledge some recommendations we had that we also think about ACLs and harvest control rules and I think that is something we will want to turn our attention to but it is, as I see it not the first step in this process and not something I think we're talking about today or looking at immediately. It certainly does integrate with some of these other discussions, but I just didn't want to let that go without acknowledging that I think that will be something we'll be thinking about.

**Marc Gorelnik** [00:26:57] Anything further? Kerry do we have, have we provided adequate guidance for this agenda item?

**Kerry Griffin** [00:27:08] Thank you Mr. Vice-Chair. I think so. What I'm hearing is a general consensus from the Council to give guidance for the CPSMT to move forward as suggested in their report and, and work over the winter and specifically at the February meeting and report back to the Council.

**Marc Gorelnik** [00:27:31] All right, thank you. Frank.

**Frank Lockhart** [00:27:35] One last thing before we go, changing the subject a little bit. I just wanted to let everyone know that this will be Judson's last meeting with the Council. He is retiring so I just wanted to....everyone's going to watch that he's not going to hit me here, but just let him know and I for one will, Judson I've actually known him a lot longer than I've been out here on the West Coast and he's always provided great counsel that often got to the heart of the matter before I got to the heart of the matter and so he's provided excellent guidance to me and I really appreciate the last few years when I have taken on the CPS management he was crucial to me getting up to speed I think fairly quickly, so I will wish him well in wherever he goes. Thank you. (APPLAUSE)

**Marc Gorelnik** [00:28:42] Judson is this your last day at this meeting? Will you be here later in the meeting?

**Judson Feder** [00:28:52] Oh I will be here later in the meeting.

**Marc Gorelnik** [00:28:54] Right. Do you have any comments you'd like to offer at this time on your retirement?

**Judson Feder** [00:29:00] I don't, I don't have any deep comments to offer, but it's been a pleasure to work with all of you too. Thank you very much.

**Marc Gorelnik** [00:29:06] All right. That concludes the agenda item and recognition of Judson, I'm sure first of many and I've handed the gavel back to Phil.

**Phil Anderson** [00:29:21] Thank you Mr. Vice-Chair. So that brings us to the end of our agenda for today.

## **E. Salmon Management**

### 1. National Marine Fisheries Service Report

No comments on this agenda item.

## 2. Final Methodology Review

**Phil Anderson** [00:00:00] That concludes public comment on this agenda item. Takes us to our Council action. So, we had these four items and reports from our SSC and the STT, the MEW, the SAS and the public. My understanding Robin is that there aren't any methodologies proposed for change that would affect the 2020 season. We have a follow up on the Willapa Bay coho piece that has scheduled some interaction between WDFW and the SSC I believe on December 20th or thereabouts.

**Robin Ehlke** [00:00:56] Yeah that was the due date we sent for the material and then if I may just add in January, perhaps we'll do a STT/SSC repeat of a webinar to finalize that Willapa topic.

**Phil Anderson** [00:01:12] Okay and that would be reported back to us in March.

**Robin Ehlke** [00:01:17] Correct.

**Phil Anderson** [00:01:17] With a recommendation. On the Upper Columbia River summer chinook piece it was determined that that doesn't, is not a methodology change and that there's some additional work amongst the co-managers to be done as to whether or not the changes that are proposed are agreeable amongst the co-managers and that presumably those discussions would happen over the winter and with a potential recommendation coming to us at the March meeting. Kind of looking over at Chris Kern for a head nod and Kyle and Joe. Pardon me? Kyle.

**Kyle Adicks** [00:02:13] Just to clarify that a little bit, I think the co-manager discussions will happen very soon because they'll be work for the modelers to do to get things set for the model well before we get to the March meeting.

**Phil Anderson** [00:02:25] Okay thanks for that clarification. Relative to the management line, I think that would warrant a little bit of discussion around the process if the Council wanted to move forward with that process timeline that's perhaps been discussed, maybe National Marine Fisheries Service has some thoughts about that. Susan.

**Susan Bishop** [00:02:58] Thank you Mr. Chair. Our view is that the line change would require an FMP amendment. Horse mountain is mentioned several times in the FMP as a defining a management line, so that would require a change to the FMP. There is also additional analysis that would be required as part of that FMP amendment process, NEPA, for example, while we've had really good technical analysis, I note that there were references in the testimony to safety, potential changes to listed species and other stocks of concern, enforcement and economic aspects which could be handled under a NEPA assessment. Our hope is that if the Council still gives direction that, that could be handled within the FMP amendment that's being considered for the salmon cycle. It will depend... we will need to scope the amount of work that would be required so it will depend on whether or not there might be sufficient work that it could slow down the salmon cycle piece. We would not want to... my sense is the Council would not want to slow down amendment to put the salmon cycle change in place or this work. We would like to scope out what it would take to include this as part of that package. We think that's a way forward. Would not be in place for 2020, but it could be in place soon after depending on the Council decisions.

**Phil Anderson** [00:04:26] Okay. Any questions or comments on that? Brett Kormos.

**Brett Kormos** [00:04:34] Thank you Mr. Chairman. I will just echo some of the comments that have been made and then add a couple of additional ones. One is that this is a bit of an odd duck relative to

our normal process for methodology review. We typically approve these changes to methodology here and now such that they can be implemented in the 2020 planning process, however this is not a methodology and in fact the STT is recommending no changes to the harvest models in addition to that. The consensus opinion seems to be that this will require an FMP amendment. The extent of the NEPA and EA work that needs to be done I think is certainly in question. It's not, that has not been well defined to this, to this point at least. I will add that we have not been presented with a compelling reason, at least in the opinion of the State of California, not to continue to pursue and consider the change to the management boundary line. The assessment that was done by the STT suggests that there may be some very minimal changes in harvest for Sacramento fall chinook and Klamath fall chinook. It offers some benefit to one stock and perhaps a detrimental effect to another, however the changes, if realized, are so small that we will likely never be able to identify whether those came from moving the line or the, the ever persistent management error that we realize year in and year out with our harvest models due to the constant shifting of and distribution of our stocks that we manage. It, if it were to ultimately become evident that this line change does have an effect, I suggest it would likely need to be pretty significant and persistent year in and year out for us to be able to identify the line changes, the causal factor for some undesirable impacts to the stocks that we manage in our Council area of fisheries so that's a long winded way of saying I don't see a compelling reason to strike this from consideration now and I appreciate that the STT has provided us with the basis for that assessment, and I'm asking that the Council consider adding this to the list of work under an FMP amendment that is primarily being driven by this schedule change. I will just add that while certainly we all want the schedule change to proceed as rapidly as possible, there are solutions that negate the effects of that schedule change on our fisheries that, that can be implemented absent the FMP amendment being finalized in time for the 2021 process and that's not to say that we shouldn't pursue it and try to get it done as quickly as possible but just to point out that there are other ways to, to address this issue. Many of the states here have implemented placeholder language that negates any negative effect. California is not among them, at least not in its entirety and I have more comments on that agenda item later. But again I would, I would ask that the Council consider adding this to the list of items that we address under this FMP amendment and note that the STT has indicated under the next agenda item that they may also have a few things that they'd like to add.

**Phil Anderson** [00:08:53] Thanks Brett. So let me, maybe I can ask Chuck in terms of adding the line change to our list of FMP, salmon FMP items. Would we need a motion on that to add that or can we use the Council guidance method to make that addition?

**Chuck Tracy** [00:09:36] Thank you Mr. Chair. I think it would be appropriate to make a motion, but not necessarily under this agenda item, but under the scoping for the amendment that comes up under the next, I believe the next agenda item.

**Phil Anderson** [00:09:51] Okay.

**Chuck Tracy** [00:09:52] So you know that that's the place where we're going to identify the issues that the Council wants to pursue under this amendment.

**Phil Anderson** [00:09:59] Okay thanks. All right so we've... Brett.

**Brett Kormos** [00:10:09] Thank you Mr. Chairman and thank you Mr. Tracy. I would just ask that since the STT has indicated they have, may have other items to add, but haven't specified what those are, at what point would we consider making a motion to add those items as well?

**Chuck Tracy** [00:10:28] Well again, you know, I mean, I guess what we've embarked on so far that

would be at this Council meeting to under scoping to identify the issues that the Council is going to pursue. You know the schedule that's been laid out was done so with the intent of having the schedule change in place by 2021, that sort of a three step process, one is to identify the issues, to scope, you know, scope out what's going to be in it. The next is to develop a range of options, alternatives. And the third is to select a final alternative so it would be appropriate to do that as soon as possible. If the Council, depending on the importance of what, what else might be being considered or recommended by the STT, if wants to you know delay a little bit and have another opportunity for scoping, that would be possible, but that would just push everything out presumably another meeting. The other alternative approach would be to have a separate FMP amendment on a separate track.

**Phil Anderson** [00:11:56] Thanks Chuck. So, we have, we had these four items that are listed. We've discussed each one of them. There is not a methodology, a change in methodology is being recommended for any of those four items. So, are there any further Council, any additional Council discussion on any one of these four matters under this agenda item? Chris.

**Chris Kern** [00:12:26] I'll be very brief Mr. Chair. Thank you. I've been referring to it as the Helliwell line as well and so that's pretty neat. I'm struggling with how I'm going to keep it separated from Holloway gear though.

**Phil Anderson** [00:12:44] Okay. Anything else? Robin?

**Robin Ehlke** [00:12:45] Thank you Mr. Chair. I think we've covered everything. I did just want to confirm that as far as the FRAM user manual goes that the Council is okay with uploading that, that new version and removing the 2007 version.

**Phil Anderson** [00:13:02] Is there any objections to that? That is the wish of the Council.

**Robin Ehlke** [00:13:09] Thank you Mr. Chairman.

**Phil Anderson** [00:13:12] All right so that completes our final methodology review agenda item.

### 3. 2020 Preseason Management Schedule and Scope Annual Management Cycle Amendment

**Phil Anderson** [00:00:01] That concludes public comment on this agenda item. Takes us to our Council action and I suggest we separate these as indicated on our situation summary. I think take the, well the first one I think is the easiest, we'll see, about electing hearing sites and any stated intentions for additional hearings that they want to convey to the, to the Council at this time understanding we're still a few months away from those happening, but in terms of we have the recommendations that are contained in the preseason schedule and I'm trying to get it up here, the two different hearing sites that are proposed and the dates, comments on those? Brett.

**Brett Kormos** [00:01:15] Thank you Mr. Chairman. I'm a little bit unsure of myself here, but I think I'm seeing this is my opportunity here to recommend a hearing site for California. We are recommending that the hearing be held in Eureka, California. We've made a commitment to rotate our hearing sites and also to try to locate them in areas that we anticipate may be most significantly impacted by weak stock management in upcoming fisheries and the sense at this point is that Klamath fall chinook may be among the limiting factors, if not the most limiting factor in 2020 and for that reason we're recommending Eureka, California for the meeting and the Council Hearing Officer, unless he tells me otherwise, will be Marc Gorenik.

**Phil Anderson** [00:02:13] Okay we'll name the hearing officers at the March meeting, I believe, so you can, you and Marc and talk about that between now and then but I believe that's when we do it. The important thing is that we select the locations and the dates so that the staff can make the appropriate arrangements for space. So, we would plan to have the hearing in California held in Eureka and the proposed date is March 24th if you're good with that. Okay, and then let me turn to Oregon. There's a suggestion for Coos Bay March 23rd? Good with that Chris? And Kyle, Westport on May or May, I don't know... March 23rd? Okay. So, then that takes us to the matter of the schedule and... yeah hang on just a sec. Okay, Chuck.

**Chuck Tracy** [00:03:34] Thank you, yeah just, just to be clear on the schedule presented as Attachment 1, there were a couple other issues, one of them being the May 1 date listed on that.

**Phil Anderson** [00:03:45] Yeah, that's where we're going next.

**Chuck Tracy** [00:03:48] For 2020?

**Phil Anderson** [00:03:49] Yeah, that's where I was headed next. I wanted to get the hearing dates first.

**Chuck Tracy** [00:03:53] Okay.

**Phil Anderson** [00:03:54] And then go to the 2020.

**Chuck Tracy** [00:03:56] I thought you were going to the schedule.

**Phil Anderson** [00:03:56] No. One, two, three. It's up there.

**Chuck Tracy** [00:04:01] Sorry.

**Phil Anderson** [00:04:01] But I do need help from time to time and I appreciate all the help you give me. All right, so next is the 2020 schedule that you do, as Chuck said is in Attachment 1. There were at

least two and maybe more issues there. I'm not sure what we can do about either one, but I think we need to discuss them. The first is the overlap between the STT meeting and the Pacific Salmon Commission meeting and the loss, or the, we have I think three individuals that have roles in both of those and with the potential of undermining the STTs ability to get its work done on during that week of February 18th and I don't know if there were any, if there was any discussion about alternatives to what's there or whether that's, if there are any alternatives and if there are not, then I would look to the management entities where those people are employed to have some discussion about how to ensure that the STT process is staffed sufficiently to get its work done. So let me first ask, are there any options in terms of moving... I know the PSC meeting in Vancouver, B.C. can't be moved. I do know that but did, I just want to double check that there was a, was there any consideration of moving the STT meeting?

**Robin Ehlke** [00:05:58] We have not discussed moving the STT meeting. This document in time for the advance briefing book was already done and submitted before I was aware of the PSC date, but frankly moving it a week earlier or a week later is, would affect the other documents that the, that the STT has to provide or just we would just be finishing the review document, so moving it any earlier wouldn't, wouldn't give enough time to get the information to the STT on their forecasts and then moving it later would be too close to the March meeting. So, there's, there's really no flexibility that I can see on moving those dates a week, plus or minus.

**Phil Anderson** [00:06:56] And can you help remind me who... I know Jon Carey is one and who are the other two?

**Robin Ehlke** [00:07:01] Our ODFW Rep. Mr. Craig Foster.

**Chuck Tracy** [00:07:08] Probably Steve Haeseker.

**Robin Ehlke** [00:07:08] Oh, pardon me, U.S. Fish, Steve Haeseker.

**Phil Anderson** [00:07:18] Okay. All right. Well given that we don't have an option to move the dates, then I would ask the management entities where those staff members are employed to discuss this to ensure that the STT is properly staffed to get their work done. I'm getting head nods from Chris and Susan and John. Okay can we talk a little bit about the May 1 versus some other date in terms of what we might expect in terms of having the regulations in place? Susan.

**Susan Bishop** [00:08:16] Thank you Mr. Chair. At this point based on the transmittal date in the pre-season schedule of April, we anticipate getting it on April 17th. We would be able to put the salmon regs in place, have them effective on May 11th, which is based on that 24 day period that we have requiring our ability to process the necessary documentation and achieve review both at the West Coast region as well as headquarters. We did take a look at the twenty, so as we discussed in September, we would be able to do something similar to what we did in 2019, which is to rollover essentially the 2019 regulations would be in place until we could get that package, that rule through. We took a look at the regulations for 2019 and in many places, in most places there is placeholder language that would not provide, not result in a gap in the fisheries. Of course, this is all predicated on what the forecasts are going, you know turn out to be in 20, for 2020. There are several places primarily in California where there would be a gap. I guess the fisheries would not be in place prior to the regulations taking effect.

**Phil Anderson** [00:09:47] And we.... when you say there wouldn't, in some places there wouldn't be a gap, my memory is that those like, for example the Washington troll fishery opened on May 6th last year, so there would still be that gap between May 1 and May 6th even under, you know all things being

equal, quotas and all that business, the earliest that it could open is May 6th. Is that correct?

**Susan Bishop** [00:10:18] Yes Mr. Chair.

**Phil Anderson** [00:10:23] Brett.

**Brett Kormos** [00:10:26] Thank you Mr. Chairman. This is not a trivial issue for the State of California. We're talking about 40 total days lost to our fishery, 10 of which belong to the recreational sector and 30 of which belong to the commercial sector. This is a cumulative effect that started in, during the 2019 management cycle. NMFS informed us at the eleventh hour in April that our regulations would not be in place by May 1, and in addition to that they also informed us at that time of an elevated escapement target for our primary target stock of Sacramento River fall chinook, so our fisheries were forced to be pushed back to May 6th as the first day they could possibly be prosecuted and then on top of that we were forced to roll them back further, foregoing some early opportunity in order to facilitate meeting our, our management. Those circumstances have led us to this point where, like I said, 40 days of fishing are, are irrecoverable under the current proposed plan. That's not trivial as I said. The price per pound for chinook is at its highest at the beginning of the season. While some attention in the report was given to the magnitude, relative magnitude of landings in the early part of our fishery schedule, no attention was given to the value of those fisheries in terms of dollars, and ex vessel value and also no attention has been given to providing some sort of an interim solution in the way of an amended rule, filing a new rule. As far as I know no, nothing prohibits National Marine Fisheries Service or the Council from doing that or recommending that respectively, but no movement has been made on that despite my request to consider it at the Council meeting in September. The one other thing that has sort of convoluted or confused the issue is our foresight in having placeholder language that makes us immune to the effects of this gap, if you will, was definitely obscured by finding out about this at the last second in April of last year, or excuse me this year, and so while I wish that I would have had better foresight myself to plan for this eventuality when we actually set the rule, or recommended the regulations in April, it was not done by the State of California and certainly not recommended by National Marine Fisheries Service and we find ourselves in this situation now that certainly could be qualified as undue and unfair and not of good service to the stakeholders that both National Marine Fisheries Service and the State of California share. So I'm disappointed in the result of this process and certainly agree with Mr. Koeppen and others that we've had sufficient time that we should have been able to cure this issue, but the primary focus, and not necessarily unjustly so, has been on the long term solution and not trying to find ways to address the interim effects of this problem. And so I think I'll leave my comments at there, but I point out again that it is not beyond the purview of the Council to request National Marine Fisheries Service do something to address this issue so that we're not left with this lost and irrecoverable economic opportunity or benefit to our fisheries.

**Phil Anderson** [00:14:45] Thanks Brett. Bob Dooley.

**Bob Dooley** [00:14:47] Thank you Mr. Chairman. I would add to that and it hasn't been brought up today that, you know to mitigate this for the commercial salmon fleet in California, a lot of times they'll do, you know continue crab fishing and Dungeness crab will be truncated April 1st this year, so that opportunity won't be there to mitigate some of the problems that this is causing. I would ask that we think about this and the negative impacts on our, you know fragile fishing communities, particularly in California. Thank you.

**Phil Anderson** [00:15:26] Other thoughts on this? Marc Gorelnik.

**Marc Gorelnik** [00:15:30] Thank you Chair Anderson. I've got a question for Susan. I'm not familiar

with the full tool box that NMFS has so I'll just ask is, is there anything NMFS can do with or without a recommendation or a request from the Council to extend those April fisheries that have previously been authorized into May to avoid this gap?

**Phil Anderson** [00:15:57] Susan.

**Susan Bishop** [00:15:58] Thank you Mr. Chair. One suggestion has come forward, has been to file an emergency rule. That's basically the only idea that's been identified at this point as a possibility. There's both regulatory and practical difficulties with that. There would need to be a case made under the, that such a request about the criteria in the regulations as an emergency rule. You know there needs to be a clear record of that. Then there's the process to get that, that through into regulation so that requires some public notice and comment. Given the time of the year and also at least NMFSs workload plan or workload at this point with regard to getting the rebuilding plans through and the FMP amendments that we've discussed today, it is, from my perspective at this point, it would be very unlikely that we could do that in time for the 2020 season. We would need to essentially be able to do that between now and the end of the year as we will then to, that same staff that's working on those would then roll into PSC work, pre-season planning, et cetera, so.....

**Phil Anderson** [00:17:13] Marc.

**Marc Gorelnik** [00:17:16] Thank you Phil, and thanks for that response Susan. My recollection is that the need for this gap comes from a new need by NMFS headquarters to provide a legal review of the regulatory package that which had formerly been done in region. Is there any way for the Council or West Coast Region staff to implore headquarters to relax that review for 2020 so that we can avoid the economic harm that is on the horizon?

**Phil Anderson** [00:17:56] Susan.

**Susan Bishop** [00:18:00] Thank you Mr. Chair. Mr. Gorelnik. I cannot speak for the Council in terms of what action they would like to take in talking to our headquarters folks. I do want to be sort of clear that the legal review, the whole process takes place at two levels, which is both at the West Coast region, so there's a series of both staff and legal review that takes care, that takes place there and then also the headquarters process. We have certainly last year much of the change was, was driven by the need for sufficient review by headquarters but we have also been unduly compressed in recent years at the region as well, so last year it was pretty much to the breaking point in terms of what we would be able to do to get the rule turned around and to headquarters in time. So, there's very limited additional ability to compress that schedule but the Council would be free to reach out to headquarters.

**Phil Anderson** [00:19:13] So....I don't want to, if you were... I had a question, I didn't want to if you...

**Marc Gorelnik** [00:19:20] No go ahead.

**Phil Anderson** [00:19:24] So the frustrating part about all this for me is that we looked at the potential of changing our preseason schedule. I think it's probably four years ago now. It was three years ago when we were talking about this and we looked at a bunch of different alternatives and at the end of the day we decided to stay the course. In retrospect that probably wasn't, we should have done something different but we didn't and NMFS was a part of that process and that discussion about looking at alternatives and I think the one that we're looking at for 2021 and beyond is one, is largely one that we were looking at back then. NMFS came along and last year I'll say pretty late in the game and let us know that, gee, we're not going to make the May 1 date. The Council meetings later this year got new

review requirements from headquarters and we're going to do our best and that by the time we got through our April Council meeting NMFS indicated that they could get them in place by May 6th. This year the Council meeting, the April Council meeting I believe is a little earlier than it was last year so it's giving more time than you had last year and I understand that under ideal circumstances and on a continuing basis, you'd like to have the 24 days between the time it's provided to NMFS and the region and when it's promulgated, but I would ask you to meet, try to meet us halfway here or, or try to improve upon the length of time between the time that you get it and they're implemented this year in this transition year. I think we're working collaboratively with National Marine Fisheries Service in trying to modify this schedule to meet the essentially new review timeline that you brought forward to us last year, but we're in a situation where there's going to be some pretty extreme economic hardship brought about to some of our fishing sectors as a result of not having these implemented until even a later date than last year so if you can shorten that gap up for the fisheries that are affected the most, which are those that don't have the, the May 6th opening, I would implore you to look for ways to do that. If there needs to be communication from the Council to the headquarters folks to emphasize the need for that, I think we're happy to do that. I had given, you know I too had given some thought to the emergency rule option to get us through this year and I understand your response to that. We've done it before. We've done an emergency rule for north of Falcon when we deviated from the framework management plan. I think two years ago we did that and got it in place. So I'm concerned about the dismissal of that as a potential option but my first, I guess my first ask is that you go back and take a look and see if you can shorten that time frame up more like it was last year for this, in this transition year and not put us in the position where we have these sectors, particularly in California, that are bearing such a heavy part of the burden to make this change. Brett.

**Brett Kormos** [00:00:00] Thank you Mr. Chairman. The opportune time for me to mention this has passed, but for the record and for the Council's edification I'll just point out one more thing that ultimately affects the, the total lost opportunity and economic benefit. The only area in California that will be allowed to open under this current plan, if you will, is Monterey which opens on May 1st because the 2018 regulations had it opening on May 1st. What that results in when it comes to implementing our harvest models and modeling the fishery is complete and total effort shift of the commercial fleet into the Monterey area and so the rather than having them dispersed over other management areas that are open concurrently and the result of that is more expensive than usual days of fishing in that zone, such that additional time will now be lost in the way of modeled harvest to the other areas later on in the season, so it's not just 10 days that California is going to lose from each one of those management areas, it's 10 days plus whatever is lost by concentrating the fleet in one area at the early part of May.

**Phil Anderson** [00:01:35] Chris Kern.

**Chris Kern** [00:01:36] Thanks Mr. Chair. I just, Oregon's fishery for the coming years is I think not going to be affected by the issue that we've been talking about here but I agree with the concern and would like to echo the statement that it, it's unfortunate and I wish we, it would be ideal if we could find a way to address it in some way. The issue Mr. Kormos just mentioned will bear on the discussions Oregon and California will have to have during the season planning for next year as well and so there's a chain of events that start triggering when we have things like this happen and they eventually will stop, but they don't stop in California, and so even though our fishery is not going to be necessarily affected by that date, we're going to have to work out a management structure for both states that works for the California stocks that we typically are managing to, so there are downstream effects of this even if we're not on the list of immediate effect.

**Phil Anderson** [00:02:41] Okay. Susan.

**Susan Bishop** [00:02:43] Thank you Mr. Chair. Just a couple of points to make. One is we are not unsympathetic although I, you know I don't think we can feel fully the frustration that's been expressed to us here, the fallout from this particular situation. I would say that we have not dismissed the ideas that have been brought forward to us or that we've put a lot of thought to what the fixes might be and we worked very hard once it became clear that there was going to be a long term problem that was, that's been identified for years, as the Chair noted, to come up with a viable solution for the long term. I think it would help if the, if the Council would, could write a letter that underscored what has been laid on the table today and its commitment to the long term strategy moving forward that would address the problem that's arisen. If there was a letter from the Council to NMFS, I think it would help us in potentially finding a solution for 2020.

**Phil Anderson** [00:03:59] Okay thanks Susan. Kyle Adicks.

**Kyle Adicks** [00:04:05] I wanted to circle back a minute to the scheduling problem with the STT and PSC. I was wondering, maybe you know Mr. Chair, if the later scheduling of the PSC meeting was just sort of a one year for some reason or if it's due to reporting requirements and workloads for the new chinook chapter, if it had to be pushed back a little. Just wondering if we'll have a similar problem in future years.

**Phil Anderson** [00:04:31] Not if I can help it. I don't, I do not remember in scheduling the Pacific Salmon Commission meetings why this meeting was set back at a week from where when it usually is but I'm very sensitized to it now and will bring the issue to the commission and to the secretariat with, I'll look to my colleague from Alaska's assistance to do this, because she's hearing this, too and understands the issue. Dani.

**Dani Evenson** [00:05:18] Yeah Mr. Chair, thanks. My understanding is this year is just a one-shot deal that, that meeting has been pushed back to accommodate the schedule of one commissioner and so in the future we don't anticipate to have that same conflict for that week if that helps.

**Phil Anderson** [00:05:41] Okay. So, I'm, what I'm going to do... what I'd like, no what we will do, it's 10:00. We do have another item yet to go and we also I want to talk a little bit further about drafting, getting a drafting assignment for a letter that could be brought back to us before the end of our meeting that we could send to National Marine Fisheries Service that express the issues associated with the 2020 season implementation date. So, it's 10 o'clock. Let's come back at 10:15. We'll finish up on number two and then go to number three for our 2021 and beyond... (BREAK).... We are working our way through our Council action on E.3, our preseason management schedule and, our annual management, scoping of our annual management cycle change. We had had a discussion around number two, the 2020 process. When we took our break, we were discussing the potential of having the Council draft or write a letter to, I think it would be Chris Oliver expressing our concerns and looking forward to the, relative to the 2020 implementation date of our salmon management measures, bring to his attention the consequences of the delay that has been conveyed to us in terms of the implementation date. My ask, I guess of all of you is if you would be comfortable with delegating the responsibility to draft that letter to the Executive Director with the understanding that he would work with your, your management team and in particular the states in reviewing the draft before it was sent but delegate, delegate the authority to Chuck to do that, and the other method of course is to use our, our process that's outside a Council meeting where we send the letter out to everybody and get comments back and do those, what do we call it? The quick....

**Chuck Tracy** [00:09:00] Quick response.

**Phil Anderson** [00:09:01] Quick response. I'm good with doing either way, I'm just looking for a way to expedite that and if the Council members were willing to delegate that to Chuck with the understanding he's going to work with the affected folks to get that letter out. Brett.

**Brett Kormos** [00:09:20] Thank you Mr. Chairman. Yes, I'm in full agreement with delegating that responsibility to Mr. Tracy.

**Phil Anderson** [00:09:27] Okay. Any objections to that? All right then that's what we'll do. Before I leave number two, is there anything else that we need to discuss there? Chuck, did I miss anything?

**Chuck Tracy** [00:09:42] No very thorough discussion Mr. Chair.

**Phil Anderson** [00:09:45] Okay. All right so that takes us to the last potential action item, which is the annual, the changes to our annual salmon cycle. We have a draft work plan that's been provided to us by our workgroup that is loosely formed and so let's address any outstanding issues that are associated with the recommendations that are in that work plan. Brett.

**Brett Kormos** [00:10:30] Thank you Mr. Chairman. No outstanding issues with the work plan itself, but a process question and that is under the previous agenda item, we were advised that a motion, amend the 40 05 to 40 10 line in the FMP amendment will be needed. My question is are we envisioning a motion for all FMP amendments all at once or separate motions to address the work plan schedule and any additional items that are not identified in that plan?

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

**Chuck Tracy** [00:11:10] Thank you Mr. Chair, Mr. Kormos. Well I guess depending on which direction the Council wants to go, I think if the intent is to add the 40 10 line issue to the amendment that's proposed for changing the management schedule, I think you would need a motion to include that in the scope of that amendment and to give direction to modify the purpose and need statement, et cetera, so if you're talking about doing a separate process then you would need to make it, have some discussion about how to proceed with that issue on a separate track, whether that's a motion to initiate an amendment or some direction to staff to come back to the Council with some further explanation or analysis of that. That would be up to the Council, but bottom line is I think if we're including it in this schedule amendment then a motion to modify the scope of that amendment would be appropriate.

**Phil Anderson** [00:12:28] Chris.

**Chris Kern** [00:12:32] So my question was sort of in the similar vein and so it may be a rookie question probably but in terms of setting up what I understand here is laid out a three meeting process to do this kind of an amendment and I guess my question is how tightly does, how strictly does the scope of that amendment have to be defined to still stay within the three meeting process? In other words, can we start a process at, say, this meeting and does that preclude bringing additional items in at a secondary meeting? Would that reset the time clock basically, I think is my question. How tightly do we have to define the scope at the first outset to give us the chance to get everything done that we think we might want to get done by the end?

**Chuck Tracy** [00:13:30] Mr. Kern thank you. Well again, you know there's, there's three steps. You have to identify the scope, so people know what Council's action is going to be. Then you have to develop a range of alternatives and then you have to take final action, so if you introduce a new topic you know at a future meeting when you, say when you're doing a range of alternatives for some other topic that's involved and you know you're going to have to have another meeting to do a range of

alternatives for the new one so it's going to, you know, you kind of need, it's better to do it early then.

**Phil Anderson** [00:14:12] Yeah you can't start hanging stuff on this later is the, I mean and if you look at 3.1 in the, in the workgroup's report, it kind of lays out the schedule and what happens in step two and so if between step one and step two you're going to hang some additional things on here that are then it's going to slow the process down. Chris.

**Chris Kern** [00:14:38] So thank you Mr. Chair. That was what I was trying to get at is, I don't feel personally we've got a few of the items that I think, but I know there's been talk of some other ones. STT has some general notion but not a list and so I was trying to get my head around how much we even could put in at this stage or are we looking at really it starting the actual process at a subsequent meeting.

**Phil Anderson** [00:15:00] They have a little bit of, little, if I'm not overstating this, there's a little bit of slippage, you know, in between in terms of adopting final preferred alternatives, June or September but the development of the alternatives for the issues that are laid out and identified during the scoping in our, included in the purpose and need statement, that's where you got to stay within those sideboards or it's going to slide off the tracks on you in terms of timing. I wonder if I could, I think the one part that's I'm not clear on is I know the STT identified there's some, I think they fall under the category of housekeeping items and we don't know exactly what those are at this point, which is a little concerning and so I was wondering if Dr. O'Farrell had anything he could add to what he's already said about what those items might be.

**Mike O'Farrell** [00:16:20] Thank you Mr. Chairman. Well I'll just say at the outset, the STT has not taken a lot of time together to think about this and so that being said, the initial discussions that we had via email, I would, you know I mentioned the 40, 40 10. Beyond that I mentioned something about language about overfished and rebuilding. My, if there is, needs to be some change made it would be, it looks to me like it would be very much a housekeeping thing and in fact, maybe it would not need to be changed. We're not considering fundamental changes to go for fish status, you know, rebuilding charge and so forth.

**Phil Anderson** [00:17:07] Okay. Chris.

**Chris Kern** [00:17:12] Thanks Mr. Chair. And I don't know if this is helpful to anybody, but I guess what I'm picturing here is we've got a fairly good list in the scoping document we have for certain items. We've got 40 10 and we understand there may be others that could be housekeeping only or it could be a little more than that and so I'm also thinking about Mr. Kormos's comment earlier today about the timing of this. I mean maybe I'm not correct, but it seems like as long as we get this amendment in place and adopted before the basically end of the 2020 calendar year, we're going to be able to use it for 2021 and so the impetus to get it done before June, I don't know whether that's how firmly we need to worry about how quickly we get it done. We always try and get it done quickly, so is there an option for us to start the process of gathering up potential items for this after this meeting, direction to whoever that might be to start doing that and then actually working on the scope at the next meeting in terms of actually starting defining what that scope that goes into the FMP amendment is.

**Chuck Tracy** [00:18:26] We're doing that pointing thing again, aren't we? All right.

**Phil Anderson** [00:18:30] Are you pointing to yourself?

**Chuck Tracy** [00:18:32] I am now. I did have a little side conversation with Dr. O'Farrell during the

break and I agree I don't think what they're looking at is a substantive change in the way we do business or in any definitions or anything like that and may not even need to be addressed but that being said, you know we talked about hanging things on later not being a good idea, but what can be a good idea is to drop things off later. You know if the Council decides to narrow the scope when they, at the next meeting, that's a possibility too, so maybe I'll ask General Counsel's thoughts on that but, so, but just for example, if the Council wanted to provide some direction to, you know, include housekeeping things, work with the, work with the advisory bodies and the state tribal co-managers to go through and identify things and then bring that back to the Council in terms of alternatives. When they do the range of alternatives, the Council could then decide if some of those things were still appropriate or rose to the level of urgency to be included under this process or not. So that's just a, just a thought I had.

**Phil Anderson** [00:20:07] Maggie.

**Maggie Smith** [00:00:01] Thank you Chair Anderson. Yeah that's right. I mean the Council could always choose no action on any part of the proposal that was going forward if they determined that it wasn't preferable to amend the FMP in that way. I mean I would also just point out that, you know, we have a situation here where there are two changes to the FMP that are being considered at the same time and on the same schedule. I think it makes a lot of sense to combine that process into one FMP amendment but, you know, if the Council has other, there are other things that, you know, that as Mr. Kern was perhaps alluding to, other items that the Council would like to bring forward in an FMP amendment. It's not necessary to all put them into one amendment. You know if those things come to light, I mean we can have that conversation at the time about whether or not it should be all put into one amendment or does it make more sense to put them into two amendments and I mean there's no reason that, that can't be handled through normal Council procedures and future workload planning.

**Phil Anderson** [00:01:12] So my recommendation, for what it's worth, is that we move forward with these two primary, with our revision to our annual salmon management cycle, the 40 10 line, move forward with those. Let's wait and see what the STT has that they would like to add and make a determination as to whether what impact that, by adding those things can we add them and if so will it affect our ability to get these approved and in place by for use in 2021 and if the answer to that is yes, then I'd probably recommend going to a separate amendment procedure for those and if we can incorporate them without affecting our ability to get these done, then I would say let's add them but and just reminder our, our March Council meeting right now on, on is I don't know seven days or something. There's seven days' worth of stuff on there right now so the chances of us being able to add this to March look pretty limited to me so it's likely we'll look at it in April and get whatever recommend, in the interim get the recommendations that might come from the STT and make a determination at that time as to whether or not we want to broaden the topic areas. Chuck.

**Chuck Tracy** [00:02:47] Thank you. I guess I will just remind the Council there are a couple of housekeeping items that are already identified in the workgroup report. One of them just being updating the status determination criteria table and the other was replacing Northwest and Southwest region with.....and so, so assuming those go forward I think if there is direction for the STT or to the other, whoever other interested parties that, you know, things on that level are the things that the Council was looking for and not something more substantive. Thanks. Chris.

**Chris Kern** [00:03:28] Thanks Mr. Chair. Yeah, I'm totally comfortable with what you proposed a minute ago about, you know, use what we have here with the addition of the 40 10 line. I don't personally have anything on my radar that I need, that I feel like I want in a, in an FMP review. I've just heard talk over the last few weeks about potential miscellaneous items, not, not necessarily just housekeeping but and so that's fine and I'm also comfortable with the breadth that's described in the workgroup document

in terms of what the range of alternatives could start out as, again with the addition of the 40 10 line, so I'm fully fine with that.

**Phil Anderson** [00:04:05] Brett.

**Brett Kormos** [00:04:08] Thank you Mr. Chairman. Based on the presumption from earlier that a motion would be needed to add this to the scope of the salmon FMP amendment, I'm prepared to do that with no advanced write up or warning for Sandra unfortunately.

**Phil Anderson** [00:04:26] Well it may come as a surprise, but that's why I called on you.

**Brett Kormos** [00:04:30] And I thank you for that. I move that the Council add the adjustment of the 40 05 boundary line to 40 10 to the scope of the current work plan associated with the salmon FMP amendment presented in agenda item E.3, Attachment 2.

**Phil Anderson** [00:05:11] Thank you Brett. Language on the screen accurately reflects your motion?

**Brett Kormos** [00:05:16] Yes it does.

**Phil Anderson** [00:05:17] Thank you. Is there a second? Seconded by Bob Dooley. Speak to your motion as needed.

**Brett Kormos** [00:05:26] I don't think it is needed. I made a number of comments about this and why I'm interested in moving it forward. I'll just say thanks to all those folks who have invested their time and energy in, in moving this to this point today.

**Phil Anderson** [00:05:43] Okay. Any further discussion on the motion? All those in favor say 'aye'.

**Council** [00:05:50] Aye.

**Phil Anderson** [00:05:50] Opposed no? Abstentions? Motion carries unanimously. Do you want a motion on the letter Chuck?

**Chuck Tracy** [00:05:59] I don't think you need to do that.

**Phil Anderson** [00:06:01] Okay. So we did get a, I looked around the room to my colleagues and got a head nod on the drafting of the letter to National Marine Fisheries Service relative to the 2020 implementation date and so we will, we will be doing that as well. Let me now check back with Robin on our progress on this agenda item.

**Robin Ehlke** [00:06:31] Thank you Mr. Chairman. For the topics one and two I think we've fulfilled that work. I would only add that the, the dates and the locations are still tentative there. I always just mentioned tentative just so far, that we can make sure that we get our venue in place on that certain date but we have identified Eureka, Coos Bay and Westport on March 23rd and 24th and so that's what we will work towards. And for the management schedule, all things as is with the acknowledgement that the PSC meeting is the same week as the February STT meeting, and then also acknowledging that May 11th date that NMFS has identified as the earliest date possible to get the regulations in place and that the Council will work through the Executive Director to write a letter to Chris Oliver. So that work is done under one and two and then for three regarding the salmon cycle consistent with the workload planning in section 3.1 of that attachment 2 add the work that would also be needed to change the

boundary line to the 40 10 line and it sounded like as far as the March or April time frame because there is a range of time frames in there, was the Council, was it their desire then to meet back in April and discuss this again rather than March?

**Phil Anderson** [00:08:27] Well, I would say we'll talk about that under workload planning, but I just was making the Council aware, which I think they already were that March is pretty full.

**Robin Ehlke** [00:08:38] Okay, then that will conclude this agenda item then. Thank you.

**Phil Anderson** [00:08:46] Okay. Chuck.

**Chuck Tracy** [00:08:47] Thank you I did just want to clarify that with the adoption of the motion to add the boundary line item, that that will require a change in the purpose and need statement and so just to expect that when the, when this does come back to the Council that, that will be part of it. Presumably there will be some alternatives developed for the issues identified within the scope that will also be part of what comes back to the Council in March or April or whenever the next meeting for this is scheduled and that there is a potential for additional housekeeping measures to be identified in that interim period too, so just want to make sure the Council is accepting of that and clear that that's, make sure that that's their direction.

**Phil Anderson** [00:09:47] I think that's understood around the table. Okay. Susan.

**Susan Bishop** [00:09:54] Thank you Mr. Chair. A couple questions. One is whether the Council is tasking the existing workgroup to move forward with this work? That was one of the questions posed under 3.1 so just would like clarification at least for my own staffing direction, if that's what the Council desires. The other question I had was whether that Council needs to actually take specific action to start the amendment process or if what's occurred has been sufficient?

**Phil Anderson** [00:10:29] On the first point, I was assuming that the workgroup would, would continue. It's an informal, we haven't formalized it in any way, and I know there was a question about that in the report. I'm assuming people know who they are and if there are people who are not on the workgroup that would like to be a part of it, I would assume they could do that by coordinating with Robin. So it was my hope that the workgroup would continue and accordingly to the action that was taken here by the Council. On the second piece the, I thought with, with the motion that we adopted it was an affirmation that we were proceeding with the amendment process to the FMP and if there's further clarification needed there. If there's something more explicit. Maggie Smith do you have a....

**Maggie Smith** [00:11:50] I think it would be preferable to get a motion to put that action to start the amendment process into, put this into the FMP amendment.

**Phil Anderson** [00:12:34] I would, I would suggest maybe the most expeditious way to do this is to move to reconsider this motion and then make the addition, the necessary additions to the language in this motion to encompass the Council's intent of moving forward with the amendment to the FMP. So that means someone on the prevailing side, which is everybody, can make a motion to reconsider. We can vote on that. That would put this back in front of us and then we could amend this to, to, to include the broader, the broader action of, of starting the amendment process for the salmon FMP. Chris.

**Chris Kern** [00:13:31] Mr. Chair, a question. I'm not prepared to make that motion although I don't, just because I'm not sure I can get it right but I was wondering if, if we view this action as having modified the content of the report, would we have the option of initiating the amendment process based

on the revised report as previously amended by the motion as an alternative to re-opening the motion writ large? I don't if that makes sense, the way I said it.

**Phil Anderson** [00:14:09] It may be another way to skin the same cat but it's a simple motion to reconsider the action previously taken. That motion then puts it back before us. We reconsider it. It puts this back in front of us and then we can modify this accordingly. Chris.

**Chris Kern** [00:14:30] Mr. Chair I'd move to re, reexamine the prior....

**Phil Anderson** [00:14:33] Reconsider.

**Chris Kern** [00:14:33] Reconsider the prior motion.

**Phil Anderson** [00:14:35] Okay is there a second? Seconded by Mark Gorelnik. All those in favor say 'aye'.

**Council** [00:14:42] Aye.

**Phil Anderson** [00:14:42] Opposed no? Abstentions? That puts the motion back in front of the body to be a, for a potential amendment and Maggie could you help us with the explicit, some more explicit descriptive language that would accommodate your suggestion?

**Maggie Smith** [00:15:08] Sure. I would, I would phrase the motion as you know, move that the Council move, I'm not making a motion of course, move forward with making, move forward with amending the FMP on, on the items identified in the agenda item E.3 Attachment 2 and this additional item identified by Mr. Kormos.

**Phil Anderson** [00:15:45] So this would be, what this would be would be an amendment, so someone would have to offer an amendment to the motion that would add the language.....that the Council move forward with a salmon FMP amended, amendment. I can't make a motion either, by the way. If he kicks me I'll stop, as presented in the reference document the workload, with the addition of the adjustment to....and then through their work, the rest of that. Put a period after 40 10 and then the balance of that would be deleted. So something like that. Brett. You can't amend your own motion.

**Brett Kormos** [00:17:28] Thank you Mr. Chairman. I, which I take it to mean I can't move to amend it either. Is that correct?

**Phil Anderson** [00:17:34] That's correct.

**Brett Kormos** [00:17:35] Thank you.

**Phil Anderson** [00:17:37] Someone else would have to move that amendment. Marc Gorelnik.

**Marc Gorelnik** [00:17:41] Thank you Chair Anderson. I move to amend the prior motion to add the following language, that the Council move forward with the salmon FMP amendment as presented an Agenda Item E.3, Attachment 2 with the addition of the adjustment of the 40 05 boundary line to 40 10 and then to delete the remaining language that appeared in that motion.

**Phil Anderson** [00:18:13] Language on the screen accurately reflects your amendment?

**Marc Gorelnik** [00:18:16] I hope so.

**Phil Anderson** [00:18:18] So do I. Is there a second? Seconded by Bob Dooley. Any, speak to your motion as needed.

**Marc Gorelnik** [00:18:29] I do not need to speak to my motion.

**Phil Anderson** [00:18:31] Is there any discussion on the motion, on the amendment to the motion? All those in favor of the amendment say 'aye'.

**Council** [00:18:40] Aye.

**Phil Anderson** [00:18:40] Opposed no? Abstentions? Amendment carries. The main motion as amended is back before the body. Is there any further discussion on the main motion as amended? All those in favor of the main motion as amended say 'aye'.

**Council** [00:18:54] Aye.

**Phil Anderson** [00:18:54] Opposed no? Abstentions? Motion carries unanimously. Maggie how are you feeling now?

**Maggie Smith** [00:19:07] Real good.

**Phil Anderson** [00:19:07] Really good. All right. Is there anything else we need to do to complete our work on the Agenda Item E.3? That question is for you Robin.

**Robin Ehlke** [00:19:24] Forgive me Mr. Chairman. Maggie was just telling me how easy amendments were, so I had to...

**Phil Anderson** [00:19:30] I thought that was probably what she'd say.

**Robin Ehlke** [00:19:30] Thank you. I think we have worked through this agenda item and covered everything.

**Phil Anderson** [00:19:38] Thank you very much. All right that'll close out our work on E.3.

#### 4. Southern Resident Killer Whale Endangered Species Act Consultation Update and Risk Assessment

**Phil Anderson** [00:00:01] That concludes public comment on this agenda item, takes us to our Council discussion. We had the workgroup provide us their report and an updated risks analysis and they also provided us their schedule for future work, both in terms of what remained to be accomplished as well as a proposed schedule to accomplish that and come back to us in March. So further discussion or comments on the information that we have been provided? Brett.

**Brett Kormos** [00:00:49] Thank you Mr. Chairman. I would just like to acknowledge that, that to this date the workgroup has done an incredible amount of work, however, there, as, as Jeremy pointed out, there are still a couple of critical pieces missing and to put it in layman's terms, what does this all mean and what should we do? And, so I for that reason and I definitely support and would recommend or concur with the recommendation that the workgroup continue between now and our March Council meeting.

**Phil Anderson** [00:01:34] Thank you Brett. Comments? Dani Evenson.

**Dani Evenson** [00:01:43] Thank you Mr. Chair. For starters, we received quite a bit of public comment that said [mic fail] fisheries should be included in cumulative impacts analysis. I just kind of want to remind folks that, you know, it is outside the scope of the workgroup tasks and what we're considering here and that NMFS has already issued a biological opinion for delegated management authority in Alaska's water for Southeast Alaska and that buy-op included an analysis of southern resident killer whales. There is a new Jeopardy finding. In fact, it quoted that only a small portion of SEAC fisheries, Southeast Alaska fisheries, catch us from stocks that originate and return to southern resident killer whale habitat. I'd also like to reiterate some of the comments I made in the last Council meeting that there is a new treaty agreement in place which has tighter controls on harvest levels for, for all treaty area fisheries. The Southeast Alaska mixed stock fishery took up to a seven and a half percent cut to its annual harvest limit. The West Coast Vancouver Island fishery took up to a twelve and a half percent cut. These are the major fisheries. Additionally, there's now a new payback provision in place which will hold the feet to the fire in these fisheries because it makes it undesirable to go over the limit. They get paid back the next year. There's also tighter restrictions in inshore waters, so effectively all this means is that there are mechanisms in place to increase the abundance of chinook salmon already in these waters over in killer whale habitat area over the next 10 year period, and with that we also have a mitigation package that fellow Council member Zimm mentioned, where there'll be a substantial increase in chinook hatchery production, which will also contribute to an increase, and I note again that the risk analysis so far is all retrospective, so it's not reflective of these increases in abundance in the future and really like to see that when they wrap up the report and come up with the next steps and start drafting actions and what all this means, that those things get included into, you know, potential management alternatives. I also beg your indulgence here, I want to note that as the report states, northern resident killer whale populations, which are also fish eaters and, and rely on many of the same stocks as the southern resident killer whales are increasing in abundance. This to me suggests that water quality and vessel traffic likely play a larger role than simply prey abundance. These other pieces of the puzzle seem particularly important given the myriad of uncertainties expressed in the draft RA on the relationships between southern resident killer whales and chinook abundance. In fact, there's five and a half pages or so of uncertainties expressed and it's also evidenced by the fact that even though the workgroup has, you know rolled up their sleeves and re-analyzed everything and they still aren't finding. So, I would appreciate if some of those things, you know, as we develop the next steps get included. And in closing I do want to thank the efforts of the workgroup, particularly the analytical team, because I do recognize they've been working really hard at analyzing these data. Thank you.

**Phil Anderson** [00:05:46] Thanks Dani. Chris Kern.

**Chris Kern** [00:05:49] Thanks Mr. Chair. I'd just echo the support that Mr. Kormos did a minute ago as well as Miss Evenson and like to keep this going and try and get our work completed. I'm committed to carrying that through, so I support that idea. It is very important that we finish this, I think.

**Phil Anderson** [00:06:09] Thanks Chris. Anybody else? Barry.

**Barry Thom** [00:06:18] Thank you Mr. Chairman. I do, and the fishery service also very much supports continuing the workgroup through the end of February and beyond and just recognizing how much work everybody has done along that workgroup to date and to allow that to continue. I just wanted to highlight, you know, prior to the September Council meeting when I spoke to the Council, we did understand the likelihood that the Council wouldn't have a completed risk assessment you know in November and wouldn't, nor would they have a recommendation and in the absence of a recommendation or a completed analysis, we plan on working towards an annual assessment of the, for the 2020 fisheries for this upcoming year and plan to have a new biological opinion in place for those fisheries by May of 2020 and so we're going to continue on that approach, recognizing it's our obligation to ensure that the Council fisheries over the short and the long term don't jeopardize southern resident killer whales and our approach will be and continue to be to evaluate the fisheries annually, but also keep that long term vision in mind as we move forward and so consistent with that, we'll view the assessment for this year consistent with that approach and, and we will be using the work of the workgroup so we look forward to seeing what the assessment report coming through in February and we'll use as much of that, given that the new analytics there that are there, incorporating that in as much as possible into the both the guidance that we provide the Council, providing better guidance for the March guidance letter as well as through the process of setting the fisheries for 2020.

**Phil Anderson** [00:07:47] Thanks Barry. Any other comments, direction? Okay. I, I too just wanted to echo the remarks that others have made compliments toward the workgroup, in particular the analysts and my esteemed co-chair who's been doing the majority of the chairman's work, Jeremy. They've just really, really worked hard and Robin has been a big part of that too, to bring the products forward to the point they are now and it's, it's been a I think a very educational path and venture we've been on so far and I'm looking forward to continuing that work and bringing something back to the Council so, Robin is there anything else we need to do under this agenda item?

**Robin Ehlke** [00:08:56] Thank you, Mr. Chairman. I think that we did a good job at reviewing the risk analysis and then for future guidance it sounds like the Council does indeed want the ad hoc workgroup to continue. We have those dates listed for future work. I would regard them as, as tentative and but the plan would be to meet at least once a month over these winter months and prepare to have something available for the March briefing book would be the next goal of the workgroup. So, I think we've fulfilled the items under this agenda item.

**Phil Anderson** [00:09:31] Okay. Thanks Robin.

## F. Pacific Halibut Management

### 1. 2020 Catch Sharing Plan and Annual Regulations – Final Action

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to Council action, which is final action. I'll look around to see if there is any discussion and if there's no discussion I'll look forward to motions, probably one from each state. Maggie.

**Maggie Sommer** [00:00:17] Thanks Vice-Chair Gorelnik. Just to add a note I forgot to mention when I talked about the long leader and halibut combination, I just wanted to acknowledge that there will be a need to coordinate with Washington Fish and Wildlife and our two state enforcement agencies on that issue as we move forward considering it for the Columbia River subarea. Thanks.

**Marc Gorelnik** [00:00:41] Further discussion on this agenda item? Does someone care to offer a motion? Michele.

**Michele Culver** [00:00:52] Thank you. I would move that the Council adopt the changes to the 2020 halibut catch sharing plan as described in Agenda Item F.1.a, Revised Supplemental WDFW Report 1.

**Marc Gorelnik** [00:01:26] Michele is the language on the screen accurate?

**Michele Culver** [00:01:31] Yes.

**Marc Gorelnik** [00:01:32] Is there a second? Seconded by Rich Lincoln. Please speak to your motion.

**Michele Culver** [00:01:35] Yes thank you. We held public meetings in August and October and in general, what we are proposing for changes to the catch sharing plan provide us with additional flexibility and the ability for in this case, in the first revision for our Puget Sound subarea to attain their quota. So, we have fairly low CPUE in the eastern part of Puget Sound, the inner waters of Puget Sound, and particularly as the season progresses. We had been open in April every year up until about 10 years ago, and we have noted that anglers tend to have higher success when they fish in April and so we thought given that the fishery, for example, in 2019 left over 30,000 pounds of its quota on the table, this would give them the opportunity to, to catch their allocation. In general, the consistent statewide season opening date in marine areas one through four in area five has worked well and we're proposing to retain that. We're also proposing that the catch sharing plan provide flexibility in our north coast, south coast, and Columbia River subareas to open on April 30th, when April 30th is on a Thursday, such as in 2020, and to provide the flexibility in the catch sharing plan to be open up to three days per week and you'll note on our proposed season dates that are on page two that a few of the areas are still proposing to be open only two days per week, but this would provide us with the flexibility in the catch sharing plan to open as many as three days should there be available quota that would support doing that. The other thing that I wanted to note, as we did submit an earlier report and this is a revised supplemental report, really the only changes that were made were relative to the statewide season dates, not to the proposed changes to the catch sharing plan themselves. So one of the changes that, that changed is for Marine Area One. Our original report had contained an error relative to the very last line and the season dates that would be open should reflect May 28th through June 28th as they do now in the revised supplemental report. The other thing that I wanted to note that has changed is relative to Marine Areas Three and Four and Marine Area Five and through our discussions this week, particularly with our enforcement consultants, there was a desire to align the days of the week in area five with Marine Area Four. So for those not familiar, Marine Area Four is off of the northern part of our coast,

Neah Bay, and it extends slightly into the Strait of Juan De Fuca and then Marine Area Five is immediately adjacent to that and what we've noted in particularly in recent years is we've had an increase in effort in our private boat fleet and we have anglers that will launch out of either of those marine areas and fish in the other area, whichever area happens to be open. So because of that, we are proposing that prior to the Memorial Day weekend, when most of the fishery and the catch occurs, that we would align their season dates so that they're the same and then they would have the ability to fish either area and return to ports in either area.

**Marc Gorelnik** [00:06:28] Thank you Michele. Discussion on the motion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:06:44] Aye.

**Marc Gorelnik** [00:06:44] Opposed nay? Abstentions? Motion passes unanimously. Thank you, Michele. Is there a motion from Oregon? Maggie.

**Maggie Sommer** [00:06:55] Thanks Vice-Chair Gorelnik. Sandra. I move that the Council adopt the changes to the Halibut Catch Sharing Plan for 2020 proposed in F.1.a, ODFW Report 1, November 2019 and described below except do not include the option to allow all depth halibut fishing and long leader groundfish fishing on the same trip. The adopted changes would include, the Southern Oregon subarea allocation is 3.91 percent of the Oregon sport allocation up to a maximum of 8,000 pounds. Any poundage over that will be allocated to the Columbia River subarea. If the Central Coast nearshore fishery allocation is 25,000 pounds or greater, the season will open May 1st. If the allocation is less than 25,000 pounds, the season will open June 1st. If the allocation projected to remain in the Central Coast spring all depth fishery after its conclusion plus the summer all depth allocation totals 60,000 pounds or more after the spring all depth season concludes, Thursday may be added to the Central Coast summer all depth season open days. In the Central Coast spring all depth fishery, backup days are every other Thursday, Friday and Saturday. Status quo.

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

**Maggie Sommer** [00:08:12] Yes.

**Marc Gorelnik** [00:08:12] Is there a second? Seconded by Christa Svensson? Please speak to your motion.

**Maggie Sommer** [00:08:16] Thanks Mr. Vice-chair. Just note that these changes are intended to provide more flexibility, more opportunity, and the potential to attain our subarea inseason allocations, particularly given our outlook for what we hope to see for fishery allocations over the next few years. I will refer to my comments earlier regarding the exclusion of the long leader option and also my comment on the final bullet there that I think even though we are leaving the catch sharing plan description of backup days for our Central Coast spring fishery as every other week, I think that should the circumstances warrant, we do have the flexibility to consult with the management entity partners and make adjustments inseason if appropriate. Finally I'll just note that the one thing here that was not specified, oh pardon me, in our September report but is in the ODFW Report 1 referenced here is that Thursday will be the additional day added to the Central Coast summer fishery if the allocation exceeds the specified threshold. I want to thank all, everybody who participated in our public meetings and our online survey for providing us their input to help design the next year's halibut fisheries to best meet the needs.

**Marc Gorelnik** [00:09:47] Thank you Maggie. Are there questions for the maker of the motion? I'm not seeing any. Is there any discussion on the motion? Michele.

**Michele Culver** [00:09:58] Thanks not a question but just wanted to say thank you to Maggie and Oregon Fish and Wildlife for a couple of things, one for being responsive to the discussions and requests from our constituents from the Columbia River subarea and we recognize that the halibut in, off of both of our states is fully utilized and in high demand and so allocation issues are certainly not easy to work through and appreciate the change that you're proposing to make here. I would also say thanks for giving us a little bit more time to work through the, the long leader and, and think that we could find a solution through the spex process.

**Marc Gorelnik** [00:10:54] All right. Any further discussion on the motion? Seeing none I'll call the question. All those in favor say 'aye'.

**Council** [00:11:00] Aye.

**Marc Gorelnik** [00:11:02] Opposed no? Abstentions? Motion passes unanimously. Is there further busi... Phil.

**Phil Anderson** [00:11:14] I just wanted to recognize and thank the states for their work in bringing these proposals forward and for providing the public input opportunities. We all know the Council doesn't have a halibut advisory group and so we're really reliant on the states to do, for the interactions between the public and the states and the Council that, that conduit and I just wanted to recognize that work and thank them for their contribution.

**Marc Gorelnik** [00:12:00] Thank you Phil. Any further business around the table on this agenda item? Robin, how are we doing?

**Robin Ehlke** [00:12:10] Thank you Mr. Vice-chair. I did want to add one thing about the structure of the catch sharing plan. Just as a side note I've been working a little bit on changing the format of that document. So, first off, it's 508 compliant, adding a table of contents and a title page, very simple things but just so the Council knows. I'm working with the states. I've notified the tribes and NMFS of what will essentially be formatting changes just so that the document is easier to read. I also recognized Steve Keith's comments on the, the terms used as far as TAC and FCEY and so eventually putting some type of introduction to the catch sharing plan that just kind of illustrates where that might come from. I don't expect any big changes right away, but I would like at least for the 2020 catch sharing plan to include the table of contents and cover page and maybe break up some of the subarea descriptions into identifiable outline form as far as geographic description, season dates, bag limits things like that, so again everything is already there in the catch sharing plan. Nothing will be added, but to just summarize it in a way to where it's more readable and maybe you could find things that you're looking for easily, more easy, more easily.

**Marc Gorelnik** [00:13:52] Thanks Robin. Anything further on this agenda item before we go to the commercial directed fishery regulations? I'm not seeing any so let's move right into Agenda Item F.2.

## 2. Commercial Directed Fishery Regulations for 2020 – Final Action

**Marc Gorelnik** [00:00:00] That concludes public comment on Agenda Item F.2 and brings us to Council discussion and action. On the screen is the job before us. Phil.

**Phil Anderson** [00:00:18] Wanted to ask your indulgence to see if we could bring whatever representative the Enforcement Consultants would like to come up and talk a little bit about the timing of the opening and closure regardless of whether it's one day, two days, five days. I know we, we struggled with this in our crab fishery where we have an opening. We finally moved to 8 a.m. openings so that we could have a fair start. We weren't trying to enforce an opening that happened in the middle of the night, but I just would like to get a little bit of sense from the Enforcement Consultants or the Coast Guard or both on their thoughts about when we have a relatively short fishery like whatever we're talking about, two days, three days, four days, and we're talking about an opening and a closing time, what are the enforcement considerations relative to having it open during daylight hours versus in the middle of the night, as well as closing during daylight hours or the middle of the night?

**Scott McGrew** [00:01:41] Thanks Mr. Vice-Chair. Thanks for question Mr. Chairman and I'll turn it over to Greg but I just wanted to from the Coast Guards perspective, we do the vast majority of any overflights so whether that's fixed wing or rotary wing flights in support of the opening and closing and I can say with certainty for aerial observation, daytime openings, the 0800 opening is better than a midnight opening for us flying on it. One from a, we have to reverse cycle pilots have them fly for like a midnight opening when we used to open the crab season at night, but just from what you can see from like an observer, whether we bring a NOAA EO on board the flight, what you can see at night versus what you can see in the day, it's much easier to see gear going in the water and activity during a daytime opening.

**Dan Chadwick** [00:02:35] Thank you Mr. Vice-Chair and Mr. Chairman. Again, Dan Chadwick with Washington Fish and Wildlife. Our crab fishery we've recently changed into a nine o'clock start time and, and daylight hours are best for, for everyone involved. I know our, our crab industry appreciates the daytime start, daylight start compared to the midnight start that we used to do it for enforcement and for, for industry it's, it's safer for everyone in the daylight. We can see weather conditions, what sea conditions we're dealing with when we're going out there. We can get underway easier and in this directed halibut fishery, we've had some abuses where we've needed to be on board at the time of fishing. We had, I'll just give one example where we had one boat that we boarded while hauling back gear. We had 68 undersized halibut on that boat and had we not been out there in the daytime and been able to board that boat and as it, as it was fishing, we would not have come up with that violation. So for the most part, this fishery is clean, I'll add that, too, but again the daylight allows enforcement to do their job more effectively. It's safer for the fleet to go out and on their bar crossings and whatnot and then when we're talking about whether this fishery goes 10 hours, two days, three days, five days, it's definitely this two day model we feel is, the Enforcement Consultants feel is the best approach if we go anything different than the status quo, 10-hour.

**Greg Busch** [00:04:23] Mr. Chair, Greg Busch with NOAA Enforcement and just to reiterate and reinforce that if we're looking at a 10-hour fishery, that 8 to, 8 a.m. to 6 p.m. is, is the best time frame because of the daylight, however if we're looking at a true 48-hour, 72-hour, five day fishery with the daylight, then you'd be looking at noon, then 8 and 8 or noon, then midnight. So, noon, noon gives you the opportunity as well to make sure that your enforcement resources that are going out to patrol ensure a fair start aren't departing in the dark as well. So, so if it is a multiple day where you've got to set 24-hour period for a start and stop time, then you'd be looking at noon, middle of the, middle of the day being the best time otherwise the next best would be an 8 a.m. or earlier in the morning and then, and

then of course midnight being the least desired.

**Marc Gorelnik** [00:05:18] Thank you. Phil.

**Phil Anderson** [00:05:20] I appreciate it.

**Marc Gorelnik** [00:05:21] All right. Further Council discussions? Marci.

**Marci Yaremko** [00:05:24] So just to follow up really quickly on that. So if we were to be looking at a 72-hour period, your advice would be start noon on the first day and then end 72 hours later, which would put us at noon on day three?

**Greg Busch** [00:05:43] Through the Vice-Chair. Miss Yaremko, yes that's correct.

**Marc Gorelnik** [00:05:51] Any further questions while these gentlemen, fine gentlemen are there? I have one. If you have a preference between a 24, 48, 72-hour period, in other words one that would start and end on the same time of day versus one that would start in the morning, say at 8:00 a.m. and either conclude 6:00 pm the same day, 6:00 p.m. the next day, et cetera. Which of those regimes makes the most sense to you or are you indifferent?

**Greg Busch** [00:06:29] We could have a difference of opinion on this one but....

**Marc Gorelnik** [00:06:32] Okay well let's hear them both.

**Dan Chadwick** [00:06:34] Mr. Vice-Chair, thank you. Again, we in our Enforcement Consultant's Report, we would like status quo, that 10-hour fishery. I mean it, we have limited resources and so if we had an option, it would, it would stay that 10 hours. We could focus our efforts that way and our, and our resources.

**Marc Gorelnik** [00:06:55] Yeah but the question is really, if we're not going to have a 10-hour opening, we're going to have 34, 58 et cetera or you know, if we're going to have a multiday opening, would you prefer it started a.m. on a day, 6 p.m. on another day, or would you prefer a noon to noon in a multi-day opening?

**Dan Chadwick** [00:07:19] Thank you Mr. Vice-Chair. I apologize. We'd rather have it noon. Later in the days is always better. Again, we, we changed our crab fishery start time to 9:00 a.m. just for one of those reasons to allow us some time to, to monitor the fishery in the daylight.

**Greg Busch** [00:07:38] Mr. Vice-Chair. I'm in concurrence. It would be a noon to noon, so straight for 24, 48, 72-hour fishery, be a noon start, noon stop.

**Marc Gorelnik** [00:07:47] All right that's great. Thanks. Louis.

**Louis Zimm** [00:07:51] Thank you Mr. Vice-Chair. I think I have a couple of questions on this. Off the Oregon Coast, is it the afternoon the most windy time, the most dangerous time to do boardings?

**Dan Chadwick** [00:08:06] Through the Vice-Chair. Louis it depends. I mean we've had some really calm days out there. That day that I talked about where we had that one violation it was pretty flat calm throughout the entire day, so typically in the afternoon the wind does come up but it depends.

**Louis Zimm** [00:08:27] Thank you Mr. Vice-Chair. And I'm going to ask you what assets you would be using. I have a fairly good handle on what assets the Coast Guard is using, however you may be launching small boats. What, what assets would you use on this state? Are you talking ribs? Are you talking 40-foot patrol boats? What are you talking here?

**Dan Chadwick** [00:08:48] All the above. We do, we have rigid hulled inflatables that we do a lot of our work with now, 28 feet and we are going smaller, faster vessels that can get us in and out. We still have our large boat, the 'Corliss' and then Oregon has their large vessel too, 40 some foot vessel.

**Marc Gorelnik** [00:09:13] All right any further questions of enforcement while they're up there? Brad.

**Brad Pettinger** [00:09:23] Thank you Mr. Vice-Chair. I'm kind of curious about the noon to noon. I mean, what of the 8 to 6? What's wrong with an 8 to 6? So instead of a 72-hour opener, it would be a 58-hour opener. It seems to me that if people start laying gear at 8 or at noon, they'll be, small boats will be picking up the middle of the night that maybe don't want to? What's your thoughts on that?

**Dan Chadwick** [00:09:52] Through the Vice-Chair. Mr. Pettinger. We were just asked what we'd rather have.....(laughter)... Not that we couldn't work with a noon or 8 a.m. start time.

**Greg Busch** [00:10:04] Through the Vice-Chair. Mr. Pettinger and one of the considerations I was thinking of in terms of preference for a noon versus 8 a.m. is also consideration of when the enforcement resources have to be underway and departing to be on scene. So you'd be either having to be out the night before if you want to make a fair start in certain areas or you'd be getting underway before daylight to ensure that you're out there and so that was part of the consideration of a little later than 8 a.m. and then I know with as Mr. Zimm had mentioned, there are concerns and I saw it when I was operating in Northern California where the afternoons you typically do have the winds will pick up a little bit and that's a consideration as well but whether or not you can get out boardings is really dependent on the situations and what resources you have.

**Marc Gorelnik** [00:10:56] Phil.

**Phil Anderson** [00:11:00] So we're talking about this fishery occurs in the middle of the summer when the days are the longest. It will have been light for at least seven hours by the time noon rolls around so, and I'm, you know the noon to noon business from a fishing perspective gives a fisher person a half a day on each end of it and a full day in the middle and while I'm somewhat sympathetic to your noon argument and I'm not very sympathetic to it. I mean, 8 a.m. in the summer will have been light for at least three hour... I get it, I mean I leave at 5 in the morning and it's broad daylight, so I'm looking for a little love here... (laughter).... Seems to me we could open up the first day earlier than noon in the middle of the summer. If you're talking December, I get your point.

**Dan Chadwick** [00:12:03] Yeah absolutely Mr. Chairman. We could start, enforcement can get up early and we have... (laughter)....

**Marci Yaremko** [00:12:14] Thanks Phil for that question.

**Marc Gorelnik** [00:12:18] Marci.

**Marci Yaremko** [00:12:20] Apologies here for not knowing this, but does the start time, is the definition of start time the time at which you may deploy gear into the water, is that correct? So, you are able to leave the dock beforehand. You just can't dump your gear until noon so....

**Greg Busch** [00:12:39] Through the Vice-Chair. Miss Yaremko. That's correct. So typically the vessels will be underway already. They'll be on the, in their spot ready to set gear waiting for the start time to be reached, at which point they would start deploying their gear.

**Marci Yaremko** [00:12:54] And then on the return, gear must be out of the water by the noon deadline?

**Greg Busch** [00:13:01] Through the Vice-Chair? That's correct. All gear must be out of the water at, at when the season starts over or when it stops, when the closure is.

**Dan Chadwick** [00:13:12] If I could make one more comment that, that I just thought of and I think it's an important one. In this fishery there's certain areas that, that are targeted by fishermen and there can be some pretty major gear conflicts if they're not all in sync and so having a start time daylight, especially even if it's 8 a.m., is an important thing for these fishermen to, to all get on the same page and I'm hearing efforts by the industry to set gear all at the same time to avoid gear conflicts like that so just want to bring that up as well.

**Marc Gorelnik** [00:13:53] All right. Further questions of enforcement? All right thanks very much. We've been at this for two hours. We can continue the discussion. We can take a break. What's the pleasure? I heard break from someone. So we're going to take a break and then let's spend the break thinking about what we're going to recommend. I have 2:54. Let's come back at 3:05.....(BREAK)... Prior to the break we had been having a very good discussion about the recommendations we may make. I don't want to cut off that discussion, so I'll see if there's any further discussion but if someone has a motion, they think the time is right, take the motion. So any, any further discussion around the table? Do I have a motion? Maggie.

**Maggie Sommer** [00:14:56] Thanks Mr. Vice-Chair. I move that the Council recommend to the IPHC a three day fishing period. 0800 day one to 1800 day three, beginning the fourth Monday in June for the area 2a nontribal commercial directed halibut fishery in 2020.

**Marc Gorelnik** [00:15:25] Maggie is that language accurate?

**Maggie Sommer** [00:15:28] Yes.

**Marc Gorelnik** [00:15:30] All right. I'm looking for a second. Seconded by Brad Pettinger. Please speak to your motion.

**Maggie Sommer** [00:15:37] Thanks Mr. Vice-Chair. I want to thank everybody for all the discussion on this and consideration by the GAP and the EC, the reports we had, the rather lengthy discussion here around the table. I also want to recognize that I heard a fair amount of input before coming to this meeting in favor of retaining a status quo fishing period but that due to the, the support here from our advisory body, the Groundfish Advisory Subpanel and the halibut, fishermen on that and in public comment and in discussion here I am supporting a three day season. I think that will give us a little bit of a move away from the shorter 10-hour period. I think we considered the IPHCs recommendation of a two-hour season and want to acknowledge the Enforcement Consultant's comments on that and that their ability to enforce the fishery may change with anything longer than two days but I don't see that two days provides enough more time than a 10-hour season to really allow a vessel, for example, to turn around two trips if, if they wanted to do that and I think three days gives a little bit more buffer to potentially address some of the safety concerns with the nature of this fishery. I, following on the discussion we just had about start and end times, I am recommending that we recommend retaining the current start and end times of day 8 a.m. and 6 p.m. based on the, just the, the considerations for

enforcement and ease of access for both enforcement and fishing for those times and the, I have specifically recommended the fourth Monday in June rather than last Monday in June, so that in those years where there actually are five Mondays that fall in June, this doesn't push it quite that late but I did want to leave it toward the end of June to avoid any potential perceived or real conflict with the recreational fishery and that's the same reason that I have recommended that the days open be Monday through Wednesday, recognizing that certainly in Oregon we may have recreational fisheries open Thursday, Friday, Saturday in June if we haven't yet used our Central Coast sub area in spring all depth quota in particular and so this would provide a little buffer between the days that those fisheries would be open. Thanks.

**Marc Gorelnik** [00:18:40] Thank you very much. Are there questions for maker of the motion? Further discussion on the motion? Frank.

**Frank Lockhart** [00:18:51] Just a similar question to what I asked Steve Keith. Does this presume anything for the potential structure of future openings at all?

**Marc Gorelnik** [00:19:07] Maggie.

**Maggie Sommer** [00:19:08] Thanks Mr. Vice-Chair. Thank you for the question Mr. Lockhart. I was assuming following Mr. Keith's response earlier that any, any second or following open periods would be the same duration as recommended here so three days starting at 8:00 a.m. on day one and that they would simply adjust the vessel limits based on the amount of quota remaining.

**Marc Gorelnik** [00:19:38] Further questions of the maker or the motion or discussion on the motion? Phil.

**Phil Anderson** [00:19:47] I'm trying to decide whether this is, it's to this point about subsequent openings and I had some conversations with Lieutenant Commander McGrew as well as meet with others on the idea of a 34-hour opening versus a 10. I'm just thinking about subsequent, if there are second openings, I wanted to make sure that the Halibut Commission staff was aware of the Coast Guards perspective about 34 hours versus 10 in the event they were looking at a subsequent opening that had a different structure to the initial opening. Does that make sense?

**Marc Gorelnik** [00:20:41] Frank.

**Frank Lockhart** [00:20:42] I'll just, maybe to ask Phil a follow up, so what I understand from your saying is that if the, they'll try for a three day, but if they determine that they have to go to a two day or one day, they would still, they would go to the 34 hours, 8 to 6 or they would do the, a 10-hour opening from 8 to 6.

**Marc Gorelnik** [00:21:05] Phil.

**Phil Anderson** [00:21:05] I want, no, but before they were to consider something like a 34-hour opening, I want them to have the value of the perspective of the Coast Guard as it relates to safety implications for that kind of a structure, which I would ask if Lieutenant Commander McGrew would share his thoughts about that.

**Marc Gorelnik** [00:21:36] Lieutenant Commander McGrew.

**Scott McGrew** [00:21:38] Thanks Mr. Vice-Chair. Thanks for the question Mr. Anderson. I think the

discussion that we had was that we don't have a record of significant safety issues with 10 hours, understanding there are conditions that make it difficult and, you know, obviously potentially dangerous for small boats to operate in, but that can occur at any time and that's the, ultimately the operators decision. But what I, what I do see at a 34-hour opening is we would pretty regularly run into boats that are well under their trip limit in the 10-hour opening and I see by forcing a 34-hour opening, you're incentivizing pushing through and fishing for a 34-hour period, which when you back that up to the time that you're already going to be out there to get on the grounds by 0800, you're talking about pushing three, you know into, into that two whole days of being awake, so I actually see more safety concerns by bringing increased fatigue into the scenario in a 34-hour opening and that's not going to be for everyone but there will certainly be boats that are going to push the fatigue side just as, just as there's going to be boats that push the weather in a 10-hour.

**Phil Anderson** [00:23:06] Could I ask a follow up?

**Marc Gorelnik** [00:23:06] Phil.

**Phil Anderson** [00:23:07] And just a follow up. And having that perspective then that compared with the motion that's in front of us?

**Scott McGrew** [00:23:18] Thanks Mr. Vice-Chair. Thanks for the question Mr. Anderson. I think at three days my experience has been primarily from Central Oregon north into Washington, but from what I've seen I think that at three days there's going to be more of an opportunity for folks to make two trips with some rest period in there versus that 10-hour or 34-hour period. My perception is that there's, there's certainly, there's more room for rest.

**Phil Anderson** [00:23:55] Thank you.

**Marc Gorelnik** [00:23:59] Further discussion? Maggie.

**Maggie Sommer** [00:00:00] Thanks Mr. Vice-Chair. I just wanted to add a comment regarding trip limits since I didn't address in my initial remarks. Obviously IPHC will be establishing the vessel limits under this or whatever structure they end up choosing. It was my thinking that this time period would probably result in a trip limit somewhere in between status quo and then what was estimated for a five day period so I took that into account and also took into account the comments raised by the GAP that with a five day period we might see maybe a jump in participation that we may not see in a three day, so this was also an attempt to balance that and avoid too big a reduction in vessel limits associated with this change.

**Marc Gorelnik** [00:01:04] Further discussion on the motion? Michele. Marci.

**Marci Yaremko** [00:01:14] Thank you Mr. Vice-Chair. I guess I'll just start with providing the feedback that I received directly from our directed fishery constituents. They are not numerous so you can actually reach out to each of them individually and get a response, but they were unanimously behind the five-day fishing period. They did offer their comments to us in the briefing book, some of them, so that's kind of my baseline and where I'm starting. I acknowledge that the motion is an improvement over status quo of a 10-hour opener, if you're coming from the perspective of where we are sort of on this far out end of the spectrum, I guess. But I'm a little concerned about a few of the elements here that this motion might incorporate. One, I guess hearing Steve's discussion on the trip limit modeling, if we were to model the directed fishery to take all of its allocation in this initial three-day period, what about that second opener? This, this option would provide us a 58-hour fishing period,

but then the second period would likewise evidently be 58 hours, based on the response that I heard from Maggie. I'm presuming that, that still has the same concerns that enforcement raised about the need for the 72-hour stand down or the inspect, out of sablefish and the hold inspections, the gear up for the derby and then the execution and then the postgame wrap up work, so if what they're saying is a currently a 10-hour fishery is a four day work effort, then if we're looking at two of these periods, we're looking at much more in the way of directed work effort from enforcement. I guess I'll just say that it's, it's in my mind this discussion about directed enforcement effort versus a regular standard kind of enforcement effort, I would like ultimately to see this fishery be more something that is standard rather than focused. I think that's what we have with our incidental salmon troll fishery. Right now, it's organized, it's efficient, our ability to monitor that fishery and hold it to its limit is proven to be very effective over the years. We get advice every year on what that ratio should be set at and what we should be doing with regard to structuring the, the incidental season seems to work quite well. So thinking about the concerns with enforcement, I guess I'm, I'm unsure that with the motion in front of us that it really keeps to their needs with regard to this specific focused effort, unless we were to make the trip limits so generous that you would take it all in this first three day period and not consider having, you know a second opener. If that were to be the case that the trip limits were to be set high enough to assume there would be no need for a mop up second directed fishery period, I start to think about what does that look like and to me that looks like, all right we landed all of the directed fish in the directed fishery all in one straight three day shot, and I don't know if that's the right model either, especially if it causes these issues with, you know, fatigue and so on, so forth, so kind of balancing that out I'm just concerned that this is really going to be an improvement. I guess the other comment I'd make on the definition of the days and the start days and the 24 hours versus 10 hours, I recall asking Jerry what's your definition of three days and he said 72 hours. That's my definition of a day, 24 hours and when we talk about expanding, extending the number of days, I just think in terms of 24 hours. I can see why enforcement would and fishermen too might want to end the last day early and wrap things up at 1800 rather than allow things to go through 0800 the following day, but if our goal is to extend the fishing period to allow boats more opportunity to take advantage of good weather, that last day is the day that has the good weather, then you're kind of, you know, that you didn't really accomplish the goal. So, I think, you know, hearing from Bob Alverson, folks will fish at night if it's, you know, that's their business model and that's how they operate. So if our, I'm just looking at where, you know, this motion gets us in terms of our ultimate goal and I guess I will you know, ultimately if the sentiment is, you know to support this concept, I can support it as well but I'm just looking at where I'm starting on this far end of the spectrum and I'm not, not confident that this structure is going to bring about a vast, you know, vast improvement from where we're at. So thank you.

**Marc Gorelnik** [00:07:51] Thanks Marci. Bob and then Michele.

**Bob Dooley** [00:07:58] Thank you Mr. Vice-Chair. I was thinking a bit on the same lines that Marci was thinking about. It seems to me in reflecting on Lieutenant Commander McGrew's comment about vessels coming in slack and not having full, full limits on those openers, it seems like on a three day opener, the likelihood of them coming in with a limit is a lot higher and if it's scheduled in such a way that you have limits that allow for the taking of the entire allocation in those three days, you're going to have a lot of fish at the market in a pretty quick time potentially, so I'm thinking of that a little bit. I think three days as far as a safety thing is a good idea. I think that is a really good idea, it gives time for rest if you're right on that. Still a lot of work going to be baiting at night. I get it, but it does allow that time. Yeah but I just wanted to bring up that point of, of thinking about if you're, really the possibility of a second, a second opening, unless it's scheduled with lower limits to allow that so that can't possibly happen, then there won't be a sec, most likely not a second opening and if there is a second opening with the same type of format with three days, it seems to me those limits for the second opening will be very, very low. So just something to think about.

**Marc Gorelnik** [00:09:38] Michele.

**Michele Culver** [00:09:41] Thanks Mr. Vice-Chairman. The, the, appreciate the comments from Lieutenant Commander McGrew and Marci and Bob on this motion and I, I'm going to support the motion, but I don't believe that this is the solution to the fishery. I don't think that this is where we want to end up. I view it as a transition. I think the Enforcement Consultants captured that in their statement. They're viewing this as a transition until the Council assumes management of the fishery. I think that anytime you have a fishery where you are managing it to a fairly small quota and it's open access, it's a derby. I don't care if it's three days or five days, I think that's the situation that, that is set up. It's a limited amount of fish. It's an unlimited amount of people and it's the first opener people are going to go. I do think that as we get into the next agenda item, I think it would be good to have a discussion from a management and an enforcement perspective about what kinds of tools we may need as we transition and assume management of this fishery. I think there could be some tools that could assist enforcement in being able to enforce a longer fishing period that we don't have available to us now. In terms of Marci's comment about not being sure if this gets us toward our goal, I agree, but I also don't think we've yet taken the time to talk about what our goals are and I do look forward to doing that under the next agenda item and through the transition period, but in terms of what's being proposed here, I do think that it would provide additional opportunity in particular for smaller vessels. I do think that if it were longer, such as a five day, I do think that's going to attract more effort, particularly by larger vessels that aren't participating now because of the shorter duration. I do think that from what we've seen, most of the vessels are catching their limits now in the 10-hour period as much as they can. I do think that this proposal provides perhaps more opportunity for rest. I don't know how much rest anybody's going to get during this opener and I, I doubt people are going to come in and offload and go back out again. It was interesting to hear a lot of the questions that came up relative to fishing at night or time of day and had to keep reminding myself we don't know because we've had a 10-hour opener from 8 a.m. to 6 p.m. so people haven't really participated in this fishery for longer than that, so I also appreciate the GAP statement saying that maybe if for no other reason then we should try something new besides just keep doing the 10-hour opener that we have been doing this would at least give us a little bit more information to make better informed decisions in the future.

**Marc Gorelnik** [00:14:01] Thank you Michele. Maggie.

**Maggie Sommer** [00:14:05] Thanks Mr. Vice-Chair. I'll be brief. We've spent quite a bit of time on a fishery we don't even manage yet. One, I also view this as transitional. This is not where I think that we probably want to be with the halibut fishery in the long run, but I think it is a good approach for 2020. Second, following on the discussions we've had have of potential follow up openers, mop up openers, my intent with this motion is that it not be prescriptive about follow up openers. It will be up to the IPHC you know as they have in the past to determine vessel limits for the, any following fishing periods if there's allocation remaining with the intent to provide the opportunity for this sector to achieve that full attainment, and then at some point if it, if there is remaining allocation and IPHC has determined that it is not enough to hold any follow up opener, it has been, it can be rolled over into the salmon troll incidental fishery, but I would not intend this motion to be prescriptive about how trip limits or, or the duration of a following open period is set and I would not expect to see that reflected in a letter transmitting this recommendation to the IPHC.

**Marc Gorelnik** [00:15:30] Thanks Maggie. Frank.

**Frank Lockhart** [00:15:34] A lot of the comments I was going to make have been already made, so I'll just make the couple that haven't quite heard. I guess I'll just start off by saying I was leaning towards status quo when I first kind of came here and but I was compelled by the GAP statement and as well as the public comment. I think there were some issues there, and you know, having, doing something

different and seeing, seeing what happens I think, along with some of the concerns that were expressed by the public commenters, I think those are, those are good reasons, you know we've done the same thing for year after year and now by moving forward with this I think it will inform us as we go forward with this transition and take on the management and give us a little bit of more data to, on which to base decisions that we'll be making in the future. So I'll be voting in support of the motion. Thanks.

**Marc Gorelnik** [00:16:35] Further discussion on the motion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:16:46] Aye.

**Marc Gorelnik** [00:16:47] Opposed no? Abstentions? Motion passes unanimously. Are there any other recommendations we would wish to make to the IPHC on this agenda item? Any further discussion on this agenda item? Frank.

**Frank Lockhart** [00:17:08] Just a question. So, this, there will be a letter from the Council to the IPHC that will be forwarded to them at the interim meeting? Is that how this will be passed on?

**Chuck Tracy** [00:17:19] Yes.

**Frank Lockhart** [00:17:25] Thank you.

**Marc Gorelnik** [00:17:26] Robin how are we doing on this agenda item?

**Robin Ehlke** [00:17:29] Thank you Mr. Vice-Chair. Under this agenda item the goal was to adopt a season for recommendation to IPHC. I think the Council has had a really healthy discussion about all the different options and some new things have come to light but at the end of the day, it looks like we have a three day fishery starting the fourth Monday in June from 8a to 6p that will be forwarded to IPHC for consideration. So I think you fulfilled your obligation under this agenda item.

**Marc Gorelnik** [00:18:06] All right thank you Robin. All right that concludes this agenda item.

### 3. Commercial Directed Fishery Transition Planning

**Marc Gorelnik** [00:00:02] That concludes management entity and advisory body reports. Do I have any public comment? I have no public comment, so that takes us to our action here which is there on the screen. So, let me look around the table for some discussion. We've had plenty already, but I'm sure there's more to be had. I don't if we have any further guidance from NMFS. I notice they've been chatting a bit. Brad Pettinger.

**Brad Pettinger** [00:00:47] Thank you Mr. Vice-Chair. I think we talked about the vessels that have VMS or not. If a vessel is going to be participating in this fishery, you still have a hauler and longline gear, which I would assume they'd probably be using that in the open access a longline fishery so my guess is that they probably already do have VMS. I would be shocked if they didn't, just to have all that equipment and gear for just one or two day opener during the year sounds kind of unrealistic.

**Marc Gorelnik** [00:01:26] Phil.

**Phil Anderson** [00:01:31] I think the next step from my perspective is for Council staff and NMFS to get together and talk about the logistics of moving forward, workload associated with the items that are listed in the table. I think you have to have some discussion around the issues the GMT brought up. You have to have some discussions about the management component of this. I think the licensing component is laid out pretty well on the table, but I think, you know, before we can go much farther, those discussions need to occur. As far as, you know, getting into the specifics of management measures or VMS and all that, I mean that's for a later discussion, I think.

**Marc Gorelnik** [00:02:36] Michele.

**Michele Culver** [00:02:40] Thank you. I don't disagree. I came into this meeting thinking that this agenda item was going to focus on primarily on the permitting question, which I thought is what was driving the NMFS timeline and tasks that were presented in their report and it was the intent that the, the Council would assume management of the commercial fishery understanding that it likely would not change much in the way of management as we make this transition and the intent was to try and get some fairly simple vessel registration permitting in place and I guess I'm, I was thinking of something similar to the HMS Permit. It's an online system. It's got a form, you check the box and there you go. So something fairly simple like that, which I think because we have the HMS permit, we already have the infrastructure, right? The software, the capability of doing that, it's changing the form a little bit relative to this fishery and the different gear types and then I thought Enforcement Consultants and GMT certainly raise good questions and issues but that those were things that we would delve into after we transition the fishery and had our permitting structure in place, and then I guess through the presentation of the reports and discussion, I'm not entirely sure where, where we are and what the decision is to be made here because it seems to have evolved given the reports that we've received.

**Marc Gorelnik** [00:05:21] Maggie.

**Maggie Sommer** [00:05:22] Thanks Mr. Vice-Chair. It was my understanding that their reports were intended to be proactive, thinking about issues that we will want to consider at some point as we go through the transition and not that there is anything we need to address immediately, and I do appreciate that, that thinking ahead by the Enforcement Consultants and the GMT and I would agree I think with Mr. Anderson's comments earlier that I think the first step is to really focus on the, the process and probably some, we probably have some scheduling tasks to think about maybe under workload planning to move forward but I'm not sure we're even ready to do that scheduling before some discussions occur

about just the steps and who's involved and process and what the timing is given the constraints that Chuck and others have raised about our resources.

**Marc Gorelnik** [00:06:31] Further discussion? Phil or Marci.

**Marci Yaremko** [00:06:41] Thank you Mr. Vice-Chair. Yeah, I want to echo Michele's remarks on what I thought our purpose here was today was really to look, look at the permitting issue and the document from NMFS about their delve into what's possible and by when. I think that the HMS permit, I've always thought that that is an excellent model for what we might be looking toward here. NMFS, they are the experts on the NEPA workload and the timeline in terms of completing that NEPA in support of a regulatory process to implement a permit requirement, but I think I am struggling a little bit with how complicated we need to make this. An open access registration requirement kind of in my mind, just conceptually, doesn't need the same type of scrutiny or economic analyses that might be required for something like a limited entry permit program or an IQ type of a system, so I'm hoping that, you know, we could borrow from the model that's kind of already there and maybe there's some savings here in terms of the work. I appreciate the input from the, from the GMT and the EC on these issues that are kind of beyond the permitting and agree that those were kind of successive steps down the path. I wasn't really looking toward this being a wholesale purchase of everything all at once myself. That wasn't really the impression that I had about how this was going to work, that we were going to take this step forward and assume the responsibility to handle the permitting, and then we'd take successive steps forward at a later date. So that, that was just my impression of where we were at in the process. Thank you.

**Marc Gorelnik** [00:09:00] Further. Phil.

**Phil Anderson** [00:09:03] I don't know if this is... probably not helpful but I mean the Halibut Commission has said they don't want to do fishery management. They don't want to do, or they don't want to promulgate regulations. They want the contracting parties to do that and I was looking at the fishery regulations of the IPHC today earlier, early this morning and there's a, there's a fair amount there and if we were going to the components of that, that pertained to 2A, if we were going to essentially be taking on all of those components, it's a, it's a significant bite, I'm sure there's a different word for that. So I just, you know, we've focused on this one little, sorry, important, but little piece of all of the halibut sectors and components and fisheries but that's, that's, they don't want us just to take that over, they want us to take it all over as I understand so we need to be thinking about it in that context. I don't even sure we need a catch sharing plan I mean anymore, or when we need a plan, but what it looks like is and whether it's a this kind of special animal of a catch sharing plan, I don't know so I don't even know where we're going with that for sure once we take, assume all this so and the permitting part, I don't know if there's any of the software or approach that the Halibut Commission uses that we might just be able to use as a essentially replicate what they are doing, but doing it in our, in our domestic system, so I don't know that we need to build a new system and perhaps the HMS one works too, I don't know, but if we're going to keep some of the regulatory pieces, like if you're going to participate in one fishery, you can't participate in the other. We're going to keep some of those components that rely on the licensing or permitting system to enforce. We need to be, this is not just a matter of getting a federal permit. If you're not going to do that and you're going to not maintain some of those regulations that are currently in place that are, that, that necessitate during permitting to know whether are you going to be a charter boat? Are you going to be salmon incidental halibut retention and salmon? Are you going to be in the directed fishery? If there, you know so we need, it may not be, if we want to keep those elements and those components of how this fishery is being managed now, we need to be thinking about building our permitting system that allows us to do that. So that's why we, we need to be really, I'm not suggesting we're not, but we really need to be thinking about this in a

holistic way and not just about the relatively small component that the directed commercial fishery makes up. Unless I'm all wrong and that's all we're doing, this is a bigger animal than, than maybe some of us are thinking about.

**Marc Gorelnik** [00:13:04] Michele.

**Michele Culver** [00:13:07] Thanks. My heart stopped for a moment when you suggested maybe getting the catch sharing plan and I just wanted to say all the Washington stakeholders that are listening to the streaming audio that, that just kidding, we didn't mean that. So I think it would be good to maybe ask Steve Keith to come up again because as I look at the, the letter that captures from IPHC, that captures the action that the commissioners took, which is entitled area 2A Non Tribal Directed Commercial Fishery, and the action is describing that the IPHC would like to move management of that fishery from IPHC to the domestic agencies, I didn't envision that IPHC would completely get rid of its regulations and so when, when I look at the regulatory pamphlet that they publish every year, I mean there's a lot of regulations that pertain to all commercial fisheries and then there's area specific ones and so I guess I took this action to be the permitting and then the annual management in terms of setting the fishing period and the vessel limits, but not the broader general management regulations that would apply to more broadly to commercial fisheries, so maybe that would be helpful to get that clarification.

**Marc Gorelnik** [00:15:15] Steve, can you come up and tell us how big a bite we're taking here?

**Steve Keith** [00:15:25] Thank you Mr. Vice-Chair. I think that the way I've thought about this, at least as close to what Michele just described, the aspects of the fisheries in area 2A that we manage in a direct way, these are the only fisheries that we do this for. We don't do anything like this in British Columbia or Alaska, and they just, they're kind of a holdover from the past, so it's things like access to the fishery, which would be the permitting. We don't do that anywhere else. It would be the, it could be the setting the fishing period, even the dates if you wanted to or the fishing period limits, all that stuff that we do on an inseason basis that we think is not really appropriate for us to be doing. So, as you, as Miss Culver described, there's a whole lot in our regulations that have to do with commercial fishing all across the coast. There are specific things in our regulations having to do with particular regulatory areas and by and large those are in there because the contracting party has asked us to put it in there. So, for instance, in Alaska we have the charter recreational fishing management measures in our regulations because it happens to be the easiest way to get them in force in time for the recreational fishing season, you know so that kind of thing would continue but this kind of specific sort of hands on management of the fishery is what we were, we thinking would be better handled by the domestic agencies. Does that answer your question?

**Michele Culver** [00:17:05] Yes. Thank you.

**Marc Gorelnik** [00:17:06] So to be clear, we're talking about permitting and annual man.....you know periodic management measures, not the underlying regulatory scheme.

**Steve Keith** [00:17:17] Mr. Vice-Chair. That's, that's correct. Yeah, I mean we still have a duty and an obligation to have regulations for Pacific halibut fishing wherever it takes place but this kind of the hands on part is the part that we don't think it is appropriate for us. You know in particular access to fishing, fishery and, and things like that and they, for instance in British Columbia and Alaska the domestic authorities do everything related to quota share plans and their management and that's how they manage their effort and their access to the fishery. They, they go from the top line that we set and that's the number that they use and then they have a machinery in place that enforces all that. Here it's different of course, it's a smaller fishery and it's not a quota or a limited access program, but at the same

time we think that the domestic agencies should be the ones who are managing the access to the fishery.

**Marc Gorelnik** [00:18:14] All right thanks very much. Are there any questions of Steve while he's sitting here. All right thanks very much Steve. All right that's a helpful clarification. It limits the scope of what we're trying to do here. Michele.

**Michele Culver** [00:18:28] Thanks and I appreciate that and, I mean in reviewing the regulations that are published in the Federal Register by NMFS they also cover those IPHC regulations that include the more general commercial fishery regulations as well as those specific to 2A and so I don't know what process and timeline looks like relative to those federal regulations, but presuming that IPHC would continue to do the general fishing regulations that in some cases apply to all areas and, and in others are area specific, but not necessarily the time, place and manner of the 2A directed commercial fishery, seems like those regulations would continue to be made by NMFS through the IPHC process as is done now and then I guess I'll just say Mr. Vice-Chair that I don't, because what was envisioned in the NMFS report and the timeline and the steps that are laid out here on the one hand it looks ambitious, on the other hand I guess I, it feels like it's taking longer than it should have to in a perfect world but understanding that this is the world we live in, so not at all arguing that it could be done faster but I don't want us to lose an opportunity under this agenda item, so it, it seems like we have been talking about this transition for a year now and we got to a good place at our June meeting and have had subsequent discussions and I thought where we ended up is described well in the situation summary by Council staff, which seems to indicate that the Council has confirmed its intent to begin this transition and we approved the list of actions and steps that we would take to prepare for that transition. That includes putting our stakeholders on notice that during this transition we were going to begin utilizing the existing Council process with the September, November meetings to look at annual regulations and we also put them on notice that those regulations relative to the commercial directed fishery likely would not change much in the next couple of years as we make this transition, so in order to get to a range of alternatives potentially for March and April, I don't know exactly what NMFS would need out of the Council action today on the scope, item number one, and if the Council were to say that the scope of the transition is similar to how I described it, which is focused on creating the infrastructure with a NMFS permitting system in order for the Council to be able to know the universe of fishery participants that we would be applying those seasons to, then that's my preference relative to the transition of this fishery and the scope of the range of alternatives we would be potentially developing for March and or April consideration.

**Marc Gorelnik** [00:23:01] Frank.

**Frank Lockhart** [00:23:04] I think that is very good guidance for where we are and I think when you match that up with Phil's earlier statement about having NMFS staff, Council staff get together between those two sets of guidance and other comments that were made here, I think we could make good progress on coming up with something to present to the Council that would move the discussion forward in March or April so I, I think that, that is adequate. I might look, I don't know if the Executive Director has any other further thoughts on that or what more might be required but....

**Marc Gorelnik** [00:23:46] Chuck. You're on the spot.

**Chuck Tracy** [00:23:48] I'm on the spot and I've been not paying as close attention to Miss Culver as I should have been but....

**Michele Culver** [00:23:56] Mr. Hess can replay it.

**Chuck Tracy** [00:23:57] What's that? But I'm going to, I'm going to trust your judgment and Frank's response and I think if we're addressing the, that last paragraph in the situation summary about addressing proposed timing of the transition issues, how these issues and licensing, data collection, data access would occur and agency responsibilities, I think that's the, if that's the gist of it and then I'm comfortable with that.

**Marc Gorelnik** [00:24:41] All right. Further discussion? Bob Dooley.

**Bob Dooley** [00:24:45] Thank you Mr. Vice-Chair. I was, I'm just thinking here about the GMTs comment and Lynn, Lynn Mattes asking who's going to do this work and where's the workload come from and it got me thinking that maybe we ought to....are we talking about another advisory panel and another management team for this, for halibut, or where is all this all going to be housed and who's going to do all the work and I just a question. Thought it might be worth the discussion just to understand the workload and schedule going forward?

**Marc Gorelnik** [00:25:23] Phil.

**Phil Anderson** [00:25:23] That's what's going to be happening between now and the next time we talk about this. All of those pieces that came to the forefront in today's discussion are going to be discussed by National Marine Fisheries Service, Council staff and the piece that Michele offered to bring us back some guidance on those things.

**Marc Gorelnik** [00:25:42] So expect further enlightenment in the spring.

**Bob Dooley** [00:25:45] I just didn't want to lose that little portion that Lynn had brought to light.

**Marc Gorelnik** [00:25:50] All right and I think we've discussed workload and schedule issues. I am going to look around the table and see if there's any further discussion on this agenda item? And now I'm going to turn to Robin and see if you believe we have concluded our action on this item.

**Robin Ehlke** [00:26:11] Thank you Mr. Vice-Chair and I do appreciate the conversation on this. So as far as the scoping and transition of this fishery, sounds like Council staff and NMFS will work in the meantime, if you will, and provide additional information when we come back either in March or April and that would include the workload and schedule that might be accompanied with such a transition and would likely follow the timeline that was provided in Table 1 in this report, so I think you've, if I captured all of that correctly, then yes, I think you've....

**Marc Gorelnik** [00:26:55] Well I think we'll find out in the spring whether we've done an adequate job in scoping and discussion. Michele.

**Michele Culver** [00:27:05] Thank you. I guess just for, for clarity, I appreciate that the comments by the GMT and the Enforcement Consultants, which I think some are relevant to the Council's action at this point relative to next steps on this transition plan but I think as Mr. Tracy summarized with the last paragraph here in the sitsum those issues are the licensing, the data collection and the data access and I think we heard from Mr. Keith that he is, IPHC is willing to provide us with the data access that we need to move forward with our analysis and consideration and I think what we heard from the GMT is we may want to consider, in particular, adding representation or ensuring that our representatives on the GAP in particular have some halibut fishery experience to offer, but I think the other issues that were identified by the GMT and EC and in terms of doing the work of managing the fishery in the future are things that would be to be determined at, at this point.

**Marc Gorelnik** [00:28:35] Thanks for that Michele. Anything further on this agenda item? All right we are finished with halibut for the meeting.

## G. Habitat

### 1. Current Habitat Issues

**Phil Anderson** [00:00:00] I don't have any public comment cards, so that takes us to our Council action. We had several recommendations contained in our Habitat Committee's Report. I believe the first was on the Central Valley Project biological opinion recommending the Council draft a letter and that, that letter be sent no later than the end of December as I understand it. So that's the first topic that you may want to take up. Marci.

**Marci Yaremko** [00:00:43] Yes. Thank you, Mr. Chair. The State of California certainly supports that and CDFW would be willing to be a participant in that drafting and fast track approval process. Thank you.

**Phil Anderson** [00:00:56] Other comments? Marc.

**Marc Gorelnik** [00:01:00] Yeah just briefly, I just would also support that. I note that the Habitat Committee Report was a little more specific than the SAS Report with citations to specific language that discussed the harm to not only listed species but also to the species we manage.

**Phil Anderson** [00:01:26] So is there any objection to asking Executive Director to work on drafting a letter in consultation with California Department of Fish and Wildlife using our fast track process for approval? Frank Lockhart.

**Frank Lockhart** [00:01:43] Just not objecting, just noting abstaining from...

**Phil Anderson** [00:01:46] Abstaining from that. Yes, duly noted. Any other objections to moving forward in that manner? All right. Thanks very much. There was also relative to the Klamath Dam removal, there was some suggestion that the project biologist have an opportunity to have some interaction with the STT. I think they suggested that, that occur in April if I remember right, get to that place. There was also an offer to lead a tour for the, of the project area for the STT and HC prior to the March meeting, but at the very least there was an offer to meet with the SST to discuss the technical and methodological consideration of post dam removal. I don't know what the, I know March and April are, is an extremely busy time for the STT and if there's some time sensitivity to this that maybe I don't understand that maybe that it could occur after we get through our pre-season planning process, that we're not trying to overload our STT with that but I guess my suggestion... well, Marci.

**Marci Yaremko** [00:03:36] Yeah thank you. I just want to support exactly where you're going with this. I don't see any time sensitivity. I think this is going to be a long-term discussion and I think March may be a little premature.

**Phil Anderson** [00:03:51] So maybe we could, just looking at Robin, that we could make the STT aware of the, of the offer and maybe discuss what might be a good time to do that. Is that acceptable on that one? Then on the Jordan Cove LNG, there is a question about the potential of writing an additional letter and I would turn to those who know more about that than I do. Maggie.

**Maggie Sommer** [00:04:29] Thanks Chair Anderson. I would support writing an additional letter. You know the final Environmental Impact Statement just came out. There's not enough, it's quite lengthy. There's not time for any detailed review and technical comments but it is, I think important for us to be on the record reiterating our concerns about impacts to the resources we manage in the, in the fisheries

given the scale of this project and its potential impacts, so I would certainly support a letter as the Habitat Committee proposed. I have some, had some specifics written out as a potential motion or I could just note that they offered that we could refer to the previous letters that the Council sent to FERC and the U.S. Forest Service and BLM, which are, we have on record. I would suggest that the letter might also include the safety concerns raised by the Salmon Advisory Subpanel in their report from September and referenced by the GAP in their report at this meeting, and this would also have to be a quick response procedure reviewed letter if we want to submit it by the comment deadline on the final Environmental Impact Statement.

**Phil Anderson** [00:05:51] So my understanding from reading the H, Habitat Committee's report is it's 30-day comment period from November 15th so....and then just acknowledging your reference to their suggestion that the additional letter can use a subset of the concerns that we've previously expressed and adding the safety concern that both the SAS and GAP have brought forward. Maggie.

**Maggie Sommer** [00:06:25] Thanks Chair Anderson. That, that's correct and I would also suggest that if the Habitat Committee finds that their specific project impacts are not addressed in the final Environmental Impact Statement that may justify commenting on their opinion, if we, they aren't included in our previous letters that they shouldn't have the flexibility to do that at a pretty minimal level, but noting that the, I think some members of the Habitat Committee will be taking a look at the Environmental Impact Statement and are also involved in assisting with preparation of probably comments from NMFS under EFH and from ODFW separately and so have some knowledge of this issue to bring in there for our consideration in that letter. I'm not proposing any, anything new or we don't really outside the scope of what's already been talked about but just to offer a little flexibility there.

**Phil Anderson** [00:07:19] It just is, as we all are aware, December 15th isn't very far away in terms of getting a rapid response turned around and all of that so we would need to be pretty judicious about sticking close to what we've said in the past and not going too much beyond that. At least that's my thought. Yes. Scott.

**Scott McGrew** [00:07:46] Thanks Mr. Chairman. I just, it's come up a couple of times in the course of a couple of meetings that specifically the navigability and safety of navigation on the waterway. So, I just wanted, if the Council hasn't reviewed it, the Coast Guard completed a waterway suitability assessment and determined that the waterway was suitable for navigation of LNG tankers. It was released, I think May of 2018. It was the culmination of multiple years of work. So I think if you wanted to reply specific to the safety of the waterway, I can provide the right point of contact within the Coast Guard that made that determination, but I just want to throw it out there because it's come up multiple times and that process that the determination has been completed, but there's probably an opportunity to at least express concerns over that.

**Phil Anderson** [00:08:45] I thought that the principal concern was the buffer that was being required around the vessel during its transit in and out and the ability to transgress that same area by fishing vessels. Maggie.

**Maggie Sommer** [00:09:10] Thanks Chair Anderson. I had the same understanding and the SAS mentioned it in their September report that their concern is related to that and because of the size the buffer, it would effectively close the bar for some period of time, requiring fishing vessels to wait outside to cross the bar and that in some weather and tide conditions that could be dangerous.

**Scott McGrew** [00:09:30] Thanks Mr. Chairman. I think that that's correct. So I, I don't have the water

suitability report in front of me. I'm assuming that it's a 500-yard exclusion zone but typically those operate at 500 yards of when you're within that, you have to slow to bear steerage and then it's 100 yards of no closer than. I don't have the exact details. That's the, like that's a standard Coast Guard security zone. That's the Naval Vessel Protective Zone, but all of that would have been considered in the waterway suitability assessment done by the Coast Guard and that exclusion zone is put into the CFRs by the Coast Guard. So where I'm going is if whether it's the, whether it's covered in the Navigability Waterway Suitability Report or if the Council has concerns with impacts, the Council-managed fisheries by waterway closures, either way I can, I can provide us with the right person in the Coast Guard to address those two. That's not my... I'm not that person in the Coast Guard but I work with them.

**Phil Anderson** [00:10:34] Sounds like you do. Chuck.

**Chuck Tracy** [00:10:36] I think I just got my question answered, but just to confirm that the, the assessment and the certification did look at the safety of not just the waterway or the, the transport vessel, but also of the other vessel traffic in the area and their risk associated with the exclusion zone and those sorts of things.

**Phil Anderson** [00:11:02] Go ahead.

**Scott McGrew** [00:11:03] Thanks Mr. Chairman. My understanding is that it's, it's not specific to the vessel, it's the, it is the waterway suitable for this type of vessels transit, so it would have considered the entire waterway. What I don't know, and I can't say with any certainty was whether they, you know, to what degree was and, you know economic impacts of it, of that stuff. I don't, I don't know those details but yes, it would have been a holistic look at the entire waterway and not just the, the specific vessel.

**Phil Anderson** [00:11:38] Okay. So, Chuck, do you need any more on that?

**Chuck Tracy** [00:11:42] Other than a lot of help doing it? No.

**Phil Anderson** [00:11:45] Okay. Do you have a sense of where you're going to get that help because I'm not sure I do?

**Chuck Tracy** [00:12:00] I have a sense now yes.

**Phil Anderson** [00:12:01] Okay good. Is there any objection to asking the Executive Director to prepare an additional letter relative to the Jordan Cove LNG Export Terminal and Pipeline Project as recommended by the Habitat Committee with the appropriate connections we've just talked about? Everybody okay with that? Okay. The next one I have on my list is the suggestion by the Habitat Committee, even and further supported by Casey Baldwin that well, a presentation to the Council regarding the salmon reintroduction above Chief Joe and Grand Coulee Dam. There was a suggestion that, that be given to us in April when we are in, I think we're in Vancouver, Washington. I would suggest maybe we take that up under workload planning or talk about that as to whether that is something we could put in our, fit into our agenda and if not then we could select a time, a later time to receive that presentation. Does that sound reasonable? Everybody okay with that? Okay and then the, well the last two pieces I have on my list is the proposed rule out for designation of critical habitat for southern resident killer whales comment period, I believe ends on December 18th and there's, and then the other one is for humpback whale and I believe the comment period ends on December 9th and then we also had comments from the state, the State of Alaska, Dani, on their efforts to try to get the comment

period extended, I believe that was specific to the humpback whale critical habitat designation. So, is there any suggested action on either one of those? Louis Zimm.

**Louis Zimm** [00:14:33] Thank you Mr. Chair Anderson. I just want to submit that the, as you saw in the letter for the CPSAS, that they are very concerned about the situation, particularly in Monterey, where you have both the anchovies and the humpbacks feeding on anchovies at the same time and they're very concerned that their fishery may get shut down when humpbacks are actively feeding on the anchovies.

**Phil Anderson** [00:15:02] Frank.

**Frank Lockhart** [00:15:03] Just a question for Dani. Are, is the State of Alaska planning on writing a letter or should I take this, your comment should I give it to the correct people or are you planning to have the Council send this on your behalf?

**Dani Evenson** [00:15:22] Through the Chair to Mr. Lockhart, the State of Alaska has already submitted a letter, assuming you're referring to the 60-day comment period extension, we've already submitted a letter to Chris Oliver requesting that.

**Frank Lockhart** [00:15:36] All right. Thank you.

**Phil Anderson** [00:15:41] Marci.

**Marci Yaremko** [00:15:41] Thank you, Mr. Chair. I just wanted to flag some advice that we receive from the GAP at the very end of their statement regarding Section 7 consultations. The GAP raises the concern that, you know these measures would be promulgated only under the purview of NMFS and there isn't a formal role for the Council and GAP recommends that we do what we can to secure commitment from NMFS that we have an opportunity to provide input through our process, and I'm thinking about some really good examples in our recent past with albatross and now the killer, the Southern Resident Killer Whale Workgroup in process that we have going here and thinking about our ESA Workgroup for groundfish and the process we've used to provide meaningful input, so I just didn't want to lose that recommendation from the GAP and think that, that might be a prudent way forewarning on this item.

**Phil Anderson** [00:16:54] Frank, got any commitments you want to make to us?

**Frank Lockhart** [00:17:02] I would just say that the National Marine Fisheries Service has endeavored and you have noted a few good examples of that, of working with the Council on consultations and we believe it's important to continue to work on the Council with this, but I myself am not going to commit. I'll pass that on to Barry and then get back to you. I think, I think I can say that we think it works better when we work with the Council on these consultations.

**Phil Anderson** [00:17:33] So thanks for that response and so if you do, well after you have an opportunity to talk with Barry about that, if there is anything else that you can give us in the way of assurance of that, that would be appreciated.

**Frank Lockhart** [00:17:50] Thank you.

**Phil Anderson** [00:17:53] Anything else on either of those topics? Okay Maggie.

**Maggie Sommer** [00:18:04] Thanks. Chair Anderson I note the CPSAS suggested the Council consider whether it's appropriate to write a letter on the humpback proposed, humpback critical habitat proposed rule highlighting the goals and objectives of the CP [? mic scratch], specifically the one that includes providing adequate forage for dependent species and I just wanted to make sure we considered that. I'm not suggesting that that's appropriate or not, but perhaps someone has a perspective on whether that would be valuable.

**Phil Anderson** [00:18:38] Chuck.

**Chuck Tracy** [00:18:42] Thank you Mr. Chair. I saw that and you know we did write a letter to Senator Cantwell that we sent this summer on the forage fish and it largely described the steps that our FMP takes to provide adequate forage, et cetera. We did CC that letter to Chris Oliver, so I don't know if that's adequate notice to NMFS about, about that but if not, we could certainly redraft it with the different target, target audience.

**Phil Anderson** [00:19:18] Maggie.

**Maggie Sommer** [00:19:18] Thanks. You know my thoughts on it are that I appreciate the CPSAS pointing it out and I think it's very relevant, but I'm not sure that I see how it would influence a decision on the critical habitat proposal. So, it will certainly remain part of our discussion on the habitat, or pardon me, the humpback prey issue, but not necessary now.

**Phil Anderson** [00:19:46] Okay. All right. Pete.

**Pete Hassemer** [00:19:50] It's a non-whale item.

**Phil Anderson** [00:19:52] That's okay.

**Pete Hassemer** [00:19:55] It seems minor but on the California Eelgrass Mitigation Policy, there was the ask from the Habitat Committee that the, that NMFS think about the Council schedule as they put their schedule together for reviewing that. That seemed like a reasonable ask. We just need to do that formally here rather than just the Habitat Committee asking, but it, it deals with the timing for review that any of our bodies might have and as I said, that, that seemed reasonable just to highlight that.

**Phil Anderson** [00:20:32] Frank.

**Frank Lockhart** [00:20:32] I have in my notes to pass that on so I will pass that on to the appropriate people.

**Pete Hassemer** [00:20:42] Thanks.

**Phil Anderson** [00:20:43] Thanks, good catch. Did I miss any topics that were brought up by the Habitat Committee or the advisors or, that we need to talk about here that we missed? Do you want any more letters to draft? Chuck.

**Chuck Tracy** [00:21:02] I'll pass. Thanks.

**Phil Anderson** [00:21:02] All right, anything... Jennifer have we completed our work on this topic?

**Jennifer Gilden** [00:21:11] Yes Mr. Chairman. We have the quick response letter on the Central Valley

biological opinion. The quick response letter on Jordan Cove. Discussion with the Klamath biologists on a presentation and tour and then you, we're going to take up the Colville request under workload planning and that, that is....

**Phil Anderson** [00:21:29] What was the last one?

**Jennifer Gilden** [00:21:30] Taking up the Colville request under workload planning.

**Phil Anderson** [00:21:37] Okay. Anything else? All right that closes out our habitat agenda item.

## H. Groundfish Management

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] That concludes public comment and brings us to Council discussion. Pete.

**Pete Hassemer** [00:00:11] Thanks Mr. Vice-Chair. In light of the public comment we just heard, I wonder if it would be okay to call Dr. Hastie back up here. I had a couple science methodology questions related to the NMFS report that's in the briefing book.

**Marc Gorelnik** [00:00:28] I think that's a really good idea Pete and I see our guest of honor is approaching the table.

**James Hastie** [00:00:38] I was unaware of this issue prior to coming to the Council meeting, so I didn't have a chance to talk with anybody in the observer program about it so I would not be the state's best evidence for observer protocols but I will try to get an answer for the Council as quickly as possible.

**Marc Gorelnik** [00:01:03] Pete.

**Pete Hassemer** [00:01:05] Thanks Mr. Vice-Chair. Thanks Dr. Hastie for coming up. So maybe a specific question, though. NMFS provided the Excel spreadsheet that provides that and as I looked through that I, I've filtered right now on 2018, they're both poundages and numbers that are listed for bycatch and I apologize if I'm channeling my predecessor here with some calculations but in the pink shrimp fishery, there's, there was a point .004 metric ton and there's a number of fish and I did the calculations, it's .88 pounds per fish so it sounds like maybe they had to dig through to find those, those are small salmon in that chinook salmon in that catch and so they had the fish in the hand and the, the point of that is the numbers you showed in the graph and you talked about these high numbers, as we, as you look into it are the numbers that are being reported an extrapolation from pound counts rather than the actual number counts and observations that were made? I know the observations are, well I don't know if the observed bycatch is then expanded for some unsampled catch there and maybe further evidence the, in 2018 in the hake sector, the non-tribal mothership, there's 2,500 chinook listed there, and again that's not on one vessel, it's a number of vessels so it could have been a small number. Maybe an important part is where's the metadata behind this that wouldn't show us how these are calculated and an understanding of what that number in the graph actually represents so there may not be, there's a lot of questions there and as you said maybe you can go back but it's understanding that metadata and what are we really seeing when we read those numbers?

**James Hastie** [00:03:28] My understanding generally would be that there's an observed number and way to fish and if there's a need for extrapolation, then that would be done, say in the hake fishery based on how many, how many metric tons of hake were observed in association with those numbers and then that would be expanded based on the overall metric tons of hake so it wouldn't be something derived. Both the count of fish and the, the weight of salmon would be expanded based on the unobserved portion of the hake. It's quite common in other sectors of the fishery to be using basket samples and be expanding based on the, the ratio of the total to the observed weight of the target species but I will pursue these issues and find out to what extent extrapolation is used there often, there can be circumstances that crop up even where you have two observers trying to cover 24 hours on a processing ship where some things aren't observed so and I'll, I will follow up on this question of not being able to use the vessel counts as well.

**Pete Hassemer** [00:04:58] Thanks.

**Marc Gorelnik** [00:05:00] Michele.

**Michele Culver** [00:05:02] Thanks and I guess while you're, you sound like you're in a accommodating mood this morning so I guess I would try and see, would it be possible to get a more in-depth presentation on this under the Groundfish NMFS report perhaps at March or April? One of the questions that I have is just relative to, is it a standardized protocol for the at-sea observers in both CP and mothership fleets as well as shoreside, so are they all following the same basket sample approach or are they doing, do they have different methods that they employ? And I guess I would go back to where we had the catch of chinook that occurred south of 42 and the 171 fish that was a shoreside vessel but those seem to be enumerated and not an extrapolation. So in all cases, it seems like the, the expected catch per delivery is something that would be a hundred or less in most cases, so that seemed to have been an anomaly with that high catch. So, it would be great if we could get someone here that could help answer those questions?

**James Hastie** [00:06:43] I will make sure that happens.

**Michele Culver** [00:06:45] Thanks.

**Marc Gorelnik** [00:06:48] Further discussion on this agenda item? Michele.

**Michele Culver** [00:06:52] Thanks. Yes, not for Dr. Hastie but you're welcome to sit. So for, I guess I don't believe that there is a mechanism at this point for self-reporting of the chinook catch and so even on the part of the catcher vessel, our logbooks don't record bycatch or prohibited species, only retained catch, but it sounds like in the example we had in the public comment, we did have a processor keep track and actually enumerate the chinook. So, I guess my first suggestion to industry, particularly at-sea industry, is to, to do that, to enumerate the chinook to record that and so we have that data available. We have those numbers by which to compare to the extrapolation that is being done by the observer program and whether that's efficiently transmitted through their co-op agreements as a requirement on their processors but if it were me, that's what I would do. Having said that, my question then to the region is if we were in a situation whereby we are approaching the 11,000 chinook guideline for whiting fisheries and if our extrapolated information suggested that's where we were, but we had other data that was provided to us that indicated that the catches were not that high, I guess just a question of how the region would deal with that?

**Marc Gorelnik** [00:09:01] Aja.

**Aja Szumylo** [00:09:05] Thank you Mr. Vice-Chair, Miss Culver. You know I think I'd have to give a little bit more thought to it, but I, my very quick first answer is that we would use all available information before making a determination that could have that big an impact on industry. I wouldn't, you know if we had evidence that suggested that our extrapolation wasn't the most accurate information, then I think we would have to take that into account but I'd like to think about it a little bit more and maybe when we come back with the information in March, we can have that discussion a little bit further.

**Michele Culver** [00:09:41] Thanks.

**Marc Gorelnik** [00:09:44] Marci.

**Marci Yaremko** [00:09:45] Thank you Mr. Vice-Chair. Thank you for this discussion. I guess just with

regard to what we will have brought back to us, I'm certainly interested in the information across all sectors and the difference between the collection protocols or the enumeration protocols between fisheries that are operating under the EM EFP versus onboard observers and what the role of catch monitors is in the process as well as the Pacific States samplers that do collect some of these specimens when they're available. Thanks.

**Marc Gorelnik** [00:10:26] Maggie.

**Maggie Sommer** [00:10:26] Thanks Mr. Vice-Chair. I just wanted to thank Heather for bringing this to our attention. Certainly basket sampling or sampling and extrapolation is a statistically valid and frequently employed technique, particularly when dealing with large volumes of rockfish bycatch, you know in which the chinook are mixed, but given our interest in chinook in particular, I think we are certainly interested in understanding more how it occurs and how it occurs across sectors and looking for opportunities to reduce the uncertainty associated with any estimates and in fact go with actual accounts whenever possible.

**Marc Gorelnik** [00:11:07] Bob Dooley.

**Bob Dooley** [00:11:09] Thank you Mr. Vice-Chair. I think it's critically important as we transition into hard caps on salmon in various fisheries and sectors that we get accurate accounts of this, of this fish. I know my experience in other fisheries in other regions when we did transition to hard caps, that was, that was required. We don't estimate the amount of salmon, we take the time but I know from the, I just got an email to that effect, that the motherships do put those fish, those salmon in a bin and they are accounted for. They know the number and so I think as we transition into hard caps and people are paying, are being restricted from fishing by going over certain levels or restricted in areas that those numbers need to be accurate and I think we need to really demand that going forward so I would be, like to understand why we're not doing that in the future and how we can attain that goal. Thank you.

**Marc Gorelnik** [00:12:16] Thanks Bob. Further discussion? Like I'm hearing broad agreement around the table that we need to know more about how these bycatch numbers are, you know, how we arrive at them and what methods are used and what we can do to reduce uncertainty considering the consequence of reaching the cap, so Aja we can expect to hear more at an appropriate time at a future Council meeting on this. Great. Any further discussion on this agenda item? Any other topics people who wish to raise on the NMFS report? Todd, are we done?

**Todd Phillips** [00:13:04] Yes Mr. Vice-Chair. I believe we are complete. We've gone through all the reports and you've had a public comment and discussion on the topic so yes.

**Marc Gorelnik** [00:13:12] All right. Thanks very much. I will pass the gavel back to the Chairman.

## 2. Workload and New Management Measure Update

**Phil Anderson** [00:00:00] Our Council action is to review the workload and management measure updates provided to us by the GMT and provide any guidance in terms of changes to that document that you may wish to suggest. So, the floor is open for any suggestions on modifying the workload matrix, the projects and or the timeline that is listed in the appendix one. Okay I'm not seeing any. So last call for this. All right. Todd, is there anything else we need to do on this agenda item?

**Todd Philips** [00:00:49] No, I do not believe so. I believe we've captured everything, and this check-in went very well. Thank you.

**Phil Anderson** [00:00:54] Okay. Thank you very much.

### 3. Electronic Monitoring Program Guidelines and Manual Review

**Phil Anderson** [00:00:08] We've received a lot of really good information this morning on our Electronic Monitoring Program and next steps and I, looking at the clock it's 11:32, so what I was thinking is that we could have some broader, whatever that means, conversations around the different action items that we have in front of us but I have no anticipation that we would get to a motion prior to our lunch break and if we have some initial discussion around these topics, when we've concluded that and if we conclude that prior to noon, we'll go ahead and take our lunch break and then come back after lunch with some potential motions on how to move forward, so I'm not, I don't want to try to push all of the decision making on these matters through prior to our lunch break, just FYI. So, we've got, you know, we've got some good feedback and reports from GEMPAC and the GMT gave us some really good, thoughtful comments as, as did the GAP as well as our public comment. I think, you know one of the overarching issues is our ability to come to final decisions on the guidelines in the draft program manual, understanding during our discussion that there are some portions, particularly of the manual, that are yet to be completed. My understanding is that National Marine Fisheries Service took the approach to ensure that the parts of the program manual that were related to costs were vetted and, and language provided in those areas and Ryan's description of those areas that still need to be filled out were in areas where there weren't cost issues, and if I improperly paraphrase what I thought I heard you say please correct me. There was also the issue about, well as those things get developed is there any feedback loop understanding that there's some timelines that National Marine Fisheries Service has in terms of getting that program manual out to inform potential reviewers to submit proposals I think by the June deadline, so and there was a, Brett suggested that there may be a feedback loop that we could use GEMPAC for, for a potential feedback loop but, so maybe just start a little bit on the guidelines and the status of the program manual. Ryan.

**Ryan Wulff** [00:03:54] Yeah thank you Mr. Chair. I just did want to add some additional clarification, as I think I might not have been as clear to help facilitate the discussion. The guidelines are what will be in the Federal Register Notice. So those we can change obviously based on even posted but you know a Federal Register notice is not as time consuming a process as a proposed and final rule are but we probably wouldn't want to change, you know, inseason are too close to the June 1 deadline, but the manual is different. So, the manual is not noticed. It's published on our website. It's business rules and its policies so we can change that at any time. But that said, of course, we probably wouldn't change something inseason again or right next to the deadline or anything that would provide chaos to the providers writers as they're about to apply, but I just want to clarify so clearly the mechanisms for each and where each would be noticed to the public.

**Phil Anderson** [00:04:57] Okay thanks Ryan. Any general discussion around those two items? Bob Dooley.

**Bob Dooley** [00:05:19] Thank you, Mr. Chairman. That's a different interpretation than I went away from in the last meeting, that the, of which one is in the Federal Register and which one's not and with that the ease of changing them. From that perspective the information we just got I know through the GEMPAC and GEMTAC meeting, I sat through the majority of that, there were a lot of recommendations and questions about the guidelines and the manual for that matter, about there was a bolded and non-bolded portions of them and there were a lot of things that were left in the guidelines, particularly that were the service provider part of it that was pretty much cut and pasted from the observer program I believe, and so a lot of the, not for a better word, inappropriate I guess, is not, that's probably not the right word about where they do their, where the provider will provide housing and laundry for their service techs and provide, you know, are they CPR trained and things like that were pretty much deemed not relevant in the GEMPAC and GEMTAC. If this is going to, if the guidelines

are going forward and being part of the Federal Register thing that's hard to change, are they going to be, are those things going to be edited out or taken out? And I'm just curious because if we're final recommendations and going forward, we're not seeing the finished product that ends up in the Federal Register. So just a question.

**Phil Anderson** [00:07:13] Go ahead Ryan.

**Ryan Wulff** [00:07:13] Thank you Mr. Chair. Thank you, Bob, for the question. Yeah again, just to clarify, while the guidelines are noticed through the Federal Register, these are just guidelines. I mean, they are meant to provide either best practices or example language or any other guidance to those potential providers that want to submit an application. There's nothing in there. I mean a lot... just explaining what's in the regs and how you can satisfy those requirements in your application. So, our plan was to take all of those comments, a number of ones you just outlined from the discussion of the GEMPAC. We did have a number of providers that weren't here at the GEMPAC. We do want to continue some conversations with those who weren't able to make it. We would like to continue to have conversations as we take in both the recommendations from the GEMPAC from those discussions and anything that comes from the Council in the discussion today and we plan to work on that in a collaborative fashion over the winter before they get noticed in the Federal Register after that.

**Bob Dooley** [00:08:21] Thank you.

**Phil Anderson** [00:08:24] Any other discussion on that topic for the moment? Michele.

**Michele Culver** [00:08:33] Thanks. So I will say that with the reports that we just received from the GEMPAC and from the GMT, I do have some outstanding questions with regard to the vessel monitoring plan guidelines in particular and what, what would be, what should be specified in the guidelines as what should be in the vessel monitoring plan and a standardization in implementation versus what should be, what we should have some flexibility of allowing a vessel monitoring plans to, to differ or vessels to have options available to them and I'll just say, first of all, it's not clear to me when I look at NMFS Report 2 in the vessel monitoring plan guidelines themselves and so I have a question on the process for vessel monitoring plan review and approval, and if there is, if there is an actual approval, that is, that is provided and what that looks like so vessels know they have an approved plan and then relative to the contents that are described here of where it, the guidelines indicate that the vessel monitoring plan should include the following sections and I'm trying to get a sense of how, how stringent the guidelines are and what if they don't include some of these things or, you know, what if some VMPs have them to a level of specificity that others don't and if there is anticipated that, that would be an interactive process with, with the vessel and how exactly that would work?

**Phil Anderson** [00:11:18] Ryan.

**Ryan Wulff** [00:11:18] Yeah. Thank you Chair and thank you Miss Culver for the question. Yes, so the VMPs are part of the vessel application process, so they have to submit them along with the draft plan, an application that's very similar to what we do with catch monitoring plans for first receiver so we would work with, with that and it is the vessels document. They will write it and what we, as far as the flexibility, we've tried in a number of these documents to highlight in bold what are the reg language so that they can see that and then the rest are guidelines to help them demonstrate how they're meeting that, so some of this is also preapproved language. We already have an existing VMP so we thought that would be helpful, maybe expedite the approval process, but they're welcome to, you know, draft it how they would like as long as it comports with the various components that are in the regs.

**Michele Culver** [00:12:17] Thanks and so then if a vessel submits their VMP and then is it anticipated then that NMFS, NMFS improves, approves the VMP, also goes down and inspects the vessel, ensures the equipment is installed properly and, and that what's described in the VMP is actually what is happening on the boat and then there's some approval process and then there's a list provided to enforcement relative to which vessels have an approved VMP?

**Ryan Wulff** [00:13:03] Thanks Mr. Chair, Miss Culver. No that's not my understanding. NMFS wouldn't be doing that level of confirmation. The provider then would attest to the installation. You know we would just approve the plan itself as part of the application.

**Michele Culver** [00:13:22] And then the second part, though, that once that plan is approved, then there's some list of approved vessels that...?

**Ryan Wulff** [00:13:31] Yeah sorry. Yes, so we would provide the approved VMPs, and the associate vessels to OLE and State Enforcement the same as we do in the EFPs now.

**Phil Anderson** [00:13:48] On, any other questions around the guidelines or the manual? On the cost issue, just in looking at the numbers that National Marine Fisheries Service provided us, looking ahead from 2021, there is an estimate of 622,444 dollars with EM and then that was broken down into categories including equipment, video review, program management, data storage and service and maintenance. And then we've also talked about what the costs have been for the functions that PSMFC has been doing during the EFP and there's been numbers of anywhere from 240 to 300 thrown out there. There, in that report, in the NMFS report, there's a, it says that the average annual PSMFC costs have been 345,072 dollars and then we're, as we, as we talk about what portion of the costs of the EM program that NMFS is looking at having industry pick up, we've you know, we've had public testimony. I sat in on the GEMPAC and part of the discussion has been around willingness on the part of the industry or willingness or acceptance of paying for the costs that are associated with the functions that PSMFC has been doing, so just in ballpark, talk about some number around 300,000 and is it, and I'm sure I probably should have been able to figure this out from the information that National Marine Fisheries Service provided, but National Marine Fisheries Service is also looking for industry to pay for the other costs that are in addition to the tasks that PSMFC has been for performing during the EFP, is that, is that true? Is that correct? Ryan.

**Ryan Wulff** [00:16:39] Maybe a clarification question. Are you talking about stuff like service and maintenance or?

**Phil Anderson** [00:16:45] Yeah, I'm talking about talking about various components that are in the 622,444 number that's in your report, which include equipment cost at 90. Video review at 126 and some change. Program management at 57 and so forth.

**Ryan Wulff** [00:17:04] Yeah thank you. Those are all costs we would assume would be on the industry.

**Phil Anderson** [00:17:12] So in thinking about what the proposal is in terms of having industry pick up the costs of the EM program and assuming the number of vessels that are used in the calculation that it would be to recover those costs that in ballpark 622,000. Is that correct?

**Ryan Wulff** [00:17:37] I'm sorry, can you say that again?

**Phil Anderson** [00:17:41] So I'm just again looking at the looking forward from 2021. So once the regulations are in place, the amount of money and the cost associated with the program, from what I

read in the, in the information that was provided, is it, is 622,444 dollars and then that number is broken down into those five components of equipment, video review, program management, data storage and service and maintenance.

**Ryan Wulff** [00:18:18] Yes based on the cost estimate document that's the estimate we put forward through these preliminary numbers for what industry would pay to third party providers total per year. I mean and that's not adding any cost of NMFS related to cost recovery.

**Phil Anderson** [00:18:37] That is not related. Is that correct?

**Ryan Wulff** [00:18:40] Correct.

**Phil Anderson** [00:18:40] Okay. Other... so we'll take our lunch break here in a moment. Before we do is there any other questions that Council members would like to get out on the table before we take our break? Marci.

**Marci Yaremko** [00:19:03] Thank you Mr. Chair. Hopefully NMFS, I'm not sure exactly who to direct this to, but one thing that I'm struggling with in this whole discussion about cost and about moving forward with the EM program, I'm a little unclear about the future of catch monitors. One of the issues in California has been in our small ports where we only have a few IQ vessels operating, is that even if they were to move to the utilization of an EM system, they're still obligated to have a catch monitor come and observe the offload and if there is no catch monitor in that port, let's just take a port like Morro Bay where there might be one IQ vessel, how do you keep a catch monitor employed in that port to be able to observe the offload? And while I don't have any current information on how burdensome the situation is, I haven't heard much in recent months, but this has been quite an issue over the years since the inception of the EM program. So, in terms of your cost estimates, did you factor in the cost of how those boats would locate and fund a catch monitor?

**Phil Anderson** [00:20:34] Ryan.

**Ryan Wulff** [00:20:34] Thanks Miss Yaremko for the question. No, we do not, because that cost is more I believe on the first receiver, but yeah we did not factor that in.

**Phil Anderson** [00:20:52] Any other questions? Michele.

**Michele Culver** [00:20:56] Thanks. So, I guess just a follow up on your response to on his question on cost. So when I look at the, the NMFS Report 6 and the Table 1 and the description of the industry costs there, the 622,444, that's the anticipation of what industry would cost to, would pay to the EM service provider and that is then in addition to the costs that would be incurred by NMFS for the, but is otherwise known as the audit for the debrief and the staffing costs associated with that and that those fees would be then recovered potentially through cost recovery or are those costs included in the 622,444?

**Phil Anderson** [00:22:24] Ryan.

**Ryan Wulff** [00:22:24] Thank you Chair. Thanks, Michele, for the question. No, it's not included in the 622,444 and we've laid out here, obviously we only, we could recover only up to a certain amount based on the 3 percent piece. We tried to lay that out and currently we're not covering for non-labor. We laid that out here too, so that's why we broke it out and highlighted it separately but that's not folded in to the 622,444. That's why they are broken out separately in table 2.

**Phil Anderson** [00:23:01] Go ahead Michele.

**Michele Culver** [00:23:01] Thank you. So then the, this goes back to my earlier question of I'm just trying to figure out whether or not some of the responsibilities that PSMFC had been fulfilling with regard to the QAQC and whether or not this was representing a shift in those responsibilities and, and therefore a shift in the costs and the funding, what I'm taking from your answer then is that looking at the detailed costs in Table 1, the funding to Pacific States and the costs for the 345,072 of where they were fulfilling a QAQC function and then the costs of the 622,444, that increase then does not include the QAQC function.

**Ryan Wulff** [00:24:21] That's correct.

**Phil Anderson** [00:24:27] Other questions or comments before we take our lunch break? Okay so let's do that and if you would make an effort to be back here at 1 o'clock that would be terrific, and we'll take our additional action.

**Phil Anderson** [00:00:01] Welcome back. We are on agenda item H.3, our Electronic Monitoring Program Guidelines and Manual Review, among other matters on EM. We had a little bit of, we've received the reports from GEMPAC and GMT and GAP and National Marine Fisheries Service and we've had public comment. We had a little bit of discussion following the receipt of those, of that input prior to breaking for our lunch, so we're back needing to decide what action we wish to take in any one of the three categories that you have in front of you, which are recommendations on the guidelines and the manual, the video review, auditing options and the, any other guidance that we may want to provide National Marine Fisheries Service on the EM program implementation. So, after having an hour to think about all that and formulate your ideas, we're all anxious to hear them. I can give some initial thoughts if that's of any, may or may not be helpful. I think it goes without saying that, that everyone acknowledges and appreciates all the work that's gone into the bringing the EM program forward to where it is today. There's been a lot of, a lot of people, organizations, industry representatives that have made it possible and I think, I think I can say without question that it is everyone's desire to ensure that we move forward implementing the EM program under regulation that maintain all the benefits and the successes that we've had thus far and regardless of whether or not we have different ideas about how to do that, I'm confident that we're all, have the same goal in mind. We have received a lot of information over the last several meetings from the various entities, advisory panels, GEMPAC, all of those folks and, and our industry in terms of how we move forward successfully. There have been several themes that I think have remained constant. One of those themes is ensuring that we have a program that's effective and efficient, avoids duplication and builds off the success that we have, that this program has had thus far. I think another theme is the, the industry understands and accepts that they have a responsibility to help offset the costs associated with this program. I think that National Marine Fisheries Service has, has as an objective and I might say a requirement to move away from the funding model that's in place now where they are essentially absorbing all of the cost of the implementation of the program and that, that is not sustainable. I will reflect a little bit back on one of the things that Brent Paine said, that if I knew then what I know now I might have had a different opinion about third party review and whether or not that was a good component to build into the program. I don't want to put words in his mouth, but at least if I had known then what I know now, I might think differently about that, and I might think differently about some other things too that are currently in the final rule that I think are, is problematic, or maybe problematic to being successful in the goal of having a long term successful program under regulation. I think it's apparent that to me at least that the success of the program depends on the costs associated with the activities that PSMFC has been providing that those costs remain as close to what they are in the future as to what they are now, and that if, and if those costs or other costs associated with the program increase in a substantial way, significant way, you can

be the judge of what that is, that it puts the goal of having a successful program into the future that provides benefits to the industry from a cost perspective, as well as accounting for the catches at risk and whether it's PSMFC or some other provider, if we end up with a program that those costs increase in a significant way we will likely not be able to build upon the successful program that we have. The other observation is PSMFC has been looked, viewed as a quasi-governmental entity by National Marine Fisheries Service through the, through the program thus far. You know they were formed in 1947 out of a, when Congress created the Commission at the request of the States because the States wanted to enter into agreements that would otherwise have been precluded under the United States Constitution and so the creation of the Commission by Congress is what enables it, what enables the states to work together in the manner that they do under the umbrella of the Commission. So if we went, if we go down the road where we have, where PSMFC was successful in being the provider of the services, there is the question of and if industry is paying for the cost of the program, there's the question of how does the money get from the industry to PSMFC without resulting in a conflict of interest situation for the Pacific States Marine Fisheries Commission and or is there a way for PSMFC to be funded in a way that allows them to maintain their, their standing as a quasi-governmental entity that then might have the benefit of the, the third party audit not being a requirement, thereby being a savings to the program and potentially removing duplication. So, I guess my last observation is that a lot of the, of these issues, this is, this is, well at least for me, I don't know about other people, it's pretty complicated. We're being asked, the Council is being asked to, to make recommendations on the guidelines in the program and the draft program manual. Some of it of at least my thinking about all this would be informed by what we've heard from our, all of the folks that we have heard from, but in particular GEMPAC and we just got their report this morning through no one's fault but nevertheless, they had a, a daylong meeting here on Thursday and went through a lot of this detail and have some pretty detailed recommendations for us to consider and I feel challenged, if not ill equipped, to provide recommendations on those elements having such a short time to consider and review the perspectives from the people who I view as the true experts in the field. So those are some introductory remarks from me. Michele.

**Michele Culver** [00:10:50] Thanks Mr. Chairman for sharing those thoughts. I feel in the, ill equipped at this point to provide final recommendations on the revised guidelines and the draft program manual and the options that have been presented to us in the GEMPAC Report and their recommendations from the GMT and the GAP. At the same time, I'm also feeling considerable apprehension and I, I hesitate to say pushed into a corner, but that is how I'm feeling given the repeated statements by NMFS relative to ending the current EM structure effective January 2021 and knowing that absent Council recommendations on these items NMFS can choose to continue to move forward to meet their June 2020 deadline and so I'm really struggling with wanting to continue our collaborative relationship with NMFS in designing, developing, implementing this program and not having sufficient information here to inform these final recommendations.

**Phil Anderson** [00:13:19] Maggie.

**Maggie Sommer** [00:13:20] Thanks Mr. Chair and I share the comments that you and Michele just made, have similar thoughts about where we are and concerns and also just reflecting on some of the public testimony we heard. You referred to Brent's about if I had known then I might have had a different opinion on this third party review model and thinking back to the point at which the Council was going through our final action on the third party review I, I don't think that any of us were aware that in addition to the potential to the cost increases that were expected because of different private provider costs, potential economies of scale, if there were multiple providers offering their services, industry taking over that cost, et cetera, I don't think any of us were anticipating the additional cost of the NMFS debriefing process and the development of that, so I know that's something that we have

really struggled to, to grasp and to work with to understand the need for it and how to work around it. You know I don't have any specific comments at this, or recommendations at this point in the discussion, except to appreciate the phrase that Dana brought forward, which is I don't know what I want until I've seen what I've done and I think we are just now, at this point in the process, really seeing and becoming aware of a lot of the elements of this that aren't really important to understand to structure a program that is successful going forward that does meet the needs of industry and the Council and the National Marine Fisheries Service. So I think we are at a good point because we do have all that information in front of us now and I think we do have the opportunity to figure out a way to move forward in a way that's successful with that.

**Phil Anderson** [00:15:52] Bob Dooley.

**Bob Dooley** [00:15:56] Thank you Mr. Chair. I agree with the comments of the three that have come before me here and I just think exactly right on the part of if we knew then what we know now. There's a lot of validity to that, but I'd recall back to 2017 in June when the Council requested to go to a sole provider and having Pacific States and NMFS came back and said, no, can't do that and we had a preliminary preferred alternative, I believe in September of that year 2017 and the Council once again said, we don't have a choice here we're going to go third party, but we don't really want to do that, and but we don't have a choice. We've got to keep the program moving forward, however, let's keep looking for a way to keep Pacific States in the game, because we knew then, even with the amount of information that was there, that this was not going to be successful without that. In November, the final motion, and I encourage people if they don't have the recollection of the, of the actual conversation, to go back to the documents and the recordings of the Council. I believe Dorothy made the motion and it was like she almost couldn't say the words and said, and it was around the table in the discussion that we got to find a way forward and that was where we left it, and then we went through a year of hiatus where the final rule was being developed and here we are and I, we're still in the same place hoping that we can find an answer to this and I, I heard loud and clear that we're heading for the rocks. The ship is heading in the wrong direction and we need to, we need to think our way out of it. I don't discount the future benefit of a third-party model, I don't, I don't discount that. I think that there will be technology that, that may be the most efficient way to do it in some gear type in the future, so I don't think that's lost, that whole structure, but I do believe in this program that we are applying this to, that it would be a fatal mistake to not be creative and figure a way out of this dilemma. I think it's from a national perspective, from a regional perspective, that failure of this program is really detrimental, and I think failure is in not being affordable and not being efficient and to do the job that it was intended to do. I think that we're in a situation here that doesn't appear to have a real clear path, so I, I hope we can, we can move forward in a way that gets us to a place that will be successful. On the guidelines and the manual and all of that, I agree with the assessment that we haven't seen this. We haven't had a clear path of this to as a Council to make meaningful decisions on this. I don't know that it's the end of the world in my mind that, you know, I think people can get, can glean from what is created to come up with cost estimates in the future while this thing is being, going, while we get a better understanding and maybe deal with it in March but that's just my opinion. So that being said, I look forward to more conversation here and understand where, what kind of direction we could be taking.

**Phil Anderson** [00:20:17] Ryan.

**Ryan Wulff** [00:20:17] Thank you Chair. I understand the sentiments behind all of those interventions. I've been, I haven't been here at the table as long as most of you but I have been here since that kind of calendar discussion Bob was sitting in 2017 and I think we've stated as that every time I'm in this chair, I have to state where NMFS position is as it relates to transition of third party system and I feel like that's understood and I think we've laid out where those obstacles are, at least tried to. You wanted to

change in that, that rests over my head but I'm a little bit confused as to what additional information is needed when we're talking about just getting this to implementation and to be clear, this is the second time this Council has seen the guidelines. These are not brand new. This is the second time you've had a chance to weigh in. We have tried to make ourselves available over between the September meeting and this one through webinar, through a full day GEMPAC meeting. We have said that this isn't the end for the manual or even the guidelines, not even between when we actually post them and notice them, but even highlighting that those could continue to change and so there will be additional input and if there's specific information you're still looking for we are open to that. So to me, it kind of seems like using the quote everyone's throwing around, that it's you know, we should see what we've done first by actually implementing this and then maybe we'll know what you want as opposed to using that as a way to continue to push off implementing this system and I do think NMFS remains committed to trying to work with not just the Council but industry and everyone involved as we move forward in an iterative process to try and make this program work as effective and efficient as possible, and to clear up, you know, some of the cost estimate discussions, and this is why I asked the question with some of our public commenters, and maybe it's not as clear, it's definitely not as clear because I had to spend my lunch break confirming it by rereading our own report on the cost estimates that, you know, 622 or number in general, I mean that is really status quo. We heard a lot of commenters talk about they would be willing to accept a program that essentially funded what is going on now and I think that is reflective of those costs. To be clear, the only additional costs that would be industry borne are the potential for cost recoverable fees of labor if we kept our current policy going, which if you break that down and you actually run the numbers out, if you see in the table in the cost recovery, it talks about a .1 for shore based IFQ, .66 for mothership, that's 60,000 and about 74,000 respectively, so it's only a little over 100,000 dollars on the cost recovery site, so NMFS had stated we're continuing to work with folks. But again, just a reminder with the way things currently are, those are the mechanisms to still have discussion, but we do have a timeline in regulation. We do have guidance to imp... not just regulation, but also guidance to implement the third-party system in 2021, so we will take what we've heard from here. We'll take what we've heard from the GEMPAC and we will do our best to make changes to the guidelines in the manual that make them as effective as possible as we look forward to the June and October deadlines and continue to have as much discussions as we can, not just on the near term but also longer term. They're also, just finally has been a number of points been made about specific tweaks to the existing regs or other things that might come up that you would like to change potentially now that you've had some time with the final rule and we are still committed to the April, September, I believe it is, time frames on the Year-at-a-Glance, which are, we do have to do a quote unquote clean up reg change if you will. We know that the storage policy should be finalized by then and a few other things that have been raised, not just at the Council but in other discussions. Those are all part of that, and we will go over that with you during that time frame. To the extent something else comes up based on these discussions, that opportunity also exists. Now of course that would not affect the actual 2021 year as by the time we did that it would be past the application and other deadlines so that any changes that are related to that won't go into effect until essentially 2022, but those processes still exist. That time for discussion still exists and that's I think, where we are at this point.

**Phil Anderson** [00:00:05] I have a question for you. Look I'm, I'm certainly not faulting the efforts that National Marine Fisheries Service has made to make all these documents public, to provide opportunity for the public and us to engage so I know there's, maybe it comes across that way from something I said but I'm not, that is not what I'm saying. However, well in addition, we've been trying to think of a way to get through this, I don't know, I'll call it a bottleneck because we're trying to do a lot in a relatively short period of time, or at least that's the way it feels and we have the deadlines and the things that you've laid out that are needed in order to get this thing in place in 2021, and I, I personally just feel squeezed, not by you, just by the situation we're in. I just feel like we're squeezed and we're hearing loud and clear some real, I think, genuine concerns from industry as to whether what, you know, what,

what moving forward in the manner in which is proposed, how that or that leads us and I don't think you're ignoring those concerns nor are we, that said I keep, my mind went back to, or went to thinking about whether or not, you're going to love me for this, there was an alt, an option for us to have the program be implemented through an EFP in 2021. Modify the EFP such that we would include a mechanism by which funding could come from the industry to offset the costs that are associated with the PSMFC duties. I don't know exactly, I mean that and one of the reasons I'm thinking an EFP might be a way to do that is that, that is one of the things that we are struggling with. I'm not suggesting sole source so don't, you know, in the future, but, but one of the things we're, in order for PSMFC to be one of the bidders on being a provider is how to keep that arm's length from the people that are paying the fees for the work they're doing without putting them in a position they have a conflict of interest, and so this would give us also an opportunity to test out, you know, whether it's an escrow account or, or I don't know exactly what it is, and maybe it's through the states. I know they're cringing when I say that, but it gives us an opportunity, a little bit of time here to try to figure that out. There's also some other pieces of it that I know some of my colleagues can speak to that would also, because there's a couple of the other pieces that are about uncertainties about discard mortality rates and those kinds of things that they can speak to better than I, but the fundamental, one of the, well among the fundamental issues and challenges we have right now is to try to figure out a way for Pacific States Marine Fisheries Commission to be a provider and do it in a way that they can be funded through some sort of an, at least an arm's length from where the money is coming from for those activities. It tries to address the need that National Marine Fisheries Service have in terms of offsetting the costs for this program, but and it gives us a little bit of time to work through some of these stickier issues so that when we do implement it under regulation in 2022, we've had an opportunity to work through some of these and make sure we've got it right before we put our pick in the rocks or sand or whatever it is and move forward under a regulation.

**Ryan Wulff** [00:05:13] Thank you Phil. I am not sure I'm at point to comment on the specifics of how you might craft such an EFP. Now I get where you're going with that. I think we would need to do some more thinking about how that is crafted, but the, to your former question, I believe of is there a mechanism should we work that latter part out, that would, we would have at least from the NMFS side, I don't think that's a decision that could be made at the regional level. We would need to have a decision to essentially extend the implementation date from 2021 to 2022. I can speak from a rulemaking perspective the mechanism would exist if that approval was granted. As we already said, as I laid out earlier, we already are planning a regulation change. We would probably need that guidance pre at least, at least the April discussions that we're planning to have where we lay out those initial proposed rule changes and that would have to be wrapped into that two-meeting process as well as the proposed and final rule. So the mechanism exists but I think there's a lot more discussion both at headquarters level as well as here when it comes to the specifics of what exactly you're trying to test and what, how that EFP is structured that would need to happen.

**Phil Anderson** [00:06:51] Understand. Bob.

**Bob Dooley** [00:07:01] Thank you Mr. Chairman. Question along those lines. Is there a, if that were deemed feasible, what is the timeline to actually get such an EFP and what schedule would that have to be on to be able to make it happen by 2021? And so, in thinking of scheduling in the overall basis so we have kind of the full suite of things that we need to think about.

**Phil Anderson** [00:07:30] Ryan.

**Ryan Wulff** [00:07:31] Thanks Chair Anderson. Thanks, Mr. Dooley, for the question, I'd have to look into that part of the specifics. I mean technically it may not be too late to change the 2020 EFP at this

point, so I mean I don't think that's a big hurdle. If you're looking at 2021, but I'd have to get back to you on the specifics of how we would lay out that.

**Phil Anderson** [00:07:59] Ryan.

**Ryan Wulff** [00:08:00] And to be clear, in case I wasn't earlier, you know we would still need to maintain course prior to that proposal that we were assuming implementation would happen in 2021. So, for example, if there was not new guidance, not new direction, you would still see us, Federal Register notice, post the guidelines, post the manual on our website, continue with the application date, I mean we have to still maintain under the current regs absent that, so I just, that those processes may act in parallel, but I didn't want anyone to be surprised that we still have to move forward with what is currently in regulation.

**Phil Anderson** [00:08:50] Maggie.

**Maggie Sommer** [00:08:52] Thanks Mr. Chair and thank you Ryan. I am encouraged to hear that there may at least be some discussions and exploration of the possibility of going this route. It sounds promising and maybe I'll just add to the concept of renewed and potentially restructured EFPs is that it would also, could be an opportunity to help collect some information that could help us address some of the questions and recommended analysis pointed out in the GMT report on a couple issues like the halibut discard mortality rates and the steam time review rate, a few other things, but that also seems like it might be a potential benefit of, of an EFP.

**Phil Anderson** [00:09:53] Marci.

**Marci Yaremko** [00:09:57] Thank you Mr. Chair. Just a question on this prospective EFP. It sounds like this might be accomplished either by modifying the current EFP or creating a new one. It's kind of one in the same, but does NMFS have the staffing capacity to put toward explorations about new EFPs and new funding concepts or would this be absorbed in your current program costs that are dedicated toward EM activities?

**Phil Anderson** [00:10:32] Go ahead Ryan.

**Ryan Wulff** [00:10:36] Thanks Mr. Chairman for the question. I mean it would be the same folks so it would take away from other time and we'd have to, this would be an additional competing need for existing resources. I don't have any additional resources at this point in time.

**Phil Anderson** [00:11:02] Michele.

**Michele Culver** [00:11:04] Thanks. I did have a question Ryan to follow up on your response previously on moving forward with the rule and but then also indicating that there would be an opportunity for proposed revisions to that rule or proposed regulatory changes, so I'm trying to reconcile in response to Mr. Anderson's suggestion for an EFP, you had indicated that there, that there could be a mechanism since there's proposed regulatory changes already in the works, and then just wanted to ask about the ability to potentially change what we want to see in the EM program going forward given that we have a final rule that would be another Council regulatory amendment, is that correct?

**Phil Anderson** [00:12:37] Ryan.

**Ryan Wulff** [00:12:37] Thanks Chair Anderson. Thanks Miss Culver. I'm not a hundred percent sure

where you're going. What I meant with the mechanism, I was assuming that if you were, by Phil's comments, if you were going to extend, slash, modify the EFP, you were effectively pushing out the implementation date of third party another year and therefore that would have to be part of the reg change package that we are going to go over in April and September. We have a number of other things, I don't have them right in front of me, a number of other tweaks that have been identified that are part of that that we're planning to bring to that discussion. To the extent there are other things identified that could be wrapped in there, yes but it's, that's at least within the scope of those, that regulatory document and those changes, yes, I think that's a mechanism. To the extent you're making bigger changes to the, the FMP or the, or the program itself, I mean that would be probably a separate process.

**Michele Culver** [00:13:42] Thanks.

**Phil Anderson** [00:13:53] Go ahead Michele.

**Michele Culver** [00:13:54] Thank you. I'm, I'm prepared to make a motion but I wanted to see whether, get your sense Mr. Chairman of whether you think that's appropriate or needed at this point to the purpose is to summarize what I heard as guidance so far from the Council?

**Phil Anderson** [00:14:31] Well because I don't know what it says, it's hard to give you a perspective on whether I think it's a good idea or not but then you always have the option to withdraw your motion if people don't like it, so I think getting something in front of us that gets our, some of us focused on a direction would be a good thing.

**Michele Culver** [00:14:59] And that is why you were director of our agency, the ability to provide answers like that so... (laughter)... make my motion and will be prepared to withdraw it if needed. So with that I move that the Council write a letter to National Marine Fisheries Service that one, describes our desire to continue to work collaboratively with NMFS and affected stakeholders to develop and implement an EM program that effectively meets our goals and objectives relative to catch accounting and cost effectiveness for the groundfish industry. Two, recognizes that while NMFS can unilaterally move forward with finalizing its guidelines and program manual absent guidance and recommendation from the Council, given the importance of this program and our collective desire for it to be successful, we would urge NMFS not to do that. And three, proposes a revised EFP for 2021, administered by Pacific States Marine Fisheries Commission that includes an industry funded program, video review to inform an appropriate level of review of steam time, vessel specific video review to inform options for applying halibut discard mortality rates to non-reviewed trips, and a coordinated effort to include NMFS staff in PSMFC video review debriefs.

**Phil Anderson** [00:16:52] Thank you Michele and does the language on the screen accurately reflect your motion?

**Michele Culver** [00:16:57] Yes it does.

**Phil Anderson** [00:16:58] Thank you. Is there a second? Rich Lincoln. Like to speak to your motion?

**Michele Culver** [00:17:07] Yes thank you. I agree with the comments that have been made and want to commend National Marine Fisheries Service for the outreach that you have done relative to this issue and the willingness to continue to work collaboratively with industry members and the Council to make this program successful. I do think that we all have a common goal for this program and I am proposing a path forward given the information that we have been provided and in recognition that we don't feel prepared to make recommendations at this time to finalize the guidelines and program manual and

proposing that the consideration for an EFP, I did include in the motion administered by Pacific States but obviously we would need to have some discussion with Pacific States. So again, this is a proposal not a, not a direction. But I'm proposing that, that EFP include, and I did not mean to be all inclusive here, so this is it's, but not limited to these items but I'm certainly interested in learning on how an industry funded program could work, could work for industry, could work for Pacific States, could work for NMFS and the Council and I think having an EFP that tests that part of the program would help us make that informed decision. I do think that the, the GEMPAC and the GMT also raised additional options and recommendations for the Council to consider relative to more specificity on the part of NMFS and their proposal to include a random review of steam time. I think we could use an EFP that includes some video review of steam time, which it sounds like has not yet occurred through our EFPs to date that could help inform what an appropriate level of review for steam time may be and that certainly could be something that maybe sector specific and I'm not proposing that that's a one size fits all. And then also on the vessel specific video review, I do think that we could also benefit from having a test of a vessel specific video review relative to discard mortality rates and how that could be applied on an individual vessel basis to the non-reviewed trips and whether or not that would provide us with a degree of comfort relative to accuracy on the halibut that are being discarded. And then finally, I appreciate Dave Colpo coming here and addressing the Council and it sounds like there is a current mechanism in place right now whereby he and Pacific States staff coordinate with at this point Justin and perhaps some other NMFS staff when questions come up or questions are raised in particular by NMFS, but that there is also internal Pacific States video review debriefs, if you will, that are occurring now, and I'm just trying to encourage a coordinated effort for that to occur as it seems like that is what is also being proposed under the NMFS program for those debriefs was to include Pacific States in that. So that's my rationale and thinking at this point as a proposed next step.

**Phil Anderson** [00:21:56] Thank you Michele.

**Phil Anderson** [00:21:58] Discussion on the motion? Maggie Smith.

**Maggie Smith** [00:22:03] Thank you Chair Anderson. I wanted to advise the Council that the Office of General Counsel would have significant legal concerns about Item 3.A. in the letter that's proposed. An exempted fishing permit does not allow NMFS to waive generally applicable federal law which includes appropriations law. All of the same concerns that have been raised in the development of the regulations regarding supplementation of appropriations, for example, would apply equally to any EFP. Certainly, if the Council were to make such a request, we could once again discuss this issue with our appropriations law experts in the Department of Commerce General Counsel but I am not aware of a way that this could go forward at this time.

**Phil Anderson** [00:23:05] Michele.

**Michele Culver** [00:23:06] Thank you. I appreciate that Maggie and appreciate the offer to provide more detailed feedback although I guess I'm, I'm interested in knowing if there is a way for that to work and if so, how, and if, if that means it's not a direct payment from industry to Pacific States, that's what I'm interested in knowing and so again I'm not proposing that this be part of the, necessarily the, the, a waiver of the current law. What I'm proposing is if we were to have an EFP in place that there is a mechanism for industry to fund or reimburse PSMFC for the video review that they are doing, and that would be done through potentially private contracts by Pacific States to ensure that they are able to be reimbursed and recover the costs associated with them conducting this program. So I'm not proposing that it be industry funds that come to NMFS or that are passed through to NMFS or that NMFS provide funding to Pacific States, I'm suggesting that NMFS provide the EFP, but I would be looking to Pacific

States to explore different options by which they would be able to recover their costs associated with fulfilling the EM video review.

**Phil Anderson** [00:25:58] Maggie.

**Maggie Smith** [00:26:00] Thank you Chair Anderson. I guess I'm not clear what your, what your proposal is, how that's different than, you know where we are right now with the multiple providers. Certainly, industry could contract with Pacific States as they could under the final regs, but NMFS can't prevent them from contracting with other providers. So, you know, I think that if there, if there is some sort of detail that could be put in the letter that we could maybe provide better feedback on, you know we would certainly be happy to do so. I'm just kind of struggling to understand what, what is different about your proposal than, you know, the situation that we have with respect to the, to the regulations.

**Phil Anderson** [00:26:58] Dave Hanson.

**Dave Hanson** [00:00:00] Try and understand totally what the counselor's saying. I see the same problem that we have which has already been discussed and that in this case PSMFC would be developing a program to bring money to PSMFC so we would end up with the same conflict of interest that's been discussed.

**Phil Anderson** [00:00:27] So let me, let me ask a question. If, if you removed, it's a question for you Maggie. If you remove in three, if you remove the 'administered by PSMFC' from the motion and changed 'A' to identify a mechanism for the industry to assist in funding electronic monitoring activities, would that get away from your concern or address your concern?

**Maggie Smith** [00:01:16] I think that, thank you Chair Anderson. I do think that, that would help with my concern but I think that getting, you know getting more detail into the letter and you know being specific with requests would allow us to provide more complete legal analysis. I, you know my intent was to make the Council aware of, you know, what we are proceeding as a potential pitfall, so I do think removing that language would possibly open up, though, you know, the universe of potential solutions somewhat but you know, I can't say with certainty that I, that we would be able to do that.

**Phil Anderson** [00:02:09] Well, I'm trying to turn the red light off and at least get it to yellow if not green so, if removing 'administered by PSMFC' and changing the language so it was identifying a mechanism by which industry could assist in funding electronic monitoring activities, then at least that would, and then provide some additional explanation in a letter, if that would at least get the red light turned off.

**Maggie Smith** [00:02:37] That would, that would help, yes. Thank you.

**Phil Anderson** [00:02:42] Chuck.

**Chuck Tracy** [00:02:43] Thank you Mr. Chair. Just a question about responsibility here, I guess. The motion requests that the Council write a letter that includes this revised EFP, so the Council is not the original sponsor of the EFP, so I'm, I guess I'm just wondering how that would work in terms of revising an existing EFP as opposed to creating a new one, and secondly, that just the Council or Council staff presumably doing this, how that would work obviously would..... a lot more people than the Council needs to be involved in that so maybe just some thoughts about that.

**Phil Anderson** [00:03:32] Yeah, I mean, I think there could easily be addressed by saying working

with the sponsors of the existing EFP, propose a revised EFP for 2021, blah, blah, blah. It's the, obviously it is the sponsors of the existing EFP that are really going to be an important player here and, and so if we modify the language in that manner, that would seem to address that concern. Michele.

**Michele Culver** [00:04:12] Thanks and so I guess just for clarification I was not proposing that the Council be the EFP applicant. I was suggesting that in this letter to NMFS, the Council would propose the EFP as being a mechanism by which to collect and provide this information to the Council to make an informed decision on these outstanding issues and to potentially hopefully get feedback from National Marine Fisheries Service on using an EFP as the mechanism, as the vehicle and my apologies for not being clear, but that was the intent of the proposal, not actually applying for the EFP. I will I guess also say that what I had intended with the, with 3.A and the industry funded program portion of this and I appreciate the desire to get, I would desire to get from red to green, but I could live with yellow, but the intent is to see and how to figure out how the industry funded portion of this would be implemented, could be implemented and so that, that is the intent of 3.A. So I understand that, that is currently in the regulations but I think a lot of the comments and concern that we've heard is just relative to the actual implementation of that and in particular on the part of PSMFC and so would appreciate feedback again from NMFS on how that could be done.

**Phil Anderson** [00:06:49] Further discussion on the motion? Ryan.

**Ryan Wulff** [00:06:54] Yeah thank you Chair Anderson. I have a separate but related I guess clarification question of intent because I don't see it explicitly in the motion. Maybe this is, it could probably go under one or two. It seems more suited for the way you're wording number two. I kind of already explained that NMFS moving forward with finalizing guidelines and the program manual are related to the current 2021 starting date in the existing regs and the associated timeline to be compliant with that, so is it your intent here that this request is to delay effectiveness of the third party regulation, to change that to 2022 versus 2021 and thus not have us move forward with finalizing and look at a EFP for 2021 instead. Is that the intent?

**Phil Anderson** [00:07:55] Michele.

**Michele Culver** [00:07:56] Yes.

**Phil Anderson** [00:07:57] Maggie.

**Maggie Sommer** [00:08:02] Thanks Chair Anderson. This is complex and maybe just you'll humor me a little restating to check my own understanding in particularly of the issues that we've been talking about under number three. You know we heard from a lot of the long time participants in this program and the original EFP proponents and around this table that an ideal outcome would be a program in regulation where Pacific States is the provider continuing to act as it does now as an agent of the National Marine Fisheries Service, which avoids what would seem to be in those circumstances an unnecessarily duplicative NMFS audit that is something more than the debriefing that occurs now under the existing EFP and the, you know the obstacle I think we, that I've, is my perception of what we've been wrestling with is that and it seems to me that the industry funded aspect of this and the desire to have Pacific States continue to function as that agent of NMFS appear like they can't coexist and this EFP might provide some time and opportunity to explore mechanisms to, and to address that to overcome that obstacle. I guess I may be looking toward Miss Culver to see if that is a reasonable statement of part of the intent of the EFP here.

**Phil Anderson** [00:09:44] Michele.

**Michele Culver** [00:09:46] Yes it is and I guess I would use an example and maybe this, this could help the discussion and, and feedback from NOAA General Counsel in particular, and so we've had EFPs whereby we've required a 100 percent observer coverage and we've through the EFP have allowed state fish and wildlife employees to be those observers to fulfill that observer coverage and then the state was able to recover fees from the industry to reimburse the state agency for providing that observer coverage and I'm trying to see what the difference is relative to this situation and Pacific States, so why we couldn't have an EFP whereby Pacific States provides the video review service and then recovers the fees from industry.

**Phil Anderson** [00:11:35] Was that a question? Yeah?

**Michele Culver** [00:11:40] Yes, so I'm trying to see what, what the difference is where, whereby that was provided through an EFP and but yet that seems like it can't be done here.

**Phil Anderson** [00:11:58] Ryan.

**Ryan Wulff** [00:11:59] Thank you, Chair and I think we need to probably do some more thinking and digging into this. I mean I think Maggie explained some legal concerns and she can correct me if I'm wrong, I mean if you take out the language of administered by Pacific States, you know could you set up a program like that? I can find some similarities to the other program. I don't think that if someone wanted to be a part of that EFP and use a different provider, I don't think we could deny them that. I think we need to look into, we need to look into the specifics. I mean, and again, it would be a topic that we should probably appropriately schedule for an EFP agenda item. I'm not sure this gets at the underlying issue other than just putting us in the same situation a year from now of how transitioning to third party and industry choice. Even with this EFP because you're into this proposal, boats would be going out under this 2021 EFP, at the same time we would be finalizing guidelines and a manual during that same year to have that implemented for applications due in 2021 with a 2022 implementation date. So maybe I'll leave it there.

**Phil Anderson** [00:13:16] Well the difference I see is that we'd have a little bit more time on the guidelines and manual issues from where we are now and we would have a year or something close to it to figure out a mechanism by which industry can assist in funding this program and offset costs for video review, video storage, those components that have been and performed by Pacific States and that's the difference I see in that we would be able to carefully walk our way through this, figure this out so at the end and when we implement it in 2022, we've achieved that goal that I talked about when I first addressed my comments when we started this conversation this afternoon. Ryan.

**Ryan Wulff** [00:14:21] Yeah thank you Chair, and I appreciate that. I just wanted to be clear that, that doesn't chan....none of this would change the fact we would still be going to a third-party system outside of any statutory or legislative or other direction. We would still need to set up an audit system of the program with guidelines and a manual and as long as that was clear. I just wanted that to be clear.

**Phil Anderson** [00:14:41] You never know what might happen in 12 months to change that picture. Michele.

**Michele Culver** [00:14:47] Thanks. So thank you, Ryan. I appreciate your response. So I'm perhaps feeling a bit slow this afternoon, so what I think I'm hearing then is it, their propo, this proposed EFP that would go to the industry applicants, then the EFP would contain these elements relative to the objectives that we're trying to accomplish through this EFP but it would be up to those EFP applicants to select their EM provider, thereby by striking the, that it be administered by Pacific States, it would

be, it would, again, it would be up to the EFP applicant to select who their EM provider would be and then whether it's Pacific States or another party, we could still have these objectives as what we would want that EM provider to do through this?

**Phil Anderson** [00:16:01] Ryan.

**Ryan Wulff** [00:16:02] Yes that's correct. So playing that out, they could apply and state in their EFP application that they intend to use only Pacific States and that's what we would approve in the EFP, but I don't think legally we could then deny someone else just because they didn't put Pacific States and they had a different provider on it.

**Phil Anderson** [00:16:23] Okay. Michele.

**Michele Culver** [00:16:25] Thanks. Yes and then you had raised the question of potentially looking at the 2020 EFP and certainly I don't think that the industry funded program portion of this could be turned around that quickly, but certainly would be interested in whether the current EFP applicants would be interested in items B and C as being part of the 2020 EFP so as the Council could at least have some more information to reach our recommendations.

**Phil Anderson** [00:17:23] Okay had some discussion on the motion. There's been some concern expressed from our NOAA GC on some of the provisions under number three. There's been some, I think some clarification on the intent of number two. So.....Brad.

**Brad Pettinger** [00:17:50] Thank you Mr. Chairman. In the discussion earlier like, or the testimony earlier by Dana, you know what you want until you see it, and as a participant in the EM part segment of the bottom trawl fishery I see tremendous potential and I think that especially with the way we went to halibut review as far more people would be, should be able to work for them because the non-whiting participants is what's really, that segment is really what's hurting here and the cost of this fishery, this program is it's really, is really killing them and that's why you have 25, 30 percent attainment rate and that's got to be better and so I really appreciate the motion that you've put forward. I hope this sausage is good because this has been a crazy sausage making exercise, but I really appreciate this and I hope we can make it work and I hope we get the extra time and some, I know that this fishery needs it, something like this badly. Thank you.

**Phil Anderson** [00:19:04] Thanks Brad. So, I'm hesitant to call for the question on the motion given the concerns that have been raised by NOAA General Counsel. If there's any amendment that anyone would like to offer that addresses that concern that would be a good thing. The other option is to withdraw the motion, take a break and reintroduce it addressing some of the concerns that have been raised. Michele.

**Michele Culver** [00:20:00] Thank you Mr. Chairman. I'd like to withdraw my motion.

**Phil Anderson** [00:20:05] And the second concurs? Second concurs. Okay motions been withdrawn. It's 2:19. We'll take a 10-minute break or thereabouts. Try to be back at 2:30. Thank you.

**Phil Anderson** [00:00:05] Take the next 60 seconds and just think of yourself as being outside. Finally, Bob Dooley gets here, we've been waiting for you... (laughter)

**Bob Dooley** [00:00:43] You said thereabouts.

**Brad Pettinger** [00:00:49] No I don't think so.

**Phil Anderson** [00:00:49] Who else are we waiting for? So, we're just going to delay here for just a minute, so entertain yourselves. I was wondering if Heather had gone to the airport and actually boarded the plane and heard the conversation and turned around and came back... (laughter)... Okay are we ready to. Okay so we're again, we're still on H.3 and we had a good discussion on a potential motion before we broke. We withdrew that motion. Given some of the discussion and concerns that were raised during that discussion and so we're, that was withdrawn and so the slate is clean and Michele.

**Michele Culver** [00:02:26] Thank you Mr. Chairman. I move the Council write a letter to National Marine Fisheries Service that one, describes our desire to continue to work collaboratively with NMFS and affected stakeholders to develop and implement an EM program that effectively meets our goals and objectives relative to catch accounting and cost effectiveness for the groundfish industry. And two, recognizes that while NMFS can unilaterally move forward with finalizing its guidelines and program manual absent guidance and recommendation from the Council, given the importance of this program and our collective desire for it to be successful, we would urge NMFS to delay implementation of the EM regulations until 2022. Number three, includes the concerns expressed by the Council of needing more information to assess items such as, A: Video review to inform an appropriate level of review of steam time and, B: Vessel specific video review to inform options for applying halibut discard mortality rates to non-reviewed trips.

**Phil Anderson** [00:03:39] The language on the screen accurately reflects your motion?

**Michele Culver** [00:03:42] Yes.

**Phil Anderson** [00:03:43] Thank you. Seconded by Rich Lincoln. Michele.

**Michele Culver** [00:03:49] Yes thank you. Will just highlight the changes based on for clarity in item number two, based on the Council's discussion, just clarifying that we are specifically asking that NMFS delay implementation of their EM regulations until 2022 and then I think we've had good discussion here and hopefully the EFP applicants were listening carefully in terms of what we are proposing as an approach for 2021. This is with the understanding that NMFS would not be providing funding for continuation of an EFP in 2021 and so any EFP that would be submitted would include an industry funded component for providing EM and just wanted to indicate what some of the concerns are relative to the Council not being ready to make its recommendations at this time to inform us relative to some of these outstanding issues. I've described here the video review to inform the level of review needed for the steam time and the vessel specific review for the halibut discard mortality rates by way of explanation to NMFS of why we are requesting this delay.

**Phil Anderson** [00:05:31] Okay discussion on the motion? I have a question. I know you purposely removed the reference to industry funding. I'm wondering if, I'm concerned that if, if we don't have some additions to the rationale or our recommendation to delay those two things by themselves are not, won't be compelling and so I just wanted to ask about the concerns around a mechanism for to provide for industry funding to offset some of the costs with EM.

**Michele Culver** [00:06:46] So if I may Mr. Chairman, I'm taking your question to be the, relative to specifically removing the reference for an EFP for 2021 and if I may, so the, the intent is providing the letter to NMFS that describes what we would like to do and what we are asking NMFS to do relative to delay of the implementation of the EM regulations until 2022. I think that through the Council's discussion we have, if NMFS is agreeable to delaying implementation of the EM regulations until 2022,

given that we have an EFP that we've approved for 2020, we would likely need an EFP in 2021 to continue the EM program given that we're not, we would not have the regulations effective until 2022, however was not proposing that we necessarily include that in our letter to NMFS, but rather describe what the information is that we could use to help us get to a place of where we would be comfortable with the EM regulations being implemented.

**Phil Anderson** [00:08:51] Well I don't want to prolong this but, I'm, you know we have a final rule that's been published, it will be no small challenge to pull that rule back without substantial justification and at the very least I would, if the motion passes, I would want some flexibility provided to the, to the Council staff in drafting the letter to ensure that we have include a compelling argument for, for a delay in the implementation of the final rule and that's my, that's my only, only but significant concern and I do believe that funding and a mechanism for that funding that provides a means by which PSMFC could continue to provide the services is a, is a fundamental cornerstone of the reason that we believe the delay is warranted and while we provide time to figure out a way to address that concern so.... I'm not finding fault with anything that's up there. Just want to, we're going to need, we're going to need to add to our argument and our rationale for requesting the delay I believe in order, if we're going to be successful and if there's a willingness to give Executive Director and your leadership some flexibility to craft that letter and include some other rationale that would be, would be appreciated. Bob.

**Bob Dooley** [00:11:24] Thank you Mr. Chairman. I think we've heard a lot of the reasons to justify this today. They're not in the motion. I think the motions sufficient the way it is, but I believe you're right that, that isn't compelling to change the course of this ship so I think that we need to build a case here why this is, why this is done but I believe we've heard enough through public comment, through discussion to be able to, at least in my opinion, give our staff the ability to craft such a letter and I guess I would turn to Mr. Tracy and ask him if he thinks he has enough or needs more info. Thank you.

**Chuck Tracy** [00:12:06] Thank you Mr. Chair. Thank you, Mr. Dooley. Well again I think the discussion here has been very far ranging and I think we've got a good sense of what the Council would like to accomplish and the rationale behind it so I think given the latitude to incorporate some of that into the letter, I think we could accomplish the objectives.

**Phil Anderson** [00:12:38] Maggie Smith.

**Maggie Smith** [00:12:42] Thank you Chair Anderson, I think that this has already been said but I just wanted to reiterate in case there was some confusion. For NMFS to delay effective, effectiveness on the, on the rule, we, NMFS would need to be implementing a Council final action, so you need a two-meeting process and final action to change the effective date and I believe that you already have agenda items for EM that this could possibly be added to, but I just wanted to make sure everybody understood that this letter would not be sufficient.

**Phil Anderson** [00:13:25] Okay thank you for that clarification Maggie. All right any further discussion on the motion? All those in favor say 'aye'.

**Council** [00:13:37] Aye.

**Phil Anderson** [00:13:37] Opposed no? Abstentions? Ryan Wulff abstains. Motion carries. Let me call on Dave Hanson.

**Dave Hanson** [00:13:57] Thanks Chairman. I didn't want previous statements perhaps misunderstood.

Commission staff will be glad to work with any of these groups to look at funding options. We will help any way we can.

**Phil Anderson** [00:14:12] Thank you Dave. Appreciate the Commission's willingness to do that. Michele.

**Michele Culver** [00:14:18] Thank you and I struggled with the, what the Council should convey in our letter to NMFS versus what the Council could provide as guidance, recommendations to the industry and given the discussion that happened here and appreciate Dr. Hanson's comments just now. I guess my guidance, my encouragement is to those EFP applicants to submit EFP proposals for 2021 knowing that the Council still has to go through its two-meeting process to effect a delay of the 2022 implementation or implementation of the EM regulations until 2022, but I would certainly encourage industry to submit EFP proposals for 2021 for an EM program that includes an industry funded component as well as addresses the concerns that the Council has described here that we would be conveying to NMFS in our letter.

**Phil Anderson** [00:15:48] Thank you. Further... let me turn to Brett. I only want to ask you for an opinion about how we're doing, but is there additional work that we need to do on this agenda item?

**Brett Wiedoff** [00:16:06] Thank you, Chair. I was thinking of the same thing. So final recommendations, guidelines and draft program review has been delayed and, and same with the video review auditing approach and options, so we've delayed on that. You provide some guidance though on EM program implementation through your motion on the screen, so the sausage has changed flavors I'll just say right now so we'll have to figure out how that letter needs to be written but and whether the Council wants to review that letter, finalize it, that would be appreciated how, understand how you want to proceed with that and get that through before we send that to National Fisheries Service. Staff would like a little bit of guidance there if that's okay.

**Phil Anderson** [00:16:56] Okay, Chuck.

**Chuck Tracy** [00:16:58] I just want to confirm that the Council does not desire to take any action on the guidelines or manual at this time and, or is that something that they want to pick up?

**Phil Anderson** [00:17:17] Well my sense was that given our desire to delay and among the reasons for that includes further review and comment on both the guidance and the recommendat....and the program manual as they're further developed, that we would hold making comments on those at this time, but if I'm wrong about that please let me know. Okay? Now rela... oh Ryan. Sorry.

**Ryan Wulff** [00:18:00] Thank you Chair. Yes, just to follow that thread, just to be clear again. You know regardless of what was just put forward in the motion in the letter, NMFS is still going to be on track with our current timeline. We are still planning to take the feedback we received at the GEMPAC. That we still plan to do outreach to additional providers and others over the winter before these are finalized so absent any change you know the next, well, the Council may have a chance then to see them again once they are posted or noticed and potentially again, like I said, through an iterative process be able to weigh in again. We are still moving forward on our current track until another one is identified or approved. If that makes sense.

**Phil Anderson** [00:18:54] I think we understand that. Marci.

**Marci Yaremko** [00:19:00] Thank you Mr. Chair. If I may, just following up on earlier remarks

reaching out to industry and encouraging them with regard to submission of future EFPs. Maybe I'll just take a chance for a minute to encourage some of our folks who might be burdened by the situation with the requirement for dockside monitors that maybe there is a future here for work on under an EFP to begin some EM work along those lines. I think there is some, some work beginning maybe in Half Moon Bay, but I think you know, I'm looking at the situation in California with our IFQ fishery. We have both a trawl fishery and a fixed gear fishery, and the number of vessels participating in the sector has diminished dramatically since the initiation of the IQ program and I do have a vision. I do know what I want. I want to rebuild our IFQ sector and I want to see it be vibrant and span across many California ports, and I'm not sure what the right solution forward is but I do know that all of those participants are incurring an obligation with regard to the need for dockside monitors and that is a cost to industry and that maybe there are some creative technological solutions out there that we can explore that might advance that, that work and maybe some relief from those cost obligations in the future. So thanks. That's all.

**Phil Anderson** [00:20:44] Okay thanks Marci. Michele.

**Michele Culver** [00:20:48] Thank you Mr. Chairman. I just want to make sure that we are all on the same page relative to next steps for this item and so if I may summarize quickly what my understanding is, is that Council staff would send this letter to NMFS as described in the motion. The Council already has on its future meeting agenda planning a two-meeting process relative to EM regulations. We would need to expand the agenda item to explicitly include a recommended delay of implementation of the EM regulations for 2022 for those two agenda items in order for NMFS to implement that delay and then coming up here shortly, under agenda item H.5 is when the Council is taking up its EFPs for 21 and 22, so there would need to be a placeholder acknowledge that given this discussion, we would be looking for EFP applications extending the current EM EFPs but with some proposed revisions along the lines of what we just discussed here coming up in two agenda items ahead later today. So that's what I see as next steps to move forward what we just discussed.

**Phil Anderson** [00:22:39] That was a good summary. Now let me just in addressing Brett's question about the review of the letter to National Marine Fisheries Service requesting the delay. What's the wishes of the Council in terms of reviewing the letter before it's sent? Michele.

**Michele Culver** [00:23:08] I am comfortable with review by the Council's Executive Committee.

**Phil Anderson** [00:23:16] Okay. Anybody else? All right. Okay Brett, one more time. Anything else we need to do on this agenda item today?

**Brett Wiedoff** [00:23:32] Thank you Chair. No, I don't think so at this point.

**Phil Anderson** [00:23:35] Okay.

**Brett Wiedoff** [00:23:35] Appreciate the summary by Miss Culver as well and the direction there.

**Phil Anderson** [00:23:40] All right well...

**Brett Wiedoff** [00:23:40] And I apologize for a long agenda item.

**Phil Anderson** [00:23:49] Well if we're on time it'd be 11:00 o'clock in the morning, so, but who's counting? All right on to H.4...

#### 4. 2020 Harvest Specifications for Cowcod and Shortbelly Rockfish – Final Action

**Phil Anderson** [00:00:02] That concludes public comment on this agenda item. Takes us to our action which is displayed on the screen. Adopt a final preferred alternative for specifying 2020 annual vessel limit for cowcod and a final preferred alternative for 2020 shortbelly rockfish annual catch limit. Marci.

**Marci Yaremko** [00:00:29] Thank you Mr. Chair. If I may I have a question that probably is best for John DeVore, but it's appropriate for either the GAP or the GMT. I apologize I missed this in the GMT statement and unfortunately, I don't have the benefit of recalling the September discussion on the shortbelly item, but I'm just looking on table 1 in the GMT report. The Council's revised ROA Alt.1, the 3,000 metric ton ACL and then this comment on the GAP proposal to buffer the GMT high projection of about a thousand metric tons. Would you help fill in the gaps for me about that recommendation from the GAP? They wanted to, they encouraged a buffering of the GMTs projection of a thousand tons, did they give any recommendation on how much buffer or any thought on that?

**Phil Anderson** [00:01:34] John.

**John DeVore** [00:01:37] Well I can capture the discussions that we had around the GMT and the GAP. One thing that's, that's very clear is that, and the GMTs made a point of this, is that any projection of what the bycatch and abundance of shortbelly will be next year is highly speculative. This is an unprecedented event. We've never seen such large abundance of shortbelly north of 40 10 in the past and I think that it would be speculative to extrapolate the trend. I think it would be speculative to make any type of prediction about what we're going to see next year or in the next few years. It does appear we have some high recruitment. I think the analysis that Dr. Thompson provided in the RIR URFA and spoke to today in the GMT statement shows clear evidence of large recruitment but, you know the GMTs bootstrap analysis relied on random draws from 2017 to 2019 but given the unprecedent, unprecedented nature of that, I think they certainly have characterized their projections as highly uncertain and you know perhaps speculative as well. So it's a, it's a very difficult thing to project the future on here because we don't really have empirical evidence of what's going on there other than what we've seen in the last few years and we're seeing an increasing trend but that continues. That's pure speculation.

**Phil Anderson** [00:03:37] Go ahead.

**Marci Yaremko** [00:03:38] Thank you. That wasn't quite my question. I'm referencing.... your close, but I'm curious about the GAPs proposal to buffer it. Did they give any indication what they thought a reasonable buffer was above 1,000 or did they just stop that discussion and endorse the PPA?

**John DeVore** [00:04:01] Well I don't want to, I don't want to speak exactly what was in the minds of the GAP and I was there for most of the question and answer but there may have been continuing discussion, but I would certainly infer that their recommendation for the 3,000 metric ton ACLs speaks to, speaks to the buffer that the GAP is recommending above the thousand metric tons.

**Phil Anderson** [00:04:31] Other discussion? Entertain a motion? Maggie.

**Maggie Sommer** [00:04:39] Thanks Chair Anderson. I'd offer a motion if I can get my non-paper to work. Thanks. I move the Council adopts the preliminary preferred alternatives for the 2020 ACLs for shortbelly rockfish 3,000 metric tons and cowcod 10 metric tons research set aside equal to one metric ton as final.

**Phil Anderson** [00:05:07] Language on the screen accurately reflects your motion?

**Maggie Sommer** [00:05:13] Yes.

**Phil Anderson** [00:05:13] Is there a second? Seconded by Bob Dooley. Speak to your motion?

**Maggie Sommer** [00:05:19] Thank you for cowcod, I'll start with that. The, as adopted last, at our last meeting we stated that the purpose here is to revise or remove the ACT for cowcod given the improved state of the cowcod stock and also to reduce the set aside based on anticipated research impacts in 2020 and these are to meet the need to reduce the risk that IFQ vessels south of 40° 10' would reach their annual vessel limit for cowcod in 2020 and have to cease fishing in the IFQ program for the remainder of the year which would result in adverse economic impacts on those vessels and fishing communities in the area. So this, this the preliminary preferred alternative which I'm proposing we adopt as final here meet that purpose and need. On shortbelly we identified a need 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 associated adverse economic impacts to West Coast fishing communities that could result from closures or constraints there while continuing to protect the availability of shortbelly rockfish as important forage in the California Current ecosystem. We have just been talking about the fact that the recent high bycatch is due to the current high abundance of shortbelly rockfish, and I would again refer to the GMT report and the Rockfish Recruitment and Economic Assessment Survey and the CalCOFI information it includes and would quote that taken together the RREAS and CalCOFI data suggests that the overall shortbelly rockfish population size was very high from 2017 to 19 will likely continue to be high in 2020 and that the population size in Southern California was close to average in 2018. So, in addition to the current high abundance, we have some indications that it is not a range shift, but certainly or probably arrange expansion that we're looking at, at this time. I do want to recognize as I did earlier in my question to Geoff Shester, the importance of shortbelly rockfish is one of many forage sources in the California Current ecosystem. I am, the high abundance of shortbelly and other forage such as anchovy at this time as noted in the GMT report, referencing the 2019 state of the California Current report suggests that bycatch of shortbelly rockfish up to at least the 2021 to 22 ABC level of 4,184 metric tons would not harm either the shortbelly rockfish stock or the overall forage base available, even taking into account the different forage species may have a different relative values, and I think it's reasonable to conclude that there's no conservation risk in taking up to at least that 2021 to 22 ABC amount. I'd also note discussions as we've just had, and Mr. DeVore reminded us that the GMTs emphasize that their projections of maximum catch of 1,000 metric tons are highly speculative due to the volatile and lightning strike type catch events that have occurred in addition to the lower level accumulating bycatch. Public testimony illustrated how the trawl sectors shortbelly ACL can affect operational flexibility at the vessel level, increasing costs and risking increased bycatch of other species if the ACL is low. In addition, we heard that the ACL is not the only incentive for avoiding shortbelly and increasing it will not be a disincentive for the fleet to avoid these, the shortbelly stock. Taking all these points into consideration, I conclude that there is no need to risk constraining the whiting fishery due to shortbelly bycatch at this time or moving shortbelly higher in relative bycatch avoidance priority compared to where it currently is. Therefore, I recommend adopting the preliminary preferred alternative of 3,000 metric tons as the final 2020 ACL. As discussed in September and today, this amount which is just under three quarters of the 2021 to 22 ABC value should be sufficient to avoid constraining whiting fishing while continuing to ensure more than adequate shortbelly rockfish as forage. Thanks.

**Phil Anderson** [00:10:03] Thanks Maggie. Discussion on the motion? Marci.

**Marci Yaremko** [00:10:10] Thank you Mr. Chair. I'd just like to voice my support for the motion. I

believe that the part regarding cowcod will provide meaningful relief for the IQ fleet on their cowcod vessel caps south of 40° 10'. I really want to thank the GMT for their quick thinking in June and their foresight on how to provide relief in 2020 through this action and identifying this two-meeting process to get us here. I know there was a lot that went on behind the scenes there in short order in June and some really good brain trust, thinking through the most expeditious pathway forward and this is it so thank you for that. I want to also acknowledge your work recently to look at the research set aside and the appropriateness of reducing that set aside to one metric ton and assuring us that, that in fact is a reasonable step to take for 2020. Regarding shortbelly I guess I certainly, you know I support the motion. I don't see the 3,000 tons as a permission slip to go catch that amount and I think we have some assurance from industry that they're going to continue to take the steps that they've been taking to avoid this species and maintain their heat maps and their communications between members of industry. I certainly can appreciate they don't want their nets gummed up, and it is not worth the cost for the efficiency of their operations so I appreciate hearing that, that they will continue their avoidance techniques. I guess I would just reiterate that I, I am expecting that, that they follow through and even though I know there is a, they've identified sort of a priority hierarchy among the species that they need to avoid. I think the message remains that they all need to be avoided, so I'm not so sure about the hierarchy, but I do recognize they are all bound by caps that they must work within so appreciate that. Regarding the 2020 measure on shortbelly, I know there's a lot of interest in looking forward to the 21° 22' spex process and how we might look at accountability measures for shortbelly in the spex process, so I'm looking forward to that and support this step for the interim for 2020. Thank you.

**Phil Anderson** [00:12:58] Thanks Marci. Further discussion? Corey.

**Corey Niles** [00:13:03] Thanks Mr. Chair, and I think Marci said that on shortbelly a lot of my thoughts I share I would just add, and I don't see this as a change of our core policy. This is an interim step that I really, I'm still, I'm impressed that with NMFS being able to act faster and do NEPA more nimbly than, than before but I still wonder. I wish we could have that hour and a half back because we're going to be talking about the same issue here probably later in the evening today when we start talking about the ACL range for shortbelly for 2021, which is our normal process. But again, I think the shortbelly ACL was ahead of its time and a lot of good ideas came from our, from Oceana and is it a good idea? We didn't really think about this getting into the situation. From the whiting fleet we heard some, some really you know challenging questions about what's practicable and all the other species, so I think, I'm just trying to say here that, that we have some issues to struggle with for the longer term and we're going to start that maybe in a couple hours.

**Phil Anderson** [00:14:11] Further discussion on the motion? Aja.

**Aja Szumylo** [00:14:18] Thank you Mr. Chair. I'll just reiterate things everyone else has said quickly. Thanks to the GMT and NMFS staff for putting together analysis and thanks to industry for their attention to shortbelly over this past fishing year for avoiding. I want to remind everyone that this action won't be in effect until the middle of the 2020 fishing year, so it's a very temporary action and as everyone else has mentioned, we're, you know the Council put forward a preliminary preferred alternative for a lot of options for investigating management for shortbelly that we're going to look at in specifications, so this you know, this is only one step in thinking through things and are, you know everything that I reiterated before about looking at accountability measures for this stock and the entire range of groundfish stocks, I think will come up through that action in the future. We're happy to also put in some effort into comparing and contrasting the management, the shortbelly management options and specifications as well. So just wanted to offer that but thank you, and I'll support the motion.

**Phil Anderson** [00:15:21] Thank you Aja. Further comment or question on the, or excuse me,

discussion on the motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:15:35] Aye.

**Phil Anderson** [00:15:35] Opposed no? Abstentions? Motion carries unanimously. John is there any other business we need to take up on this agenda item?

**John DeVore** [00:15:49] No, thank you Mr. Chair. You've accomplished the objective of adopting a 2020 final preferred alternative for a 2020 annual vessel limit for cowcod by removing the annual catch target and reducing the research set aside. You've also accomplished the objective of mitigating against an early closure to fisheries with that cowcod action in the IFQ fishery south of 40 10, and your decision for a higher 2020 shortbelly rockfish annual catch limit accomplishes the objective of mitigating against an early closure to whiting fisheries and other midwater trawl fisheries north of 40 10. So, with that you have accomplished your mission.

**Phil Anderson** [00:16:47] Thank you very much.

## 5. Preliminary Exempted Fishing Permit Approval for 2021-22

**Phil Anderson** [00:00:00] Takes us to our consideration for action under this. We need to decide on the EFP applications that shouldn't move forward for public review, including any recommendations or modifications. If there are any that we want to refer to the SSC or other advisory bodies to engage in a more thorough review and adopt in any yield set asides necessary to accommodate those EFPs recommended for public review. In Dr. Seger's overview, he listed the EFPs that are up for consideration. Of course, they're also in the GMT Report and we have recommendations from the GAP. So, if you have any of these that you'd like to move forward for further consideration and public review, now would be the time to put forward a motion that makes that recommendation. Corey.

**Corey Niles** [00:01:19] Thanks Mr. Chair. I do have a motion to at least get the discussion started on a couple of those items there, which is now up on the screen and I thought it might fit fully on the screen, but looks like it doesn't but I will, I'm ready. Okay I move that the Council, one, move the following EFP applications forward for public review as modified for the specific guidance specified in Supplemental GMT Report 1 and take into account the comments of the Enforcement Consultants in the Supplemental EC Report 1. Note that all the references referred to reports under agenda item H.5, Attachment 2, Year Round coast, Coastwide Midwater Rockfish EFP, West Coast Seafood Processors Association, Oregon Trawl Commission, Midwater Trawlers Cooperative, Environmental Defense Fund. Attachment 3, Recreational Cowcod Sampling in California, California Department of Fish and Wildlife. Attachment 4, Recreational Cowcod Retention in California, Coastal Conservation Association of California and Okuma Fishing Tackle Corporation. Attachment 5, Midwater Jig Fishing in California, San Francisco Community Fishing Association and Dan Platt. Attachment 7, Midwater Hook and Line Rockfish Fishing in Oregon, Scott Cook. Attachment 8, Recreational Yelloweye Sampling in Washington, Washington Department of Fish and Wildlife and there was public comment to Monterey Bay Regional Chili Pepper Rockfish. Then two, adopt the yield set asides listed in Table 2 for the EFP applications just listed and the preliminary total allowance of 100 Chinook salmon for all the non-trawl EFPs recommended by the GMT in Supplemental GMT Report 1.

**Phil Anderson** [00:03:17] Thanks and to confirm the language on the screen accurately reflects your motion?

**Corey Niles** [00:03:26] I believe it does.

**Phil Anderson** [00:03:27] And is there a second? Seconded by Rich Lincoln? Go ahead and speak to your motion please.

**Corey Niles** [00:03:34] Thanks Mr. Chair. I'll just keep it brief. We are following our typical groundfish EFP process here at the foundation that the GMT has given us a really good evaluation of technical merits under COP 19. I thank them for that. This motion follows the recommendations largely and, and as well as pretty consistent with the priorities of the GAP. A lot of work goes into these applications already. This is just the start. There's a lot of hard work that happens between now and the end and I'm seeing successful EFPs will work hard to address those comments and suggestions and work with the agencies, so forth. On another note, I have not provided extra specific guidance here. Yeah, I just put this motion out to start the discussion. I note the one EFP, the motion excludes is the attachment 6 application with the Midwater Jig Fishing in Oregon. The GMT value of this one was of marginal technical merit and identified other pathways that might get people fishing, you know, at the same, on the same time for less workload but expect our colleague from ODFW might have more thoughts on that one. Same getting us out for discussion, I expect our CDFW colleague and others to have more specific comments maybe on the EFPs off their states, and the other EFP I did not cover here was the

one that covers the electronic monitoring situation the Council talked about earlier. I'm expecting someone who was tracking that more closely than myself to come in later with a motion there, so just this one is covering the, those EFPs proposed under this, that are covered in the GMT Report and the GAP Report.

**Phil Anderson** [00:05:22] Thank you Corey. Discussion on the motion? Marc Gorelnik.

**Marc Gorelnik** [00:05:31] I actually, Chair Anderson, I have a question for maker of the motion. Sandra could you, could we see the top of the motion please? So Corey you've got language they're taking into account the comments of the Enforcement Consultants and I had a discussion with Captain Puccinelli about the requirement for observers or VMS, depending upon whether that the CCA proposal went forward in closed areas or not, so I just want to be clear that this motion, if that proposal does not, is amended to not seek access to closed areas, that you're not anticipating that requirement would apply.

**Phil Anderson** [00:06:25] Corey.

**Corey Niles** [00:06:25] Yeah thanks Mr. Chair and thanks Mr. Vice-Chair. Yeah, I'm going to leave, leave it pretty open here to have those conversations and I don't mean to be inconsistent with, with that discussion you had or any, any guidance that other Council members want to give subsequently to this, but no, I don't intend to contradict that what you, what you spoke to there.

**Phil Anderson** [00:06:47] Go ahead Marc.

**Marc Gorelnik** [00:06:51] And one further question. There was also a reference in the EC Report to prohibited species. That same EFP proposal proposes the allowance of cowcod retention, so if the EFP, we don't know if that, where's that's going to end up, but are you saying that, that proposal can still go forward with that consideration?

**Corey Niles** [00:07:17] Thanks Mr. Chair. I would, I would give pretty much the same answer I would, I would maybe being just a lot of conversations yet to be had and it's going to be up to the Council whether to approve these in the end based on considerations such as that. So again, I would, I don't think it decides either way, the motion. I'm expecting these, these dialogs to go on and it's going to be the willingness and the hard work of addressing those concerns and whether the Council will feel comfortable approving these or not.

**Marc Gorelnik** [00:07:53] Thank you.

**Phil Anderson** [00:07:54] Maggie.

**Maggie Sommer** [00:07:59] Thanks Mr. Chair. Thanks for the motion Corey. I do support it and wanted to speak to the fact that the Oregon Midwater Jig EFP proposed by Mr. Kosta is not included and I want to note that I agree with the information that GMT provided in their report on page 4 where they discuss the timeline of this EFP and then relate it to the fact that the Council is currently scheduled to take up modifications to our non-trawl RCA beginning next March. The proposed gear type and fishing areas could be accessible once some changes are made to the non-trawl RCA and I see that as a more expeditious way to provide the opportunity that Mr. Kosta and fisherman in similar situations are interested in. I think it would be a better use and a better outcome use of our time and resources and you know including Council staff and NMFS and GMT staff to be focused on that non-trawl RCA modification package that could provide benefits for a wider range of folks interested in accessing some of the low attainment and healthy midwater rockfish stocks by the non-trawl sector, which we are

certainly very interested in so I wanted to acknowledge that I certainly recognize and share the interest he has in accessing those stocks by the non-trawl sector and I think the best pathway to do that will be to allow us to focus on their, our broader non-trawl RCA modification package. Thanks.

**Phil Anderson** [00:09:50] Thanks Maggie. Other discussion? Marci.

**Marci Yaremko** [00:09:56] Thank you Mr. Chair. I think first I'll offer an amendment. Sandra no, back up to the top where it says 'and taking into account the comments of the EC' let's strike 'and taking into account the comments'. Let's strike that and replace with 'consistent with the guidance'. Thank you.

**Phil Anderson** [00:10:40] Okay We have a motion to amend by, in the first paragraph striking the words, 'taking into account the comments' and replacing that with the verbiage consistent with the guidance. Let me confirm with the maker of the amendment that, that is the language on the screen is consistent with your amendment?

**Marci Yaremko** [00:11:05] Yes. Thank you.

**Phil Anderson** [00:11:07] And is there a second? Seconded by Louis Zimm. Speak to your motion as you wish.

**Marci Yaremko** [00:11:14] Yes. Thank you. I believe in the interchange between Captain Puccinelli and Mr. Gorelnik that what Mr. Puccinelli intended to convey is that correct, if the applicant revised the application so that there would be no fishing in areas that are closed under regulation, so that would mean RCA or CCA, then the observer and VMS requirements would not be necessary. However, one thing Puccinelli, Captain Puccinelli did not also address is that there was a second part of their guidance that is equally important, and that was that the possession of the fish not be allowed by the crew or operators, so what I took from Captain Puccinelli's answer was that we wouldn't need observers or VMS if both of those two conditions were met, so I believe that's where this amendment will accomplish that and clarify that in the event that the modifications are made such that possession isn't allowed and access to closed areas isn't allowed, then an observer or VMS would likewise not be allowed or necessary, sorry.

**Phil Anderson** [00:12:50] Okay thank you Marci. Louis.

**Louis Zimm** [00:12:54] Thank you Mr. Chairman. I would like to draw the Council's attention to on the EC report agenda item H.5 number two, any depth restrictions to be defined by using the established federal latitude longitude coordinates for specified contoured lines. These coordinates are easily accessible and assist both enforcement and CPFV operator in knowing where fishing activity should take place. I want people to realize that in the CCA that the hundred fathom lines or similar lines are not defined in the code of federal regulations to my knowledge, remembering that we had to actually define the 40 fathom line in this CCA earlier and I just want people to realize that. Thank you.

**Phil Anderson** [00:14:03] So just to, for my clarification, Louis were you speaking in favor of the amendment or opposed to it or?

**Louis Zimm** [00:14:13] Thank you Mr. Chair. I'm speaking in favor of the amendment. As I see that paragraph two excludes access to the CCA and in other words excludes access to a closed area so I agree with the amendment and see that in the EC Report that there are restrictions there that do restrict access to the CCA.

**Phil Anderson** [00:14:48] Thank you. Jim Seger.

**Jim Seger** [00:14:53] Thank you Mr. Chairman. On the discussion on the retention and the intent there, I may be listening with a different lens, but I just want to make sure that it's clear that the intent is that it would be, the fish could, the cowcod could be retained onboard and then it would be taken ashore and given to a designated agency representative. They just can't be retained after the fishermen or crew leave the ship. I just want to make sure that was, that intent was clear.

**Phil Anderson** [00:15:18] Let me confirm with the maker of the amendment that, that is consistent with your understanding.

**Marci Yaremko** [00:15:30] That would be my intent and in fact that's what is proposed in the CDFW EFP is that possession is allowed, but then the crew surrenders the fish to the landing, or I'm sorry the department designee.

**Phil Anderson** [00:15:45] Okay. Further discussion on the amendment? Marc Gorelnik.

**Marc Gorelnik** [00:15:51] Thank you Chair Anderson. I just have a question for Miss Yaremko. When I, when I spoke to Corey, he indicated that this motion would not conclude or would not prohibit subsequent discussion of whether retention by the angler may be possible and I'm wondering whether the intent of your amendment is to foreclose future discussion of retention by the angler as part of the EFP?

**Phil Anderson** [00:16:41] Marci.

**Marci Yaremko** [00:16:44] Thank you Mr. Chair. So, in the discussion about the necessity for observer and VMS, I think of the discussion about access to closed areas, there would be one purpose for having an observer and VMS aboard. Allowing retention by anglers of fish, you're looking for a different exemption from regulation that would require, could require the need for onboard observer coverage, so it really would depend on the amendments that would be put forward in the revised proposal. That's why I elected to use the words 'consistent with the guidance' of the EC. Presumably if, if retention you know is the goal of this EFP, it's really back to the competing goals. I am, I'm not clear on what the goal is of this EFP if he's indicating that retention or you know if he's willing to forego retention, then will we see a modified proposal that is looking to get into closed areas? I'm just not sure based on the interchange that we've had, what, what the amendment might look like.

**Phil Anderson** [00:18:22] Marc.

**Marc Gorelnik** [00:18:23] So I think I take from that answer that this amendment does not foreclose further development of an EFP that could, perhaps with observer coverage, allow retention. I'm not saying that it's what the Council would agree to, but I'm just wondering whether this amendment is intended to foreclose that possibility as, as we work through these EFPs.

**Phil Anderson** [00:18:52] If I may, my understanding of, let's, if the amendment passes and the main motion passes as amended, this is what's going to go out for public review and so the public's going to be commenting accordingly. When we come back later and consider the comments from the public and comments of, that we may receive additional comments from the sponsors of these EFPs that may lead us to a different decision when we adopt them in their final form, but what this does say is it, is it that these are going out for public review as written consistent with this motion, including the amendment provided all that passes and we'll see what the public has to say and we'll see what the sponsors of the

EFP have to say and, and make the appropriate considerations later on in our process. I hope I didn't jump in the middle of that conversation in an inappropriate way, but, okay? Further discussion on the amendment? Okay we'll call for the question on the amendment. All those in favor say 'aye'.

**Council** [00:20:23] Aye.

**Phil Anderson** [00:20:23] Opposed no? Abstentions? The amendment carries. We now have the main motion as amended back before us. Further discussion on the main motion as amended? Marci.

**Marci Yaremko** [00:20:37] Just want to thank Dan, Barbara and David Kirk for coming today and for their report, their progress report and their continued commitment to this EFP. I know it's been a long road to hoe, but you really do have a very nice time series and we look forward to working on this item in the upcoming consideration of future actions by this Council under different agenda items but in the interim I'm appreciative that you're continuing on with the work that you're doing so thank you.

**Phil Anderson** [00:21:19] Any other discussion on the motion as amended? Okay we'll go ahead and call for the question? All those in favor say 'aye'.

**Council** [00:21:29] Aye.

**Phil Anderson** [00:21:29] Opposed no? Abstentions? Motion carries unanimously. Jim can I check back with you and see if there is additional things that we need to do, which I guess there are. Maggie Sommer.

**Maggie Sommer** [00:21:47] Thanks Mr. Chair. I'd like to offer a motion.

**Phil Anderson** [00:22:14] Okay.

**Maggie Sommer** [00:22:17] And Sandra, before I start in the first line, would you change the word 'forward' to 'approve'. Thanks. I move that the Council approve the Electronic Monitoring EFP proposed in public testimony under this agenda item for further development by the applicants and public review as part of the normal biennial cycle for groundfish EFPs.

**Phil Anderson** [00:22:44] Double checking the language on the screen accurately reflects your motion?

**Maggie Sommer** [00:22:49] Yes.

**Phil Anderson** [00:22:50] Seconded by Brad Pettinger. Speak to your motion as needed.

**Maggie Sommer** [00:22:55] Thanks Chair Anderson I don't think much is needed. We had quite a bit of discussion of this under our EM agenda item, but I appreciate that at least some of the potential applicants were here and willing and able to put together at least a verbal placeholder for us to consider and get on our schedule. I understand that the plan is to come back with a fully fleshed out application for one or more EMEFPs to meet this need for the March briefing book deadline and that it will include some of the things we talked about earlier today that we can use some more information on, and I just want to note that I appreciated the, Heather's final comment that they might also try to include some of the bottom trawl operational flexibility items that we have heard quite a bit about the challenge that this has been for the bottom trawl fleet and if there is an opportunity to address some of those things here, that would be great.

**Phil Anderson** [00:24:01] Thank you Maggie. Are there, is there discussion on this motion? Marci.

**Marci Yaremko** [00:24:07] Thank you Mr. Chair. Just for the maker. You mentioned these EFPs coming back for the March meeting and I believe we heard that commitment from Heather in her testimony. I don't know that we have a normal biennial EFPs on the March agenda. Do we take these up in March? So, this would be a, this would be a new additional agenda item? Is that what I'm gathering?

**Phil Anderson** [00:24:40] Chuck.

**Chuck Tracy** [00:24:43] Thanks Mr. Chair. Yeah, I think that's correct. Let's see final EFP approval is scheduled for June.

**Phil Anderson** [00:25:00] Jim.

**Jim Seger** [00:25:01] Thank you Mr. Chairman. You do have a check in on the 21 22 spex. I wonder if it might be rolled in with that check-in in the March meeting.

**Phil Anderson** [00:25:10] I think that's exactly where it would be. If there's anything normal about what we do. Sorry about that. So, there's clarification then that is part of that check-in. We could receive an update from these EFP applicants on their progress. Marci.

**Marci Yaremko** [00:25:43] Thank you and I apologize. This is a little off the topic of the EMEFPs, but if we are having an EFP check-in in March, I was wondering about the potential for a check-in on the CCA cowcod EFP since there are a lot of details to be worked out.

**Phil Anderson** [00:26:01] I think if we are providing an opportunity for an update on this EFP as part of that agenda item other EFPs are fair game.

**Marci Yaremko** [00:26:13] Excellent. Thank you.

**Phil Anderson** [00:26:16] How long is the March meeting?

**Chuck Tracy** [00:26:19] It was 7 1/2 days.

**Phil Anderson** [00:26:24] Good. Further discussion on this motion? Bob.

**Bob Dooley** [00:26:30] Thank you Mr. Chair, I'll be brief. I just I'm....

**Phil Anderson** [00:26:33] That would be a good idea.

**Bob Dooley** [00:26:35] Thank you. I'm happy to see this go forward on the electronic monitoring. Particularly interested in seeing some innovative outside the box thinking on dockside monitors that might come forward to address that in the event we transition to a majority of EM projects in the future that, that could be a real problem so I'm looking forward to some out-of-the-box thinking. Thank you.

**Phil Anderson** [00:27:05] Thanks. Further discussion on this motion? All those in favor say 'aye'.

**Council** [00:27:12] Aye.

**Phil Anderson** [00:27:12] Opposed no? Abstentions? Aja abstains. Motion carries. Is there other action on this agenda item? Jim, can I ask you for a check-in?

**Jim Seger** [00:27:37] Thank you Mr. Chairman. You've adopted your EFPs for forwarding in the process and you've adopted your set asides. With respect to item number two, there was some discussion about possibly referring the cowcod EFP to the SSC for some assessment of the amount of progress towards getting the statistics they need for their stock assessments. I don't know if you want to do that or not. That was the interchange, excuse me that was the interchange between Mr. Zimm and...

**Phil Anderson** [00:28:13] Yes there was an interchange but for an exchange of information, but I did not think that led us to the conclusion that we were asking the SSC to provide us additional information unless I misheard that. Okay? Anything else on this agenda item? All right we'll close out H.5.

## 6. Harvest Specifications and Management Measure Actions for 2021-2022 Including Final Overfishing

**Marc Gorelnik** [00:00:01] That concludes public comment and brings us to Council action, which is quite substantive. Unless John thinks he needs to refresh our recollection I think it's up on the screen and so if you have any preliminary comments, go ahead otherwise I'm going to open the floor for Council discussion and eventually decision. All right we've got good guidance from the management teams. Some good comments from GAP, public comment. What's the pleasure of the Council? Or does the Council wish to have a short break and then come back? All right since there are no hands raised and I'm getting some affirmation of the suggestion of a break. Let's take a 10-minute break and then come back and hopefully try to conclude this agenda item. I have 8:04, rather 9:04. Let's be back at 9:15... (BREAK)... Back to our seats and make some progress on agenda H.6. We are in Council discussion and action. There was no discussion prior to our break, but if there is any discussion, please raise your hand otherwise if there is a motion, we'll have that, and we can discuss the motion. Maggie.

**Maggie Sommer** [00:01:47] Thanks Vice-Chair Gorelnik. I have a motion.

**Marc Gorelnik** [00:01:56] Please go ahead.

**Maggie Sommer** [00:02:00] Great. Thank you. I move that Council adopts the SSC endorsed 2021 and 2022 groundfish OFLs and ABCs presented in H.6, Attachment 1 as final except for cowcod, Oregon black rockfish, petrale sole, and sablefish adopt the SSC endorsed OFLs and ABCs in H.6, Attachment 2 that are associated with the alternatives below. Adopt preliminary preferred ACLs that result from default harvest control rules as presented in H.6, Attachments 1 and 2 except adopt the following alternative preliminary preferred ACLs. A: Cowcod, ACL equal to ABC with a P star of 0.4. B: Oregon black rockfish, ACL equal to ABC equal to 512 metric tons in each of 2021 and 2022. C: Petrale sole, ACL equal to ABC with a P star of 0.4. Sablefish, ABC with a P star of 0.45 and the new five-year average apportionment method. E: shortbelly rockfish, ACL equal to 3,000 metric tons in 2021 and 2022. That concludes the motion.

**Marc Gorelnik** [00:03:36] All right. Thanks Maggie. Is the language on the screen accurate?

**Maggie Sommer** [00:03:41] Yes.

**Marc Gorelnik** [00:03:42] Do I have a second? Seconded by Brad Pettinger. Please speak to your motion.

**Maggie Sommer** [00:03:48] Thanks Vice-Chair. These are the default specifications and harvest control rules with a few exceptions and all of the options available to us here were endorsed for use in management by the SSC. Speaking to the alternatives proposed for cowcod, I note the uncertainty associated with the assessment and the recommendation to choose a precautionary P star of 0.4 which the GMT noted would provide some flexibility in management while maintaining that precaution and I do expect consideration of an ACT based on some of the GMTs discussions under age 8. For Oregon black rockfish I am suggesting the alternative case by case ABC and note that the long term projections for the ABC and ACL under the no action and the Alternative 1 ABC and ACLs result in nearly identical results for spawning output and depletion as shown in tables 2 and 3 in GMT Report 2. Alternative 1 provides fisheries stability without significant consequences for stock status because of that similar long-term depletion result for both, which would keep the stock above 54 percent. For petrale I am choosing a one of the precautionary alternatives here due to the issues cited in the update assessment such as the 2018 trawl survey biomass decline and new fecundity data which are likely to result in a

slightly more depleted estimate next time the stocks assessed and I am recommending the P star of .4 rather than the stair step alternative to provide opportunity to harvest the larger biomass of current adult fish available now before they die of natural mortality. For sablefish, first on the P star choice, we had some good discussion about that earlier and I'll note that the change in depletion or the difference in depletion between the P star .45 and .4 over a 10 year period is almost imperceptible as shown in GMT Report 2, table 11, and the estimated additional economic benefits of the P star of .45 are substantial, as the GMT noted those in their report 2 in table 13. On the sablefish apportionment, the SSC offered that if the Council would like to use a method that apportions ACL is in proportion to the current biomass distribution, the proposed five year moving average is likely to better achieve that goal and that seems the most logical approach to me. The GMT noted in their report that since the northern management area typically catches their full ACL, there would likely be economic benefits associated with a five year average the increase in northern ACL and the reduction to the southern ACL would not be expected to negatively impact the south at this time because of historic catch rates and the current underattainment, recent underattainment of the southern ACLs. I do note that the GMT pointed out that the potential reopening of the cowcod conservation areas in the south is expected to potentially increase southern attainment of sablefish and I'm sure this is something we will continue looking at and can look at in the next spex cycle as well. And finally on that that same item, the sablefish apportionment, I wanted to note the GAP's statement that given the current state of the fishery, the GAP agrees that using a five year rolling average seems most reasonable, even though roughly 400 metric tons would shift from the south to the north. This recommendation could be changed on an updated stock assessment or during the biennial harvest spec process. We appreciate that input from the GAP. Finally on shortbelly rockfish, I do want to note that we will be considering alternative management approaches for shortbellies such as an FMP amendment prohibiting directed fishing or designation as an ecosystem component species under H.8, but our task here is to select preliminary harvest specifications, or select harvest spex. As we discussed under H.4, we have quite a bit of information indicating that there is no conservation concern with taking up to at least the 21 and 2021 to 2022 ABC and here I'm proposing less at 3,000 metric tons. Because of the current high abundance of shortbelly rockfish, the timing of the recent recruitment events and the shortbelly rockfish lifespan, we, we can reasonably expect the current large abundance to persist in 2021 and 2022, so I think continuing with 3,000 metric tons is a reasonable approach. I also note that we heard in public testimony yesterday that there are incentives to avoid shortbelly rockfish that are unrelated to the ACL and I would expect those incentives to continue and the fleet to continue to try to avoid shortbelly rockfish. I don't think there is, again as we discussed before, there's no need to constrain the whiting fisheries with associated increased costs, decreased operational efficiency, increased risk of more bycatch of species of greater concern, et cetera, due to shortbelly bycatch up to 3,000 metric tons. Finally, I am proposing the 3,000 metric ton annual catch limit as a preliminary preferred alternative because I think it's the most logical approach to meeting the fishery and forage goals than the, the other alternatives and I am looking forward to continued creative thinking on how to ensure I think what is, what is our widely shared goal of preventing targeted fishing or excessive bycatch of shortbelly rockfish. Thanks.

**Marc Gorelnik** [00:10:20] Thank you very much Maggie. Are there questions for Maggie on the motion? I'm not seeing... oh John DeVore.

**John DeVore** [00:10:33] Thank you Mr. Vice-Chair, Maggie. I'm presuming that with this motion, assuming that it is, is carried that the other alternatives beyond the preliminary preferred and no action alternatives that are in Attachment 2 would still be part of the analysis in the, in the NEPA document?

**Marc Gorelnik** [00:10:57] Maggie.

**Maggie Sommer** [00:10:58] That's correct.

**John DeVore** [00:11:00] Okay thank you.

**Marc Gorelnik** [00:11:04] Discussion on the motion? Michele.

**Michele Culver** [00:11:11] I have a question relative to the effect and I would, I'll pose this motion, this question to Mr. DeVore. Relative to the effect of item B in the motion and using the new five year average apportionment method, would that then become the new default harvest specification for the following biennium, that method?

**Marc Gorelnik** [00:11:54] John.

**John DeVore** [00:11:54] I think it would be better to characterize that as more akin to a two year allocation that can be revisited every spex cycle, assuming that carries through this process and that's how we apportion the ABC to determine area specific ACLs for the next management cycle. I would presume as we start the 23, 24 process that we would show new ACLs using that apportionment, but you'd be open to any, any way to apportion that differently if you wanted to in 23 and beyond.

**Marc Gorelnik** [00:12:37] Further discussion on the motion? Marci.

**Marci Yaremko** [00:12:41] Thank you Mr. Vice-Chair. I'd like to offer an amendment please.

**Marc Gorelnik** [00:12:48] Go ahead.

**Marci Yaremko** [00:12:49] Under item D, following the phrase 'new five year average apportionment methods, method' add language 'for this biennium only'. Add the word 'only', 'for this biennium only'. Great, and then that completes my proposed amendment. Thank you.

**Marc Gorelnik** [00:13:22] All right. Marci Yaremko has offered an amendment. Is there a second? Seconded by Louis Zimm. Please speak your amendment.

**Marci Yaremko** [00:13:38] Yeah thank you Mr. Vice-Chair. I concur with the analysis that was done by the GMT in looking at this issue and I think a change to the methodology as proposed in their report for this biennium is appropriate. I also support the use of the trawl survey as the basis for evaluating apportionment, but I'm not sure where the impetus came from to trigger this analysis in the first place. It appears there's some interest in better reflecting current abundance levels and using that as the basis for apportionment and not dragging down the decision with older data points in the time series, but I don't know that one method is better than another, just that they do different things. One, one is more reflective of the most current biomass, whereas one is more reflective of the long term distribution of the biomass, so I think that's a point that's ripe for discussion in any biennium and again I'm not sure what triggered that look this time, but apparently folks thought it was important to look at this time. It's clear that the outcome is to shift some fish to the north and I think that's appropriate at this time, recognizing that that's what the distribution shows but I'm not convinced that we need to adopt a change permanently here and now in terms of how we make that decision, so I think this amendment signals that we intend for this to be something they look at in each biennium when discussing apportionment recommendations. Thanks.

**Marc Gorelnik** [00:15:42] Thank you Marci. Are there questions for Marci on her amendment or discussion on the amendment? I'm not seeing any hands, so I will call the question. Michele.

**Michele Culver** [00:16:00] Thank you. I have a question. So, for this biennium only, does that then preclude the consideration of that method for a future biennium?

**Marc Gorelnik** [00:16:18] Marci.

**Marci Yaremko** [00:16:21] No, not at all. I would, in fact, support them looking at what apportionment is appropriate in each biennium. Again, something triggered them to look at it this time. I'm supportive of using the approach this year, this biennium. I think in future cycles it should be reevaluated and as the GAP notes potentially in association with new stock assessments as well.

**Marc Gorelnik** [00:16:54] Further discussion on the amendment? I'm not seeing any. I'll call the question. All those in favor of the amendment say 'aye'.

**Council** [00:17:05] Aye.

**Marc Gorelnik** [00:17:05] Opposed no? Abstentions? The amendment passes unanimously. We're back to the main motion. Further discussion on the main motion? Michele.

**Michele Culver** [00:17:20] Thank you Mr. Vice-Chair. I support most of the points that are in the motion and appreciate all of the work that the GMT and the GAP in particular put into their recommendations for us on this item. I will say that the one stock that I am struggling with the most here is sablefish and I do appreciate the GMT exploring different options for the Council to consider and the information that they presented to us here is really helpful. Not surprisingly, I have been a strong advocate of maintaining the sablefish P star at .4 for a couple of the biennial management cycles and I'll say it is arguably the most valuable stock that we have here on the West Coast and it, not only is it a high value, but it is caught with every gear type in every fishery. It is fully subscribed and as we have heard from all of the sectors, they really can't achieve any of their other targeted species, targeted catches unless they have some sablefish to go along with it and that includes the whiting fishery, the bottom trawl fishery, the fixed gear fisheries. They all need to have access to some sablefish. I'll note that I raised this issue to the Council through the ecosystem plan and I asked a Dr. Haltuch to work with Alaska and British Columbia on their sablefish stock assessments and to delve a little deeper into this coastwide stock that spans from Mexico through to Alaska. Alaska, British Columbia and the West Coast all assess the stock and there is movement amongst our areas and one thing that was noted through her initial data sharing with Canada DFO and Alaska is that it's likely that all three areas are counting fish that move amongst those areas through their assessment process, so there's likely some overlap in that counting. I'll note that in the North Pacific Council, their sablefish ACL is the highest that has ever been. It is reliant on a very strong 2014 year class and in spite of having the highest ACL, they've exceeded it and they exceeded it through unintentional bycatch and in the pollock fishery alone, there was 2500 metric tons caught in small sablefish in bycatch in the pollock fishery, which is ten times the amount that was caught back in 2015, which was their previous all-time high. What I'm struggling with on sablefish, looking at the P star of the .45 understanding how we need more fish in the north, in particular. We need it for our directed fisheries. We need more sablefish for our trawl IFQ fishery, for our fixed gear fisheries and at the same time we had an extremely high bycatch of sablefish in our at-sea whiting and we have no idea what that is going to look like in 2021 or 2022. Right or wrong I have been relying on the catch that is not attained in the south to act as a buffer, if you will, against some of these unintended bycatch events which allows our directed fisheries to go forward and then should we have high bycatch, particularly in our at-sea whiting fisheries that are, are not held to a limit, we do have a buffer of about a 1,000 metric tons in the south that is not harvested every year that can help buffer against that bycatch event. My concern with what's in this motion is that it selects the highest P star of .45 so it is the, the least precautionary relative to the management of the stock and the long-term

projections. The depletion level, even though it is not much difference between the two, it does still, it's still lower under the .45 and gets much closer to that precautionary zone that we've been trying so hard to avoid and this is the first time we've been able to avoid it and we're just taking all the controls off and going to the maximum amount. At the same time, we're proposing this new five year average that shifts more fish to the north, thereby decreasing that buffer to the south that is sorely needed to support our whiting fisheries being able to be prosecuted in 21 and 22. So my preference that I'm just expressing at this point to try and stimulate some discussion, my preference would be to go with a P star of .4 and maintain the long term average, or excuse me, go with the P star at the .45 and maintain the long term average or go with the P star of .4 and do the five year average and what I'm trying to do is maintain more of a buffer in the south than what I see represented in the motion here.

**Marc Gorelnik** [00:24:48] Thank you Michele. Discussion, response to Michele? Marci.

**Marci Yaremko** [00:24:59] So help me understand just your concluding remark there. Maintaining more buffer in the south, a .4 and the new 5 year apportionment would seem to give a double hit to the south, one from the P star and one from the five year apportionment.

**Michele Culver** [00:25:28] Thank you. So, if we look at table 2 in GMT Report 3 at the bottom of page 2, the option that gives the highest buffer in the south is the P star of .45 with the long-term average. Second to that would be the P star of .4 with the long-term average.

**Marci Yaremko** [00:26:25] Thank you. Yeah, I was thinking that you were not comparing between, but within. Okay that makes sense. Thank you.

**Marc Gorelnik** [00:26:35] Further discussion? Maggie.

**Maggie Sommer** [00:00:01] Thanks Mr. Vice-Chair. Thanks Michele, I appreciate the importance of the sablefish stock and partly for that reason I think we, this is one we expect to assess relatively frequently and I understand that the GMT and the science centers are anticipating an update assessment in 2021 and a full assessment in 2023 so that's, that's one reason that gives me some confidence that we will be taking a fresh look at it in the near future, making sure we are, have a current understanding of the status of the stock. It's not something we are going to set and forget, and I'm not suggesting that you think we are. I just wanted to bring into the discussion the, the that part of my thinking was that, that stock assessments. I also was looking back again at the GMT Report 2 and the table we were looking at earlier with Table 11, which was the full projections from the assessment I believe assumes that and then they contrasted that with the Table 12 with projections for a reduced catch scenario that assumes that the north would catch their full AC year and the south would catch 600 metric tons, which is near their recent high. Now we might assume that with a change, if we make a change in apportionment, that more fish would be attained in that, you know, right to your point of the buffer, the de facto buffer would be smaller but I think that given the current status of the fisheries and the infrastructure and the capacity in the south in the next biennium, you know, I would anticipate there still being some uncaught fish in the south to remain there. So, I guess I just wanted to put all those things out there as additional factors that I hadn't mentioned earlier but were part of my thinking and my comfort with a P star of .45 and the new five year average apportionment method.

**Marc Gorelnik** [00:02:23] Michele.

**Michele Culver** [00:02:24] Thanks Maggie for your comments. I guess for clarity, when I look at the GMT report and the reduced catch scenario, what I'm anticipating is that we had an overage in our sablefish set aside for the at-sea whiting this year, so I believe that we are actually going to catch those

fish in the south. We're going to catch them in the north in our whiting fisheries but we're not only going to catch 600 metric tons of the southern ACL, we're going to catch the southern ACL.

**Marc Gorelnik** [00:03:06] Further discussion. Brad.

**Brad Pettinger** [00:03:10] Thank you Mr. Vice-Chair. You know one of the problems with a real time accountable fishery in the trawl fishery is, is that you have to match up the quota with what's really happening in the water. If you underestimate how much fish is in the water, those interactions increase and you stifle that fishery from catching the other species that we catch in the, especially in the DTS. I think there's a buffer here that no one's talked about but there already is a buffer in the appropriate, the, how the fish is appropriated because it's a trawl survey and the selectivity in the trawls you catch smaller fish much easier than larger fish, and we all know there's much more larger sablefish in the north and I would, I think a pretty good argument that we're under representing the amount of fish in the north in that survey because a trawl fifteen minute tow, 2.2 knots, you don't catch those big fish and so I think that we're overestimating the amount of fish in the south regardless of what apportionment you utilize. We do know there's multiple year classes, big year classes on the coast. Talk with fishermen, trawl fishermen on the coast, there's areas they're trying, they avoid because there's too much, there's dover there, but there's too much sablefish and it shuts them down prematurely. I remember back in the day and I look at this stock assessment and I think they're saying like about 2,000, something like that, the biomass is pretty close to where we're at today. At that time period I remember, running out to 6, 700 fathoms to catch my sablefish because we couldn't find them on the inside. Nobody goes looking to catch sablefish on a trip. They're avoiding it and it is constraining this fishery. I understand this is a very valuable species but, you know, if you look at the bigger picture as far as what's going on, on the water, this is, I'm the least concerned about this stock because there is so much fish around and I would, I would hope that we'd keep the .45 to keep that fish available and to, because I don't think it going to be a, it's not a, it's not a conservation issue as far as worry about the stock, at least to me in the least to the fishermen that I've talked to. Thank you.

**Marc Gorelnik** [00:05:39] Maggie.

**Maggie Sommer** [00:05:40] Thanks Mr. Chair. If I might ask Mr. DeVore a question. As currently structured this motion would adopt the ABC with a P star of .45 at final and a, the ACLs for the north and south that result from the new five year average apportionment method as preliminary preferred but would move those forward with the status quo ACL apportionment methodology as alterna... as also in the analysis, is that correct or am I off track on those?

**John DeVore** [00:06:24] Thank you Mr. Vice-Chair, Maggie. The... we were thinking a little bit differently about that and this sort, this came out in the GMT report. If you were to adopt the five year average apportionment, our de facto plan would be to apply that apportionment to all the sablefish alternatives and, and go forward, but if you give us some guidance that you want us to also, you know, use both apportionments against all those alternatives and do the analysis that way as you know, sort of sub options, we can certainly structure it that way and keep that open. When you talk about adopting a final ABC here, it's not necessarily true for sablefish because you have alternatives and since the alternatives affect the, you have a different 2022 ABC under both those alternatives. If you, you're just signaling this is your preferred one right now but in the mix you would still have the P star of .4 with the five year apportionment that could be adopted as final in this process next year. If you give us guidance now that you want to keep both apportionment formulas into the analysis, you would have that flexibility as well next year, so it really depends on the guidance you give us here but the final ABC and ACL for sablefish would be decided in April based on those analyses we do this winter.

**Marc Gorelnik** [00:08:03] Maggie.

**Maggie Sommer** [00:08:05] Thanks Vice-Chair Gorelnik. Thank you very much for that clarification. My own preference would, would be the new five year average apportionment method as I included in the motion but I understand that the Council may wish to discuss additional guidance.

**Marc Gorelnik** [00:08:22] So we can provide additional guidance following this motion rather than amending the motion. Other further discussion on this motion? I'm not seeing any. I'll call the question all those in favor say 'aye'.

**Phil Anderson** [00:08:44] There's question over here.

**Marc Gorelnik** [00:08:47] Pardon?

**Phil Anderson** [00:08:47] You have a question over here.

**Marc Gorelnik** [00:08:48] Oh, I'm sorry. Michele.

**Michele Culver** [00:08:50] Thanks. No, I didn't have a question thank you, but I did want to move to amend the motion.

**Marc Gorelnik** [00:09:00] All right. Fair enough. Please go ahead and offer your amendment.

**Michele Culver** [00:09:04] I would move to amend to strike the reference to the new five year average apportionment method for this biennium only and I would replace that with the long term average. Thank you. The long-term average apportionment method.

**Marc Gorelnik** [00:10:52] Michele is that language accurate on the screen?

**Michele Culver** [00:11:00] Yes.

**Marc Gorelnik** [00:11:02] Is there a second? Seconded by Rich Lincoln. Please speak to your amendment.

**Michele Culver** [00:11:08] Yes thank you. So, I appreciate the balance that we are striking here. We have a new assessment. I appreciate Ms. Sommers comments relative to looking ahead to future assessment cycles in 2023, and 2023 I suppose would be the next full assessment that we are looking at. I do understand and support the need to provide more sablefish, particularly for directed fisheries in the north. I do think that it has been constraining for access to DTS as well as in our fixed gear fisheries that are heavily reliant on sablefish. I am proposing this amendment as I noted in the GMT Report 3 in Table 2 by going to a higher P star of .45 but maintaining that long term average apportionment method creates a higher buffer in the south if you will, and I do believe that given that our whiting fisheries have exceeded the amount of sablefish that we set aside for them this year and the noted trend that is in the stock assessment and learning from what is going on in fisheries in other areas relative to the same stock, I believe that we are going to need to have a buffer against unintentional catch in our whiting fisheries again in 2021 and 2022.

**Marc Gorelnik** [00:13:12] Thank you Michele. Are there questions for Michele on her amendment? Discussion? Maggie.

**Maggie Sommer** [00:13:25] Mr. Vice-Chair. Thank you very much. I agree with all of your preliminary comments there Michele. Where I differ is that I don't believe that the use of an apportionment method that doesn't reflect the best current science and survey distribution is an appropriate way to provide for a buffer against the risk of high unintended whiting bycatch. So, I don't support this amendment. I would suggest that we have other options to consider for that. We may, we could have a discussion later on about the potential for an ACT and associated accountability measures there and whether that might be a useful approach otherwise my preference would be to maintain the P star of .45 and the new five year average apportionment as preliminary preferred alternative and I believe we will still have the ABC and P star of .4 in the range for further analysis.

**Marc Gorelnik** [00:14:50] Marci, and then Phil.

**Marci Yaremko** [00:14:54] Thank you Mr. Vice-Chair. I will be supporting the amendment. I appreciate Michele raising her rationale and describing in full what, what the amendment would accomplish. I think that, I did not have comfort with a permanent reapportionment method as I previously described. I think we've heard advice from the SSC that apportionment is a policy call and is something that we can revisit and I think that the rationale Michele offers is a, a policy decision that we would be making here that would be something that we would look at again in the next biennium so the approach here allows us to accomplish that objective and I think this is certainly as circumstances will change there may not be the same need in the next biennium. So, for those reasons, I support the amendment.

**Marc Gorelnik** [00:16:10] Thank you Marci. Phil.

**Phil Anderson** [00:16:12] Thank you Mr. Vice-Chair. I'm in agreement with pieces of what Maggie said, of what Michele said, and of what Marci said, but not in agreement with all of what either of them said. However, I'm going to support the amendment because of the outcome, not so much of how it gets there because I think Maggie brought up some good points about if we're looking to provide a, I'll just use the word 'buffer' because others have used it, this may not be the method in which I would choose to do that. I would probably choose to do that by reducing the P star but as long as this is a, this is, would be a preliminary preferred alternative, we still have the option to come back and take a look at a different mix, like a .40 with the five year average apportionment method, which gets you to a similar outcome to what this does. I'm, I'm prepared to support the amendment so I just want to double check that maybe regardless of where we end up on this today, that the, the opportunity for the Council to consider, further consider how we're going to make all the accommodations for the various concerns that have been raised can be accomplished. So my understanding is as we come back to I believe the April meeting, that if there's a different way to get at the concerns that have been raised with the tools that we currently have in the box, that they also will be available to us. So, my understanding looking maybe to Mr. DeVore to confirm that understanding, I'd be, that's that's kind of where I am.

**Marc Gorelnik** [00:18:27] John.

**John DeVore** [00:18:28] Yeah. Thank you, Mr. Vice-Chair, Chairman Anderson. Yeah, we would take that as pretty strong guidance to analyze both apportionment methods across these alternatives over winter, unless you know the Council had a vote that overruled that we would take that as very strong guidance and those tools would be available.

**Marc Gorelnik** [00:18:51] Chuck.

**Phil Anderson** [00:18:51] Just, could I just...

**Marc Gorelnik** [00:18:53] Phil.

**Phil Anderson** [00:18:53] Just and does that also mean that the .4 P star value would still be in play?

**John DeVore** [00:19:02] Under any circumstance that would still be in play because it's the no action alternative.

**Marc Gorelnik** [00:19:09] Chuck.

**Chuck Tracy** [00:19:10] Thank you. Yeah, I guess I would just point out that the way the motions constructed, these A through E's are identified as preliminary preferred alternatives. The other alternatives identified were as final. So, so for those it would be a little different process if we want to change them but for these there's still an opportunity to finalize those at a later date.

**Marc Gorelnik** [00:19:36] Any further discussion on the amendment? Louis.

**Louis Zimm** [00:19:42] Thank you Mr. Vice-Chair. I will be supporting this amendment as well due to the fact that I know there'll be further discussion about opening up the deeper waters in the CCA and that may call for further consideration. Thank you.

**Marc Gorelnik** [00:19:57] Maggie, did you have your hand?

**Maggie Sommer** [00:20:02] I do. Thanks, Vice-Chair Gorelnik. I'd like to ask the National Marine Fisheries Service if they know at this time what the response would be if the ABC were approached or exceeded inseason?

**Marc Gorelnik** [00:20:14] Aja.

**Aja Szumylo** [00:20:16] Thank you Mr. Chair and thank you Maggie. So, the ABC and not the ACL. So again, we're in the same situation as we were for, for shortbelly. We have the same authority to evaluate the situation and, and close the sector, close, we have the authority to close several different sectors but there isn't a firm, there isn't a firm answer about how we're supposed to approach the situation and so that's again, back to what we're asking for. I think the Council's already considering this action, how to deal with ACL overages and so that answer would be set up in this biennium in my view, but yeah, the regs as they stand right now, do not have a firm NMFS must close the, the fishery if we approach the ACL or ABC right now.

**Maggie Sommer** [00:21:12] Thank you.

**Marc Gorelnik** [00:21:14] Further discussion on the amendment? I'm not seeing any. I'll call the question all th.....did you have your hand up Brad? All those in favor say 'aye'.

**Council** [00:21:28] Aye.

**Marc Gorelnik** [00:21:28] Opposed No? No, no. Roll call.

**Chuck Tracy** [00:21:40] Thank you Mr. Vice-Chair. Craig, I'll be working from voting sheet number one and Council members as I call your name please indicate yes or no, words approving the amended amendment. Rich Lincoln.

**Rich Lincoln** [00:21:57] Yes.

**Chuck Tracy** [00:21:59] Brad Pettinger.

**Brad Pettinger** [00:22:00] No.

**Chuck Tracy** [00:22:02] Virgil Moore.

**Virgil Moore** [00:22:03] No.

**Chuck Tracy** [00:22:06] Aja Szumylo.

**Aja Szumylo** [00:22:06] No.

**Chuck Tracy** [00:22:08] Marc. Sorry, Maggie Sommer.

**Maggie Sommer** [00:22:12] No.

**Chuck Tracy** [00:22:14] Louis Zimm.

**Louis Zimm** [00:22:17] Aye.

**Chuck Tracy** [00:22:17] Pete Hassemer.

**Pete Hassemer** [00:22:17] No.

**Chuck Tracy** [00:22:17] Joe Oatman.

**Joe Oatman** [00:22:22] No.

**Chuck Tracy** [00:22:25] Marci Yaremko.

**Marci Yaremko** [00:22:27] Yes.

**Chuck Tracy** [00:22:29] Michele Culver.

**Michele Culver** [00:22:31] Yes.

**Chuck Tracy** [00:22:32] Christa Svensson.

**Christa Svensson** [00:22:33] No.

**Chuck Tracy** [00:22:35] Bob Dooley.

**Bob Dooley** [00:22:37] No.

**Chuck Tracy** [00:22:38] Phil Anderson.

**Phil Anderson** [00:22:41] Yes.

**Chuck Tracy** [00:22:45] Mr. Vice-Chair we have eight no votes. The amendment fails.

**Marc Gorelnik** [00:22:50] All right thank you very much Chuck. So, we're back to the motion as previously amended and I'll see if there's any further discussion on that before I call for a vote. Looking carefully for any raised hands and I'm not... Brad Pettinger.

**Brad Pettinger** [00:23:15] Thank you Mr. Vice-Chair. You know as far as the apportionment, I think there's, to me that I'm not sure if it should be shorter. Is five years the right number? I don't know. We have a leg on that because of the variability of the different trawl surveys whether because sometimes you miss it, sometimes you don't. I'm certainly open to look at a different number than five years and you probably should. Is five years the right number? So as far as the analysis maybe I'm certainly open as far as for options down the road as far as moving beyond this potentially.

**Marc Gorelnik** [00:23:51] Further discussion on the amended motion? Marci.

**Marci Yaremko** [00:23:58] We're back to the...

**Marc Gorelnik** [00:24:00] We're back to the main motion as amended, as previously amended?

**Marci Yaremko** [00:24:04] Right. Thank you. I just wanted to voice support and acknowledgement for the P star recommendation for cowcod of .4. Thank you I support Maggie's earlier remarks. Just wanted to note that this is the first stock assessment that we've had showing that this stock as rebuilt after two decades of the stock being overfished, so I think it's very wise for us to proceed with some level of precaution. There's also a great deal of uncertainty in that natural mortality information so I think we are on the right path here with a P star of .4. Thank you.

**Marc Gorelnik** [00:24:45] Thank you Marci. Further discussion on the main motion as previously amended? I'm not seeing any hands, so I'm going to call the question. All those in favor of the motion as amended say 'aye'.

**Council** [00:25:06] Aye.

**Marc Gorelnik** [00:25:08] Opposed no?

**Michele Culver** [00:25:10] No.

**Phil Anderson** [00:25:15] No.

**Marc Gorelnik** [00:25:15] Abstentions? In the opinion of the Vice-Chair the motion passes with two no votes. Further discussion or motion on this agenda item? Any other issues folks around the table want to raise? I'd like to get some clarification from John. I think there was some discussion about the analysis moving forward with the two different long term and five year average. Is that still going to go forward?

**John DeVore** [00:25:58] Thank you Mr. Vice-Chair. On, on that point, we could, we could certainly analyze that in the document but it would probably be categorized as an alternative considered but eliminated from further analysis, unless you, you know the guidance that Phil gave us earlier still stands, we can certainly carry that analysis through in the spex so I just want a little clarification from the Council on the consequence of that last vote on the second motion. I, if the guidance is maintain both apportionment methods in the analysis, that can be done and it's not a heavy lift to do that, most of the

analysis has already been provided by the GMT. So, I think just some confirmation on that point from the Council would be helpful.

**Marc Gorelnik** [00:26:50] Well let me just look around the table and see if anyone objects to both those analyses going forward, even though we have adopted a specific preferred alternative. I'm not seeing any objections, so I think the, the sense of the Council is to have them both looked at.

**John DeVore** [00:27:05] Okay and that's, that's easily done.

**Marc Gorelnik** [00:27:09] Is there any further business on this agenda item? Aja.

**Aja Szumylo** [00:27:14] Thank you Mr. Vice-Chair. Yeah, I just wanted to clarify that, that motion was just selecting a preliminary preferred. It wasn't removing it from the range at all. They're both still in the document. We're both going, yeah, we're going to analyze both alternatives going forward so the alternative one removed in anyway.

**Marc Gorelnik** [00:27:32] Okay. Thank you. Anything further from the Council? All right John. How are we doing?

**John DeVore** [00:27:41] Okay thank you. You've adopted the default harvest control rules that were in Attachment 1 for most of our stocks and stock complexes with the, and we still have alternatives with preliminary preferred alternatives identified for cowcod south of 40 10, Oregon black rockfish, petrale sole, sablefish and shortbelly rockfish. We've gotten good guidance on especially the sablefish business so we, I think are all set up to do this analysis to get to a final decision on harvest specifications in April. So, with that, you have completed the business for this agenda item.

**Marc Gorelnik** [00:28:24] Thank you very much John and thanks everyone for their work on this agenda item. That concludes H.6.

## 7. Gear Switching and Sablefish Area Management Update

**Marc Gorelnik** [00:00:00] That concludes public comment on H.7 and brings us to our Council action, which is to review SaMTAAC progress and provide guidance and alternatives, future analyses and schedule as needed. Care to amplify that summary? No. Okay.

**Jim Seger** [00:00:27] Thank you Mr. Vice-Chairman. I think that, you know, you will take your guidance from this meeting. The SaMTAAC has a meeting in June or excuse me in January that they'll be able to use onto it in developing their report for you to come back in March when you'll be adopting the range of alternatives.

**Marc Gorelnik** [00:00:46] And we have before us a draft purpose and need statement. We've had some public comment on it, and we have a proposed schedule. So, let me look around the table and see who wants to offer some comment. Michele.

**Michele Culver** [00:01:03] Thank you Mr. Vice-Chair. I did want to offer some comments and thoughts on the SaMTAAC Report. I would note, first of all, that the committee's charge as described in the middle of page two, that the, the discussions at the SaMTAAC have been pretty narrowly focused on gear switching and I think the alternatives that are on page 3 reflect that, and when I look at the scope of the committee's charge, I do think that the scope was envisioned to be much broader and namely, when I look at the, the first sentence of identifying obstacles to achieving the goals and objectives of the catch share plan, and then as appropriate, to overcome those identified obstacles to discuss and develop options. I'll say that in all of the SaMTAAC meetings that I've attended, I don't believe that the SaMTAAC has talked about what are the obstacles to achieving the goals and objectives and have we identified those and I don't think we've had a thorough discussion about whether gear switching is the only obstacle, if it is an obstacle and yet the only alternatives that we've identified are focused on that issue. I also wanted to note that I appreciate the SaMTAAC had a meeting in mid-October and Council staff had a really short turnaround to meet the briefing book deadline for the SaMTAAC report. I will say that I think for the sake of brevity, that, that perhaps some of the alternatives as they're described here aren't, it's not fully captured in the description that shows here. So I did want to clarify, Dr. Seger mentioned relative to the last sentence of the conversion of the quota pounds as an option, but I also wanted to note that the first sentence that refers to the opportunity for quota share accounts to opt out is also an option and not necessarily part of the alternative. Additionally, I would say the description of alternative two of allowing higher levels of gear switching, I would say also seems to indicate that, that may potentially allow higher levels of gear switching than what is currently occurring now and rather it seems this alternative is focused on restricting gear switching compared to where it is now and then within the gear switching that would still be allowed, there's a higher level that is allowed for some permits, but not for all.

**Marc Gorelnik** [00:05:20] Thank you Michele. Phil.

**Phil Anderson** [00:05:31] Just reflect back to the time that this committee was formed by the Council and the charge of the committee was developed and I'm sure there's different recollections on where we were and why we did this around the table and other places, but there had been a series of industry sponsored meetings, I think they were referred to as Santa Rosa 1, 2 and 3 or something like that, and there was a real focus on looking at the trawl catch share program and looking at how it was performing, what the problems were or weren't and the issue of trawl sablefish being taken by fixed gear was identified as a major issue during..... I went, I went to one of those, I think I went to the last one. The, it had been wrestled around in several different forums without recommendations coming forward that had any kind of consensus around them, and it was at least in my mind at the time and I began, what

was in my mind wasn't necessarily what was in others mind, but that this issue of gear switching was the primary focus of the committee's charge while it doesn't necessarily say that in the language. So the, and I think at least for me when I became aware of the issue and as I entered the first meeting of SaMTAAC, the way I thought about it then is much different than the way I think about it now because of the discussions we have had, because of the analysis, analyses that have been done and our ability to peer under the rug, so to speak, and look at all the issues that are associated with the lack of, or the lack of the ability of the trawl sector to have a higher attainment of the species that they are allocated. So, I don't think there's any question that the committee has focused on that issue primarily. I think as we have focused on that issue and looked at the various results of the analyses that we have requested, it has uncovered some information, elements that weren't readily apparent prior to the analysis being done. There's, so there's no, there's no question and I don't have any argument with the perspective that we have focused primarily on that issue and it is a, it is a complicated one. It is not as if, I may have been looking at it more simp....as it being a more simple issue then, I know I was, than I do now and so while we have focused on this one piece as we have delved into and looked at and done a pretty deep dive into looking at the trawl fishery and how it has performed and lack of attainment of, and in some cases in a big way of certain species, it has been informative. There, in the overview that we provided here in your committee report, we did not list all the permutations of the three alternatives that Jim provided an overview on. Those are readily accessible so any of the Council members or members of the public wants to look into the, of the details of those alternatives, you can certainly do so, and I think Michele fairly points out that there are, that maybe we did that a little bit too high of a level in our summary, but there are different sub options within those alternatives that aren't necessarily identified in this summary report. Now unless, I guess unless, well unless the, either the Council tells us that we want you to do a broader look and bring back suggestions that perhaps go beyond the sablefish piece, and we will obviously do as the Council wishes, I think you can expect, I'm hoping that you can expect to get the alternatives that the committee would recommend for the Council to consider in March, along with the analysis that goes with those alternatives that I think will, will highlight and will highlight some of the issues that we have discovered as we have gone through trying to understand the effects of the sablefish piece of the fishery affecting the ability or not of them taking or having higher attainment rates and this work may lead to, may lead to another step somewhere, I don't know what that might be. So, I just wanted to share those thoughts, at least from kind of where I sit and what we're trying to do within the committee. I urge any anyone that has an interest in looking in more depth at either the specific and sub options that are within the alternatives that we currently have and we're not done with them either, that will be a focus of our January meeting to further refine as we, I mean we went from, I don't what the number was 20, 26 or some, number of alternatives down to what we have now. So we're making refinements, we're making those refinements based on the analyses that we're receiving, the discussions we're having within the committee, the input that we're getting from the public who is, that have followed us along our way, and so we hope to have a reasonable work product to bring back to you in March.

**Marc Gorelnik** [00:14:03] Thanks for that Phil. Further discussion? Christa.

**Christa Svensson** [00:14:09] Thank you Vice-Chairman. I think the question that I really had was with regard to future analysis and if we want to center it on those options. We really have four points, one of which is the gear switching component, but there's also the infrastructure and marketing and so I think from my perspective, since I'm familiar with a lot of small ports and they do tend to rely pretty heavily on fixed gear, having a clear understanding of what that will really look like in terms of loss of infrastructure and market opportunity up and down the coast so that we're not just looking at it at a really narrow lens between both fisheries, but what it really does mean in terms of impacting our communities, that would be something I think would be helpful for me in terms of making a decision.

**Marc Gorelnik** [00:15:09] Michele.

**Michele Culver** [00:15:13] Thanks. Well I guess from my perspective in the, the discussions at the SaMTAAC and the advice that we received and the comments that we've heard and the comments that we heard again today, I'm not convinced that gear switching is the problem. I do believe that gear switching could be a contributing factor to a much larger problem but I view it as the issues that have been raised that are much bigger than what can possibly be attributed to only a gear switching activity are symptoms and when I look at the list that the GMT provided us under H.2 in GMT Report 1 of all of the trawl IFQ issues and the mothership issues, I think those are symptoms. I think we are not achieving full utilization of our groundfish stocks. I think motherships are having to leave whiting in the water because of some regulations that we've put in place. I think we have problems with how to be able to allow trawlers to land dressed petrale or dressed fish. It's, there's a lot of regulatory issues that are on the list that I think are symptomatic of broader problems that we have with the IFQ program and I think it is, we have spent two years, the SaMTAAC has met for two years focused on this very narrow issue as being a problem and I really think we need to take a much broader look at it. I think that the time that we've spent on it and the time looking ahead that we're proposing to spend on it has taken away resources and Council staff and NMFS staff and State staff that have been focused on this very narrow issue that we could have been spending and we can spend in the future that time, in my opinion, on some other priority issues that as a whole will help the future of the trawl IFQ fishery and as I sit in the Budget Committee meetings and as we go through these items that you see under the H.2 report, we hear how there's not enough resources, Council staff resources, NMFS staff resources. We're contemplating taking on management of a new commercial directed halibut fishery and we certainly don't have resources for that at the Council level, NMFS level or the State level and yet we have all of these issues that our stakeholders have brought forward to us that we can address most of them through regulatory changes, but we don't have the resources in order to focus attention on them so that we can make some headway and I guess I just, I feel like we're, we're spinning our wheels a bit and continuing to focus time and effort on this issue in isolation.

**Marc Gorelnik** [00:19:34] Marci.

**Marci Yaremko** [00:19:37] Thank you Mr. Vice-Chair. I too remember that original discussion here and I believe there were pleas to us for immediate relief. Must do this now, must end gear switching now or do something to curb it because there is a problem that this is the only solution to. Our response was to take a deliberative look at the issue, form some committees, do a deep dive into the data and do some discussions offline through the SaMTAAC and I think we've, we've achieved that. I appreciate the fact that the group has recognized that there are bigger, larger issues to grapple with that are ultimately impacting our ability to achieve the original goals the IQ program set out to do. We've had also a number of discussions either in the Budget Committee or elsewhere here on the floor about the need for some more holistic strategic planning with regard to our groundfish plan and how our IQ program fits within it and I think the things that are being discussed around this room about the needs to broaden the discussion, I completely agree. I look at the list in I.2 as well, and I look at this agenda item and I say, what is the priority and where, where are people expressing that they have the greatest need? And I'm feeling like, you know the items on the I.2 list and the I.2 process is starting to serve us well to be able to address those in kind of a priority order. I am interested in revitalizing our IFQ sector period. It looks differently now in California than it did, and I think that's one of the, the benefits of the program that we originally envisioned was to have the fleet change and be dynamic as needed to meet business and operational needs. Thinking about our speakers today and their comments compared to the speakers that we heard commenting to us two years ago, I'm hearing something very, very different. I heard two people clearly say, do not do this and I say, I hear another saying this may not be the action

that hits the mark, but I am not hearing anyone here today recommending that we move on this now like we did two years ago.

**Marc Gorelnik** [00:22:31] Phil.

**Phil Anderson** [00:00:00] Well I guarantee you that had we teed this agenda item up to make a decision on whether or not we were going to continue and complete this process, you would have heard from all sides. You would have heard some people that are sitting right out there that didn't testify, that would say just exactly that I, we need to do something about this now. This is the number one reason why the trawl catch share program is failing and you would have heard that, but that's not what this agenda item was teed up to do and that's why you don't have an audience full of people out here that have been following our SaMTAAC process that we're attempting to come up here to convince you to change your course. So, I'm taken off guard here a bit so and I, I urge you my fellow Council members not to throw a wrench and divert this task now, not after what.... we had this identified as the number... there are lots of problems with the trawl program and there are very few solutions that have been identified, but this was the number one issue at the time when we started down this path. We have come a long ways. We have learned a lot. You, those folks that have not been involved in this process are going to learn a lot when we bring the alternatives forward and the analysis that accompanies it and if at that time there is a decision that nothing needs to be done relative to this issue, that's a, that is an alternative that you will have in front of you and that may be where we go, but if there is some suggestion being offered right now that we abandon this committee's work and we abandon trying to come to grips with this problem that has been identified to us by industry and figure out a path as to whether, what that problem is and whether we need to do something about it, I think that would be a huge mistake. There are other problems and we are going to have to address them but abandoning this one is not the answer.

**Marc Gorelnik** [00:02:24] And I should remind the Council of the description of this agenda item, and perhaps when it comes to workload planning, we, if we want, folks want to address issues that are not squarely within this agenda item, we can do that, but right now this agenda item is about reviewing the progress and providing guidance on the alternatives that we will apparently be taking another look at in March. Certainly, it seems like there's sentiment around the table to take a broader look or take a different look than is addressed in this agenda item but I think the time to take that up is, is at workload planning rather than having this agenda item go off the rails.

**Marc Gorelnik** [00:03:15] Michele.

**Michele Culver** [00:03:15] Thank you Mr. Vice-Chair. I guess I respectfully disagree. I mean, I am offering my comments relative to the guidance on the alternatives that we have in front of us and what I'm saying is that I think they're narrowly focused on gear switching. I thought we had fairly good agreement of those participating in the SaMTAAC, including from Mr. Chairman, that we have identified issues that are much broader and all I was saying is that I don't think our alternatives at this point match up with the broader suite of issues that we have heard and I don't think that they match up with that the committee's charge, nor even with the purpose and need, and I'm, I'm struggling a bit, even as I look at the SaMTAAC Committee's report of trying to, to make that connection, and I thought that, that was the purpose of this agenda item, was for us to provide guidance on the alternatives, the future analyses and, and the schedule of the SaMTAAC.

**Marc Gorelnik** [00:04:32] Okay well then. Rich.

**Rich Lincoln** [00:04:39] Thanks Vice-Chair. I'm not sure that I'll help move the topic along, but I'm looking at this from a pretty high level. I obviously haven't been involved in the detailed discussions or

analyses, but as I was listening to the discussion that Phil started and Michele and Marci contributed to and as well as Christa, my thought was, is that what I, what I gleaned from Phil's kind of review is that, that the process of discovery through the SaMTAAC process was, part of it was discovery of new information and so in the discussion that followed that, I didn't, I wasn't really necessarily thinking that I was hearing people say let's stop and throw that out, stop here and do something different, but what I was, thought I heard and what I was thinking is that perhaps part of the guidance in the completion of the next step that Phil partly described and that we're discussing here is that if the SaMTAAC report that's brought back to us can help clearly share the new information that helps perhaps define the broader aspects of the problem, that the decision we might make at that point, in fact could be partly a more strategic one about how the Council wants it, how the Council might want to spend its time on a suite of issues that are getting at the basic needs addressed in the, in the purpose and need statement, which really is about attainment and utilization. So, I guess that was going to be maybe a comment and a question. I mean, is there something that the, that the committee wasn't intend, hadn't yet intended to do but could do in terms of the preparation of the final report that was brought back to us that would help frame that decision in a, in a context that at least identifies some of the broader aspects of the problem that would assist us in our next discussion and make some really informed choices about where we, where we might want to go at that point.

**Marc Gorelnik** [00:07:12] Brad.

**Brad Pettinger** [00:07:16] Thank you Mr. Vice-Chair. You know I don't, going into this, I don't think anybody was saying we didn't have problems and we've got plenty. 2016 these quotas, big quotas came up for rockfish for 2017,18. We held an industry meeting in Newport, Oregon. Invited everybody there, processors, fishermen, NGOs and see how we're going to deal with this because knew the infrastructure went away and the markets went way, too, and that doesn't happen, you don't turn that key on overnight, it just doesn't happen. Promotion, long, and infrastructure are a long-term investment and so that's going to take a while. I think the fear of the industry is that this fisheries will go so far potentially putting it so that pretty soon now you have a majority of the fish isn't in the trawl fishery anymore and you're not going get that fish back to get this fishery where it needs to be. All that declining vessel participation is really because of the high cost of the fishery, partly due to the high lease fees on some of these stocks because we're competing with fixed gear, which can pay a lot more money, I get that, but we need to be very careful but the fishery you see today is not the fishery that we want it to be. It's a 60 million pound fishery now and that's great I guess, but it should be 100, 120 million pound fishery. That's what it should be. So, I think we need to be very careful about looking at it as far as, this is not, we haven't arrived as a fishery. We've been rebuilding these stocks for 15, 20 years and really going to need to rebuild this infrastructure probably for another 15, 20 years up to, seriously. Look at what's going on in California right now. We need to rebuild California. They need to be, we need to get some groundfish across down there and hook and line guy, you know, that's good, but that's not going to do it, we need everybody at the table. So, I'm listening to you guys talk here and I know, I know that these are friends of mine so I get it. I don't have the panacea, but you guys working on it and just, we just need to put this, run this process and hopefully we come to a, to an end where you can call it a success, but I tell you what, this, I have been involved in rebuilding this fishery for the last 15 years from where we're at and I'd hope that we have some productive time of the future and we can get there so thank you.

**Marc Gorelnik** [00:09:56] Maggie.

**Maggie Sommer** [00:09:59] Thanks Mr. Vice-Chair. First I want to say that coming, in preparation for this meeting, a number of stakeholders asked me what this agenda item was for, and I told them it was for a report to the Council on the progress of the committee so far and I gave people the impression that we would not be making decisions today. We may be providing some guidance on schedule. We may

be providing what I have characterized as, as minor guidance on the analysis. I did not anticipate any substantive changes at this point based on Council guidance to the committee's charge or what the alternatives might include, so I apologize if I was incorrect, but that may have influenced people's decisions on whether or not to come here and to provide public comment so I would not take the number of comments and nature of comments we received today as indicative of the broad range of what people feel about this issue. Just echoing what Chairman Anderson said about that earlier. You know second, gear switching is not the only problem I think affecting the trawl fishery. I believe that all the committees, committee members feel that. It may not be the highest priority problem, but it is one that stakeholders brought to us as an urgent issue to address and the committee has worked hard to do so doing that, you know, that investigation and that exploration of the information. I support Rich's suggestion to include in the committee's report to the Council the information that we have learned on other problems because I think that is very important context for the full Council to consider as we review the alternatives that the SaMTAAC committee brings back to us and we consider adopting a possible range of alternatives for this, so I think that's a very good idea, but I, I guess I'll leave it there. Thanks.

**Marc Gorelnik** [00:12:10] Thanks Maggie. Bob Dooley.

**Bob Dooley** [00:12:19] Thank you Mr. Vice-Chair. I agree with Maggie wholeheartedly. I was asked the same questions by many of the constituents of my area and they are very concerned about this. I told them I think this is just a check-in. What I'm seeing here is that we have three alternatives that were presented narrowed down and we've got a 30,000 foot view of them and what's missing is the supporting backstory, why they got there and what, what problems they are addressing and those details which will come with all of the analysis. I think you have to see the backstory. There's many, many causes of this problem and it was, it's high priority to a lot of people and I agree with Phil, if this would have been a decision meeting, they'd be standing room only in here and you'd hear, we'd still be hearing public testimony until tomorrow. That's what this is about I think and so I don't have the answers, but I do know there's a lot of backstory to each one of those proposals that justify why that might be a solution and it isn't the solution or, and I don't believe any one of them stand alone might be the solution. There might be some compilation of all three alternatives that is the answer that, too, as part of the problem. I think from my perspective, and I don't want to get into the weeds much, but I think a real critical part of this is we have a control date that, you know, there's been a real concern that if this fish is left or is allowed to migrate out of this fishery, the trawl fishery, without having some mechanism to hind cast and go back to where it might have been, that it, it's gone and we won't get our trawl sector rebuilt, so I think all those things are on the table and being thought about but you're not seeing that here today because, once again I thought this was a progress check-in, guidance to go forward and I think there is some good guidance. I think we have to build the full story and that might not be just simply a, an alternative or a range of alternatives. There's the back story. There's what are we trying to do, and it's more than purpose and need, it's more than that. So I think the committee's done an unbelievable amount of work to get this from 24 alternatives down to 3 and once again, I don't think this is the end of the road by any means, but I think we have a lot of work to do, so I think there was good guidance here today and my, for me and, you know, changed what I was thinking about a bit, but I think we need to go forward.

**Marc Gorelnik** [00:15:25] Michele.

**Michele Culver** [00:15:28] Thanks. I agree with the comments and from Brad and Maggie and Bob and appreciate the, the question that Rich raised and I guess a part of my frustration is I do think there are other issues that relate to underattainment in the trawl IFQ that it's frustrating to have so many resources dedicated to this one issue and the data and the analysis that we're looking at and using could

very well inform and help us address these other issues and for the sake of efficiency, I don't know why we're not doing it. So I think I'm looking at, there's, it would be helpful to me even to use the list that we have on H.2 from the GMT and I mean, to the extent that there are some regulatory changes here that are additional impediments to achieving full utilization in the trawl IFQ fishery, I don't know why we would not want to address them at the same time. I think that is in line with the committee's charge. It's in line with the purpose and need. It's going to rely on the same suite of data and the same fishery participants that we're going to be examining anyway. To the extent that, that we can do that and address more than just this one issue, that's what I was interested in examining. I gave the same feedback to stakeholders who asked me about today. I said it was not a major decision point and that's not what I'm proposing, but I'm proposing that as we look forward to the future analysis that's going to be done over the winter there's potentially some other items here that we could benefit from addressing.

**Marc Gorelnik** [00:17:41] Maggie.

**Maggie Sommer** [00:17:43] Thanks Mr. Vice. Chair. Thanks Michele. I share your frustration about the inability to make progress on more of the things that have been identified as problems and agree with your comments that the information and analysis that's been done so far on this could be very valuable to informing those too. At this point I would say my only concern about adding to what the SaMTAAC Committee is doing is the potential significant extension of its timeline.

**Marc Gorelnik** [00:18:21] Phil.

**Phil Anderson** [00:18:30] I, I believed at the time that we formed this committee to take on this issue and I still believe today that unless and until we address the, however we do, but if we, whatever the outcome is, status quo or something else, then until we address this issue it's going to be hard to move on to some of the other issues because I think it's, it's always going to be, it's going to overshadow our, our discussions about other issues until we get this one wrestled to the ground and, and come up with a decision about what we're going to do, if anything. If there are opportunities to utilize the analysis that have been done and will be done by the committee for other issues, I'm, that's, all for that but and granted, our committee has spanned two years but we've met four times and we have one more meeting before we have or before we're scheduled to come back and give a report to the Council with some alternatives that address this and perhaps other issues as well. So and our meetings are generally a day and a half long and I think that's what we have lined up for January session, so and we, because you know the government shut down, it affected the progress of this committee from a number of ways, not only in when we met, but the people that we're working on the analysis and so forth, so that, that affected us and who knows, maybe the next government shutdown would do the same thing. But I really feel like, I agree that there are other issues. I agree that we need to work, we need to look at those and sequence them or combine them in terms of how we look at them, but I still believe that we need to address this issue and get this issue wrestled to the ground, so to speak, and decide if we're going to do, you know, make any modifications to the program relative to fixed gear being used to catch trawl sablefish and that's why I believe we need to stay the course. It doesn't preclude or suggest that I'm not in favor of moving on with looking at other issues too, but I think we need to finish this one up.

**Marc Gorelnik** [00:21:33] Further discussion around the table? Michele.

**Michele Culver** [00:00:01] I wasn't sure when the, what was envisioned relative to the purpose and need and statement here. As I look ahead to the schedule, I don't see that specifically. I see the next meeting in March as selecting a range of alternatives and I didn't know if that was when we were going to ask for Council feedback on the purpose and need or if it's appropriate at this meeting, but I will say that in response to the public comment that we had from John Corbin, I see his point relative to the first

paragraph in the third sentence and the use of the word acquiring the quota and I had not focused on that until he raised it as well and, and then we go on to say that may otherwise be used by trawl gears rather than owned by trawl gears and I think it's appropriate that, that perhaps we're looking at participants engaging in gear switching are using northern sablefish quota, something to that effect rather than actually buying it.

**Marc Gorelnik** [00:01:18] I think those are fair points and we're here to offer guidance to SaMTAAC on that. Marci.

**Marci Yaremko** [00:01:26] Thanks Mr. Vice-Chair. Just a little follow up on the discussion about the broadening of the issues that the SaMTAAC evaluates and wrestles within that forum. As we've discussed, there was an awful lot of work that was put into the effort and a lot of good analysis done by lots of different folks that I think will be insightful as we move forward tackling the other items on the overall workload list. That said, I'm a little concerned moving forward with the interplay of the SaMTAAC and its role with the Council and the SaMTAAC advisors with and how that interrelates with the role of the GAP. So I think the analytical work that's been done again is certainly informative, but in terms of process moving forward on some of these other issues, just wanting to point out that, you know, all of those other issues on the workload planning agenda are full Council agenda items and not items that I think we had intended to be brought to a subcommittee, so just wanted to give that some thought as we think about the role of the SaMTAAC.

**Marc Gorelnik** [00:02:54] Thanks Marci. Further discussion around the table? Rich.

**Rich Lincoln** [00:03:04] Thanks Vice-Chair. Not with an interest to extend the discussion a long time, but it seemed like in Jim's introduction to the agenda item, in some discussion there was the, there was a distinction made between the purpose and need with respect to the south of 36 line and the decision and most recently I guess from last spring on to focus first or more on gear switching and I guess, it's a question rather than a comment, without the Council providing any additional guidance, what would the Council be expecting to see in the next report from the committee in relationship to whether any discussion or options are presented for that aspect of the scope of the work assignment in the context of south of 36?

**Marc Gorelnik** [00:04:13] So your question is, if we don't provide any guidance, what do we expect SaMTAAC to be doing between now and the March meeting?

**Rich Lincoln** [00:04:22] Well, yes, I guess the question more simply will we see anything with respect to a discussion of south of 36 or any kinds of alternatives, whether they be short term or longer term kind of discussion about the inter, interplay between gear switching and, and south of 36?

**Marc Gorelnik** [00:04:44] Phil.

**Phil Anderson** [00:04:45] I can just reiterate the current standing of that issue within the committee discussion was to table, as Jim reported, table that issue until after such time we had dealt with the north of 36 issues and the issue about gear switching and that once we had completed that, we were going to come back and revisit that topic and review the information, some of the information that's already been provided to us on that topic and at that time make a decision whether we felt we wanted to make a recommendation to the Council to modify in some way what we're currently doing. So that's what you could expect absent additional guidance from or direction from the Council.

**Marc Gorelnik** [00:05:53] Michele.

**Michele Culver** [00:05:55] Thanks. So to clarify, are you saying that, that is, that discussion would happen at the January SaMTAAC meeting and then it's in March that we would, the SaMTAAC would bring back to the Council its recommendation on what to do with south of 36?

**Marc Gorelnik** [00:06:11] Phil.

**Phil Anderson** [00:06:13] I believe that it was the intent of the committee to try to finalize or come to a conclusion on our alternatives that we would bring back to the Council in March as part of our task at our January meeting. It is, it was my, I think it was our hope that as part of that we would also go back and then talk again about that, that issue south of 36. I am struggling to figure out how we're going to do all of that in one meeting, frankly, and bring something back on both to the Council in March but miracles have happened before and but I'm, so I again I just would reiterate that, that is the schedule that we had. We're going to try to deal with the issues of gear switching north of 36, come back, revisit, take another look at the analysis that we had relative to the issues south of 36 and make a decision about whether we wanted to make recommendations with the Council relative to alternatives to that issue. My guess would be that we're not going to be able to tackle all of that in one meeting and we may just get to the point of bringing some recommendations back on the issues north of 36 and request of the Council to allow us to, well I don't want to, I don't want to presuppose what the committee might want to ask the Council, but, but I mean that's my, that's my understanding of the committee's discussion and what our intent was and there are, you are a committee member. There are other, Bob and Maggie and Pete that are on it and if you have a different understanding of what our intent was please feel free to correct me.

**Marc Gorelnik** [00:08:38] Michele and then Bob.

**Michele Culver** [00:08:40] Thanks. So, I guess the way I took the, the discussion at the last meeting was we did include retain language relative to south of 36 in the draft purpose and need. We looked back at the scope of the committee's charge and noted that it included south of 36 and so while we tabled further discussion on the alternatives, it was with the understanding that the south of 36, because it remained in the committee's charge, that the committee would take the issue up unless the Council provided guidance at this meeting that they didn't see a need for us to continue to consider with the south of 36 alternatives at which point we would then remove that from the purpose and need and only focus our January discussion on the north alternatives. Conversely, if the Council did not give us guidance to remove the south of 36 from the committee's charge as, as not being a priority at this time, then it would remain in the purpose and need and we would examine that in January, I guess, prior to bringing back a range for the Council in March.

**Marc Gorelnik** [00:10:26] Bob and then Phil.

**Bob Dooley** [00:10:30] Thank you Mr. Vice-Chair. Phil, I saw it the same way you did. I, the tabling of the south decision was so that we could focus on the gear switching portion of it in the north, and that would be informative of what to do about those two, two proposals that are on the, that were tabled south. I don't think until we come up with the north and have some, just my personal opinion, some Council guidance on that when we get to the next meeting that we can jump into the south very much. We could probably if we got that far along, we probably could have some preliminary discussions but until you understand what goes on in the north and what is going to happen with gear switching, it seemed there was a lot, a lot of trying to focus on too much. I think the focus on getting this part of it done, the north, what was the focus. So, I don't see that we haven't done anything in the south. I think we, we have two proposals that potentially could, could work, but it really depends on what the north looks like once we get that far. So, I think the charge I see is to go into our January meeting, flush this

out, come back to the Council and get some guidance from there. Thank you.

**Marc Gorelnik** [00:12:12] Phil did you...

**Phil Anderson** [00:12:13] I would just offer that I think we, unless there's a change I believe that we will, the committee will provide a perspective on south of 36 in its report, in its final report to the Council. There may be, not, you know, not prejudging what the committee might do, there may be alternatives to the, to offer for consideration or there may not. If there are not I suspect that the proposed purpose and need would not include south of 36 but our final report to the Council would include a description of our discussion and our recommendation as to whether to proceed with further considerations of alternatives to change south of 36 or not, so I don't, so that's how I see this playing out. The timing is yet to be determined. See how we do in January with getting our alternatives packaged up and for the north of 36 and then talk about south of 36 and whether we can address that then or whether we would come back in our report in March and indicate to the Council that we have some additional work to do on that particular piece and there may be additional pieces that the Council may wish for this group to look at that maybe come off that list that you referenced under H.2. That's kind of how I see it sequencing.

**Marc Gorelnik** [00:14:19] I sense Michele's frustration that the gear switching may only be a little bit of the larger attainment issue, but my recollection is that's basically what SaMTAAC's been focusing on and there's one more meeting. We can provide guidance. I think Michele provided some guidance already on the purpose and need statement based on public comment. Phil has indicated that there would be something in the report hopefully about south of 36, but that at this, it seems at this stage in the game it's going, not really possible for SaMTAAC to take on larger and other attainment issues as, as much as, as much as that seems to be within the charter based on the name of the, name of the subcommittee. So I think at this time, in order to conclude our Council action on this agenda item, we need to tell SaMTAAC what we want them to bring to us in March, and we've heard some comments around the table and I would ask Jim if you'd be so kind as to see if you could summarize that what you've heard and try to see if there's agreement around the table on that.

**Jim Seger** [00:16:08] Thank you Mr. Vice-Chairman. I think you've got a good discussion surfacing a lot of the currents of thought that have been underlying the current process here as we've gone through it. Going back in the discussion early on, there was a request from Miss Svensson about some analysis on loss of infrastructure and markets up and down the coast and what that would look like. Then there was Mr. Lincoln and others reference Mr. Lincoln, the idea of bringing back a lot of the analysis that may inform other things that you have going on, other issues that you have going on. Then the point that you identified from Mr. Corbin identified by Ms. Culver on advising the SaMTAAC on taking a look at that word 'acquiring' and some alternative language that was suggested by Ms. Culver for that. Then we have the process laid out about how different ways this south of 36 issue might unfold at the SaMTAAC meeting and Mr. Anderson kind of spelled one way out that it may, may happen, but the committee will be aware that, about this discussion and what the expectations are there. And the other thing I kind of got from this is it sounds like that for the agenda item in March that we may want to be clear that when the Council is considering adopting the range of alternatives, there is also a chance that you might decide not to move the process forward at that time. At least that, you know I heard that there was some interest in that on the part of some Council members in the discussion that if there, you know, we would have a lot more people here if that had been announced and I'm kind of inferring from that, that you might want that and I guess I would look for guidance if you don't want this action announced in that, with that nuance to it. The other thing I would note just for looking ahead to March is that we started this relatively short report and this discussion and we've been going on it for an hour and a half, if you anticipate a large crowd here in March with a good presentation on the analysis and full reports

from committees and so forth, we have four hours scheduled right now. I think that, that probably you would need to be lengthened somewhat.

**Marc Gorelnik** [00:18:38] Thanks Jim. Christa Svensson.

**Christa Svensson** [00:18:43] Thank you Vice-Chairman. I do want to clarify how you characterized that because my, my ask and request for a future analysis was specific to the proposals or alternatives that we had laid out, and the reason I specified marketing and infrastructure is that's part of the purposes and needs, although I don't want it limited just to that. I would hit all four of those sections, which is also declining trawl vessel participation and shore based IFQ which is the gear switching component and that's up to the purview of the committee and other Council members in terms of whether they choose to wish, choose to honor my request, I guess.

**Marc Gorelnik** [00:19:26] Thanks for that clarification Christa. Let me look around the table and see if there are any other, any other guidance to provide so that when we come back in March, we have what we are requesting. I'm not seeing any other hands, so I'm not seeing any other guidance to provide. Jim, how are we?

**Jim Seger** [00:19:54] I think you're complete Mr. Vice-Chairman.

**Marc Gorelnik** [00:19:58] Thank you. Anything else? All right. I'm going to close out this agenda item.

## 8. Biennial Management Measures for 2021-2022

**Marc Gorelnik** [00:00:00] All right so when we last discussed this agenda item yesterday, we'd completed all our reports. We'd completed public comment. That brings us to our Council action, which we typically begin with discussion. So, I'm going to look around the table and see who is brave enough to get us started this morning on Council action, discussion. Marci.

**Marci Yaremko** [00:00:29] All right.

**Marc Gorelnik** [00:00:30] Thank you.

**Marci Yaremko** [00:00:31] Okay we're going to just get rolling here with motions. So we have a number for you today. We are going to be working sequentially within the action item checklist. We have a series of motions from a number of parties here today that cover all of these elements. So Sandra I think you have some motions from each of us. If you would please, CDFW motion number 1. I move the Council adopt the following RCA coordinate updates, allocations and harvest guideline alternatives for analysis, working from the action item checklist and Agenda Item H.8, Supplemental GMT Report 2. Item 2, revisions and updates to RCA coordinates in California as identified in H. 8.a, Supplemental GAP Report 1, Supplemental GMT Report 2 and Supplemental CDFW Report 1. Item 3, off the top deductions for groundfish mortality in tribal fisheries, research activities, non-groundfish fisheries, incidental open access fisheries and exempted fishing permits as described in H 8.a, Supplemental GMT Report 1 except for cowcod. For this species include an off the top deduction of 10 metric tons for research activities as described in H.8.a, Supplemental CDFW Report 2. Also include the GAP's recommendation from Agenda Item H.8.a, Supplemental GAP Report 1 to consider median or average catch for darkblotched, recognizing the anomalously high bycatch in the pink shrimp fishery in 2014. Item 4, for cowcod south of 40 10. Analyze a single ACT set below the fishery harvest guideline from within the range of 40 to 60 metric tons. Item 5, blackgill rockfish and the southern slope complex. The five tasks identified by the GMT to keep blackgill in the complex rather than to shift blackgill rockfish into the non-trawl sector. Item 6, preliminary two year trawl, non-trawl allocations for bacaccio south of 40 10, cowcod south of 40 10, canary rockfish, yelloweye rockfish, big skate, longnose skate and minor shelf rockfish north and south of 40 10. The status quo allocations except for canary rockfish, move the GMT option 3 and add a value of 20 metric tons to be shared by the at-sea sectors for analysis under GMT Option 3 as recommended in Agenda item H.8.a Supplemental GAP Report. And item 7, the Amendment 21 trawl and non-trawl allocations. For slope rockfish south of 40 10, remove this complex from the Amendment 21 allocation scheme and determine the trawl and non-trawl allocations biennially. For 21, 22, evaluate allocations of 526.3 and 523.9 metric tons for trawl and 143.7 metric tons and 142.2 metric tons for non-trawl, and for lingcod south, evaluate option 1 and option 2 which are alternative two year allocations to the Amendment 21 allocations.

**Marc Gorelnik** [00:04:28] Thank you Marci. Is the language on the screen accurate?

**Marci Yaremko** [00:04:32] I believe so. I cannot quite see it, but yes.

**Marc Gorelnik** [00:04:36] All right, I'll look for a second. Seconded by Louis Zimm. Please speak to your motion.

**Marci Yaremko** [00:04:44] All right. So just working through these items. Number 2, the alternatives include adjustments to waypoints, to RCA lines and minor RCA line changes for both sport and commercial fisheries off California to better achieve but not exceed allowable catch limits and to allow for improvements in the way the lines are structured. Item three, these off the top deductions and

research set asides we discussed yesterday that they would account for increases in expected research activities on cowcod but are not expected to constrain sport or commercial fishery ACTs. With regard to the GAP's recommendation on darkblotched, there note appears reasonable and just acknowledging that this is a range of alternatives. Their advice here seems wise that we can take a look at looking at an average or a median rather than the high, which is the typical way we look at off the top set asides. Moving to item 4, cowcod south of 40 10, the recommendation to analyze a single ACT which is set below the harvest guideline from within the range of 40 to 60 metric tons. This is consistent with how we've managed cowcod in the past by rolling up the respective ACL contributions from the Conception and the Monterey areas and combining them to form a single ACL and ACT that covers both areas combined. This allows for the issuance of cowcod shares south of 40 10 as one group. That's how the IQ program is set up so this approach to management will be consistent with the, the current program. So, item 5 on blackgill, this was a big focus of work by the GMT, which is much appreciated. I want to highlight some of Patrick's remarks from yesterday with regard to how the GMT proposes that we structure the blackgill and slope rockfish allocations. The, just a second here, as the GMT notes, this is kind of a holistic approach to how we will approach these two groups of fish that arises out of our discussions that we had in April when we reconsidered the decision to reallocate blackgill and pull it out of the complex. As Patrick noted, we had a lot of discussion between the trawl and non-trawl sector offline back in April and the two groups worked very, very well together to agree on an approach forward. The GMT then has spent quite a bit of time moving that approach even forward further still to give us a suite of recommended tasks that we would use to pursue management of these two groups in the next biennium. So, the first task would set a harvest guideline for blackgill equal to the component ACL. Then the next task would be to establish trawl and non-trawl shares of the blackgill rockfish harvest guideline. Then that harvest guideline would be used to set the trip limits for non-trawl to stay within their share of the respective blackgill rockfish and then we'd be looking to evaluate a new method to keep the IFQ sector within their share of blackgill rockfish and that method was very creative. Very much appreciate the work of the GMT to look at other approaches and other fisheries and how we might borrow from them here with the idea that we use a trip limit once the trawl sector approaches or is projected to reach its share of the blackgill harvest guidelines, so what this does is allows them to maintain the flexibility to keep all of their quota shares issued to them as minor slope while allowing them to harvest their portion of the blackgill, it provides them the flexibility of being able to maintain their current operations and not, we decided it was not a good approach to pull out blackgill and issue shares individually for blackgill south of 40 10. So, I think this approach has a lot of merit and looking forward to hearing more about how the analysis goes. And then the last piece of this is task 5 to change the Amendment 21 hard wired allocations for the southern slope complex, so that was the other half of the deal that more of the blackgill would go to the non-trawl sector while there would be a commensurate increase in allocation from the non-trawl sector to the trawl sector for the southern slope complex. Okay, so moving to item 6, these are the preliminary two year trawl and non-trawl allocations for bocaccio south of 40 10, cowcod south of 40 10, canary, yelloweye, big skate, longnose skate and minor shelf north and south of 40 10. So, this includes our list of species that kind of require special attention to the allocations each biennium, which includes species that are currently overfished or have been recently rebuilt. We might see some changes in these fishery needs with potentially some redevelopment of certain fisheries as stocks have rebuilt, so it is important to reconsider these allocations routinely in order to adapt to changing needs to promote utilization where appropriate. The GMT has taken a close look here at these allocations and determined that they are largely meeting the fisheries needs with the one exception of canary rockfish. Here we would support the GMT's option 3 as modified by the GAP's recommendation with regard to the 20 metric ton value for, to be shared by the at-sea sectors for analysis under that GMT Option 3. Moving to item seven, these are the Amendment 21 trawl and non-trawl allocations. We discussed slope rock and the need to remove this from the Amendment 21 allocation scheme and determine these allocations biennially. The second item, so that includes what the allocations would be for 21 and 22, those, the values that would result. Looking

to lingcod south of 40°10', we would evaluate both option 1 and option 2. These are alternative allocation schemes for lingcod and the reason we want to evaluate something other than the status quo OA 21 allocation is, for this stock we have fully attained or exceeded that non-trawl allocation the last several years. So these two proposed alternatives, again they would be two year deals, are intended to provide some stability for that non-trawl sector, since we have exceeded and are approaching it, it is providing some constraint, so a little bit of flexibility there is, is needed and that completes my motion. Thank you.

**Marc Gorelnik** [00:13:58] Thank you very much Marci. Are there questions for Marci on the motion? Aja.

**Aja Szumylo** [00:14:10] Mr. Vice-Chair and this isn't a question I'm just.....we have been discussing all along and I am just putting this out there for everyone's knowledge just to repeat it again so that it's very clear but in Item 7, adjusting the Amendment 21 allocation scheme to determine the trawl and non-trawl allocations biennially requires us to do an FMP amendment concurrent with specifications, so the specifications package would be an FMP amendment, so I'm just making that clear to everyone. It will not affect the timeline overall of the action, but I just want everyone to be aware that this is an FMP amendment.

**Marc Gorelnik** [00:14:45] Thanks for that clarification. Phil.

**Phil Anderson** [00:14:52] Thanks Vice-Chair. Marci had a question under item 6. There's a reference to the 20 metric tons being shared by the at-sea sectors for analysis. Item number 9, which we haven't gotten to yet, has to do with the at-sea set asides and there's a GAP recommendation to have an alternative that would continue creating separate values for motherships and catcher processors so I, so I think the right place to address that is under item 9, but I just wanted to if the, if there were two alternatives, one combined, one that separated them, then 20 metric tons could be evaluated in both of those alternatives under the item 9, the at-sea set asides if I have that correct?

**Marc Gorelnik** [00:16:02] Marci.

**Marci Yaremko** [00:16:06] Thank you Mr. Vice-Chair. I am not, not totally sure what will be coming in the motion that covers item 9, but our intention here with motion 1 is to be pretty much all inclusive. We did not have time to have a detailed discussion with the GAP about their recommendations in item 6 with regard to canary to ensure that it might be covered elsewhere, so in the spirit of making sure that we capture their advice, we just felt it prudent to include here.

**Phil Anderson** [00:16:43] Okay, thanks. I think I can express that concern if it isn't covered in the next motion or in the motion that deals with number 9. So, thank you very much.

**Marc Gorelnik** [00:16:54] Joe.

**Joe Oatman** [00:16:58] Thank you Mr. Vice-Chairman. If you could scroll up Sandra to item 3. I just want to confirm my understanding of this part of the motion. So, the off the top deductions for groundfish mortality and tribal fisheries, so if this motion were to move forward then the, essentially all the tribal off the top deductions would be covered under this?

**Marci Yaremko** [00:17:31] One minute please.

**Marc Gorelnik** [00:17:43] Marci.

**Marci Yaremko** [00:17:45] Thank you Mr. Vice-Chair. So, this item, this is kind of the catch-all title of this item, so if it pertains to the items that were read into the record in the, under the Supplemental Tribal Report then it is covered here. If it's beyond that, then it would not be.

**Joe Oatman** [00:18:06] Thank Mr. Vice-Chairman and thank you for the response Marci. I think that does adequately cover the Tribal Supplemental Reports.

**Marc Gorelnik** [00:18:16] Further questions for Marci on this first motion? I have a question for Marci. In item number 3 for off the top deductions, it doesn't appear as if you have adopted or propose adopting the EFP set asides contained in GMT Report 1 and I don't see them otherwise captured there. Are there any EFP set asides for cowcod Marci?

**Marci Yaremko** [00:18:54] Yes there are EFP set asides and yes, they are covered in item 3. It's part of the title of this kind of grouping of items, off the top deductions for groundfish mortality and tribal fisheries, research activities, non-groundfish fisheries, incidental open access fisheries and exempted fishing permits. So that includes all of the set asides for all of the EFPs that we adopted of the EFP agenda item.

**Marc Gorelnik** [00:19:20] All right. Thank you for that clarification. Any further questions for the make... Aja.

**Aja Szumylo** [00:19:27] Thank you Mr. Vice-Chair. I would like to clarify. So, is there going to be a separate tribal motion for the tribal allocations? This item 3 does not reference the, the report, and I'd prefer that it did or a separate motion for that. Either, however you'd like to handle it, but I think there needs to be a more specific reference to it than the way it's written now.

**Marc Gorelnik** [00:19:50] So we can either amend this motion or ask Joe to provide a separate motion at an appropriate time to respond to your concern. Joe, would you be open later to offer a motion on that?

**Joe Oatman** [00:20:06] Thank you Mr. Vice-Chair and I do have a motion prepared if that is necessary.

**Marc Gorelnik** [00:20:12] All right. Well, thank you. I'll come to that, and is that acceptable to you Aja?

**Aja Szumylo** [00:20:19] Absolutely.

**Marc Gorelnik** [00:20:19] All right. Further discussion on the motion or questions for maker of the motion? Maggie.

**Maggie Sommer** [00:20:25] Thanks Mr. Vice-Chair. Marci thank you very much for the motion. I just wanted to add to the discussion that item number 5 in the GMT Report 2 checklist noted that the GMT makes no recommendation for harvest guidelines within the complexes for Oregon black rockfish and blue and deacon rockfish as well as kelp greenling and cabezon complexes. We suggested that it would be unnecessary and duplicative. In our state administrative rules, we do, our state, our commission does adopt harvest guidelines and we manage preseason and inseason to those, so I think it's unnecessary to add the federal harvest guidelines for those as well.

**Marc Gorelnik** [00:21:11] Thank you Maggie. Further discussion or questions? Anything else before I call the question on our first motion under this agenda item? Brad Pettinger.

**Brad Pettinger** [00:21:27] Thank you Mr. Vice-Chair. Just something to consider I guess as you move forward. I don't think these changes should be too great particularly looking at lingcod south of 40 10. Depending on what we would go there that vessel caps are an integral part of the IFQ program and too big of a change we might be mindful of how that might affect certain individuals in the fishery who are reaching their cap presently, so just keep that in the back of our minds as we move forward.

**Marc Gorelnik** [00:21:58] Okay. Any further discussion on this agenda item? Not seeing any hands, I'll call the question. All those in favor say 'aye'.

**Council** [00:22:08] Aye.

**Marc Gorelnik** [00:22:08] Opposed no? Abstentions? Motion passes unanimously. Thanks Marci. All right. I'll look around the table. It seems like we may, someone else may have a motion prepared and or discussion. Maggie.

**Maggie Sommer** [00:22:43] Thanks Mr. Vice-Chair. I could offer a motion but if Mr. Oatman was prepared for a tribal motion now. I missed maybe the discussion on when we were going to take that. I don't want to jump ahead of...

**Marc Gorelnik** [00:22:56] All right Joe if you're prepared, please proceed.

**Joe Oatman** [00:23:00] Thank Mr. Vice-Chair and Sandra, if you put up the tribal motion. I'd move that the Council adopt the preliminary tribal set asides as shown in an item H.8.a, Revised Supplemental Tribal Report 3, November 2019. As the Council has heard under the tribal supplementary, supplemental reports that were provided by the Makah and the Quinault tribes regarding their intend to harvest groundfish during the 2021.

**Marc Gorelnik** [00:23:39] Well let's get a second to the motion and then we can have some discussion. Is this, is the language on the screen accurately reflect your motion?

**Joe Oatman** [00:23:48] Yes it does Mr. Vice-Chair.

**Marc Gorelnik** [00:23:53] Are you raising your hand a second the motion? Okay Aja seconds. Thank you. Speak to your motion, please.

**Joe Oatman** [00:23:59] Yes. So relative to this motion, so this motion is intended to address the tribal supplemental reports that were provided by the Quinault and Makah and especially the Tribal Report. That it, that can be preliminary species-specific set asides for the tribal groundfish fishery.

**Marc Gorelnik** [00:24:26] Thanks very much Joe. Are there any questions for the maker of the motion? Any Council discussion? I'll call the question. All those in favor say 'aye'.

**Council** [00:24:37] Aye.

**Marc Gorelnik** [00:24:37] Opposed no? Abstentions? Motion passes unanimously. Thank you, Joe. Ready for another motion? Maggie.

**Maggie Sommer** [00:00:00] Thank you Mr. Vice-Chair. I am ready to offer a motion if Sandra is prepared with a revised version. That looks like it. Thanks. Referring to Agenda Item H.8, Supplemental GMT Report 2, November 2019, move the Council adopt for further analysis. For action item number

7, additional alternatives, Sandra would you please add an 's' to the end of alternative there, additional alternatives to remove the Amendment 21 trawl, non-trawl allocation for petrale sole and widow rockfish and analyze non-trawl allocations of 30 metric tons of petrale sole and 300 metric tons of widow rockfish with the remainder of the ACL for each as the trawl allocation. For action item number 9, an additional alternative that would create separate mothership and catcher processor set asides with options to establish those set aside amounts based on pro-rata to whiting allocation, needs based, and the Amendment 21 formula. A sub option for the GMT proposed five year average catch alternative for establishing at-sea set asides for stocks with attainment below 90 percent that would use a multiplier of up to 1.2 percent, 1.2. An additional alternative that would create a single canary rockfish at-sea whiting set aside of 20 metric tons as recommended in H.8, Supplemental GAP Report 1, November 2019, and an alternative for a single sablefish at-sea set aside for mothership and catcher processor combined of 100 metric tons, and Sandra would you please in the last line change the CB to a CP as in catcher processor. Thank you. Now the language on the screen reflects my motion.

**Marc Gorelik** [00:02:16] All right, thanks very much Maggie. Is there a second to Maggie's motion? Seconded by Phil Anderson. Speak to your motion?

**Maggie Sommer** [00:02:25] Thanks Mr. Vice-Chair. The start of this motion is adding a few items to what we already adopted for analysis under item number 7. So the first for the petrale trawl and non-trawl allocation, I would refer to H.8, Supplemental GMT Report 1 on page 5 in table 3, it shows that the non-trawl mortality of petrale sole has been a maximum of 9.2 metric tons and an average of 3.6 since 2005 while potential non-trawl allocations under the various alternatives, harvest specification alternatives, range from 170 to 202 metric tons. The trawl sector could certainly utilize more petrale. I do note that although it's small, the non-trawl mortality of petrale has been increasing in recent years with a high of 9.2 occurring in 2018, the most recent year for which we have data, and I understand there may be interest in non-trawl harvest of petrale so that may increase. Analyzing a 30 metric ton fixed allocation along with a no action alternative should provide a good range for analysis and decision. Regarding the widow proposal trawl, non-trawl, this was not in the GMT analysis, so I would like to show on screen some numbers on which this proposal is based. So Sandra, if you could scroll down to the table, we'll see if that fits on the screen. Maybe just start with the top and then I'll move down. This shows the widow rockfish mortality in the trawl and non-trawl sectors from years 2002 through 2018. I'll note that the last two rows are shaded in gray and starred and that just is noting when we shifted from a flat ACL at 2,000 metric tons to a more standard harvest control rule of ACL equal to ABC and so it was, it was higher there and you can see that reflected in the trawl mortality. If you might now scroll down a little bit to the bottom, those two rows, rows show the, what the amendment 21 hardwired allocations of 91 percent for trawl and 9 percent for non-trawl would result in, and focusing on the non-trawl allocations you can see it would be 1,303 metric tons in 2021 and 1,219 in 2022 so quite a bit of potentially unattained fish there, which IFQ could certainly more fully utilize. Widow is the main target of the midwater rockfish trawl fishery. I do note that with potential non-trawl RCA re-openings, catch of widow rockfish in the non-trawl sector could increase, of course our interest that I think we've been expressing of providing some more opportunity for the midwater stocks for a non-trawl fisheries, I'm recommending analyzing a fixed non-trawl allocation of 300 metric tons, which is about 10 times the high from 2018 with the remainder going to trawl. This would still free up a substantial amount of about 900 metric tons for the trawl sector with significant economic benefits. This, as I noted, has not been discussed by the GMT or the GAP, so I would be, I do think there is a benefit in moving it forward here, it will provide some opportunity for some analysis and discussion as well as public review and comment to us on, on this proposal. Some preliminary conversations with non-trawl stakeholders who are here have indicated or indicated that canary and yellowtail are a more desirable target species for them rather than widow rockfish. This would become a two year allocation, so could certainly be reconsidered in the future as our fisheries evolve. As you know, considering these motions or this

motion, I do want to call to our attention to keep in mind for both the petrale and widow alternatives as well as the others is that the more we change from the Amendment 21 formulas to two year allocations, the more we are potentially putting on our plate that will require some attention and effort as we go through our biennial harvest specifications and management measures process. I think these two cases could provide some pretty substantial economic benefits and are worth considering. So Sandra if you would scroll back up to the main motion and I'll speak to the items I have for action item number 9. First sub bullet there is following a recommendation from the GAP and from in public comment yesterday to create separate set asides for the mothership and catcher processors, which the GAP noted these individual values facilitates internal co-op, cooperative self-management, planning and still provides an opportunity for the two at-sea sectors to work cooperatively together. I think that is worth moving forward for further analysis, and then in terms of how those, how the amounts of those set asides would be determined, I've proposed several options here including one that would be pro-rata to whiting allocations, one that would be more needs based and would include some projections based on looking at recent bycatch rates and whiting attainment rates and other factors that the GMT believes should go into that analysis, and then the third one with the Amendment 21, retaining the Amendment 21 formula which we took out of Amendment 21 but we had discussed moving forward and considering continuing to use that, those proportions. The sub, the second hollow bullet there that says the sub option for the GMT proposed five year average catch alternative of using a multiplier of up to 1.2 percent, this would make the set asides 20 percent higher than the five year average catch. This was recommended by the GAP with a note that the buffer might be helpful for some of these stocks and we've also noted that the five year average does include kind of a range of years of more, maybe more focused avoidance, but some differing priorities and avoidance of these species, so maybe reflect some different, different situations that might want to take into account. The second to last sub bullet added based on our discussion earlier and to make sure that the GAP recommendation was captured. This would be related to the GMTs proposal to combine the mothership and catcher processor sector allocations and use a single one and the GAP noted that for canary in particular, 10 metric tons would be too low and I would like the GMT to analyze 20 metric tons. Finally, an alternative for a single sablefish at-sea set aside for the mothership and catcher processor sector combined of 100 metric tons. This one is, I think maybe going to be a little more complex, challenging for us to think about. This is obviously the northern sablefish is a highly attained stock. As the GMT pointed out there is a need to balance not setting it too low, in which case an overage could risk the northern sablefish ACL or setting it too high, in which case you take too much away from the IFQ sector, which certainly has, has demonstrated a need for some more sablefish, so, you know, looking at the information that the historic bycatch provided in GMT Report 2, Table 16 on page 32, looking at the average catch and the recent high catch, this is somewhat in between them and I think it's a reasonable number to move forward for analysis in addition to the no action alternative of a 50 metric ton set aside, and I would hope that some further analysis and advisory body and public recommendations might give us a good basis on which to make, select a number as we get to it. Thanks.

**Marc Gorelnik** [00:11:33] Thank you very much Maggie. Questions for Maggie on the ODF and W Report? Aja.

**Aja Szumylo** [00:11:44] Thank you Vice-Chair Gorelnik. This isn't really a question for Maggie, but I would like to ask Council staff and the GMT to comment on the overall workload that's added by considering the variations in the Amendment 21 trawl, non-trawl splits and you know these variations in the mothership and catcher processor set asides. I'm new to this process and so I don't know how much the workload balloons as we continue to think of different variations on things but maybe the group can comment, or Todd and John can comment?

**Marc Gorelnik** [00:12:18] Looks like Patrick is here to answer your question or try to.

**Patrick Mirick** [00:12:27] Yeah, I mean, to be fair, we have a lot of stuff on our plate. This is something I think that we could get done in addition to all of our other tasks that we have scheduled. It's apparently important to see for us to at least scope all these different approaches for establishing separate boxes for them so we could take a stab at it.

**Marc Gorelnik** [00:12:59] John DeVore.

**John DeVore** [00:12:59] Yes thank you. Just to get a little understanding of how this analysis would likely occurs. We would look at our allocation framework in the FMP and would apply it against alternative allocations to look at equity both geographically and by sector and the needs of all of those sectors. You look at catch history, but you have to put that catch history into the context, you know for some of these species the Amendment 21 allocations were decided when the stock was under rebuilding and, you know, widow rockfish, for instance, now it's a, it's a different need by sectors as access to other stocks is freed up so that's the type of analysis that we would do and there'd be probably some projection about the needs of sectors given anticipated changes for those sectors going forward. So, it's that type of analysis and then we'd look at economic impacts associated with that.

**Marc Gorelnik** [00:14:12] Patrick.

**Patrick Mirick** [00:14:13] One suggestion to streamline some of our workload would remove that third option, Alternative 21 formulas. We just did that and it basically showed that if we maintain that you would strand lots of widow and perch in the at-sea asides that could be desirable to IFQ and at the same time, it wouldn't accommodate the darkblotched potential needs for at-sea, so we've already done that. I don't think that it's as appealing as the other two options from my perspective.

**Marc Gorelnik** [00:14:47] Mel.

**Melissa Mandrup** [00:14:50] I would like to add that the looking at the trawl, non-trawl allocations under Amendment 21 is shaded for June of 2020 to look at in front of the Council. At this time we are not aware of any Council staff or NMFS staff assigned to that item so perhaps it's an discussion that you can take up under workload planning to decide whether or not it's best to handle within spex when we know we have Council staff, NMFS staff assigned to the spex package or wait and see if we have staff assigned for June.

**Marc Gorelnik** [00:15:35] All right. Thanks for that. Let's continue Council discussion. Chuck. Okay.

**Chuck Tracy** [00:15:44] Thank you. I just want to put a cautionary note in here now that, you know as we kind of move through these, these motions and we ask the GMT if they can do this under this motion, then we ask them if they can do something under the next motion and pretty soon, I don't know if they know how to say 'no' very well, but I guess I'd just like to caution the Council to think about maybe saving those questions to the GMT to the end until we have a good idea of everything that's being asked of them so that they can address them all at once and maybe give an opportunity for the Council to set some priorities on some of that workload.

**Marc Gorelnik** [00:16:24] Marci.

**Marci Yaremko** [00:16:28] Thank you Mr. Vice-Chair. I guess like Aja, I was caught by surprise this morning at 7:30 learning of this edition on widow rockfish. I'm certainly supportive of examining alternatives. I mean that's what this process is for. It is November and we have some time yet before we need to finalize our recommendations for the biennial spex process, but I just want to flag that with

regard to widow rockfish, this is a pretty significant change and I appreciate Maggie's opening remarks and I want to echo them. The GMT has not looked at this. I believe that if the GMT had, had the benefit of looking at this, they probably would have offered additional alternatives to consider. Number one, the approach that's proposed here is to set aside 300 tons of widow rockfish where that's a numeric value, where the current allocation scheme is a percentage, the 91 versus 9 percent so this item proposes a change in method, not just a change to the number. So I believe that, you know, the GMT had the benefit of discussing this, we might see some other alternatives. I don't know how much time we want them to spend considering other alternatives and what the priority is for this particular item, at the same time, I, our intention is to provide relief and flexibility where it's needed and so I think I'm kind of on the fence here in terms of whether to add this to the plate, recognizing that it is early but I do have concerns and particularly for the non-trawl fisheries. We are looking to develop those fisheries, particularly for widow rockfish and we are encouraging folks to test new methods with EFPs and we're looking at providing access to new grounds where widow is available for the non-trawl fisheries, so I think signaling that this alternative is the only alternative that we might be considering other than status quo might not send the right message. So again, I'm on the fence here. This is just Council discussion. I do support having discussions like this but I, I just wanted to note that I was caught off guard this morning. Thank you.

**Marc Gorelnik** [00:19:34] Thanks Marci. Further discussion on the motion? Corey.

**Corey Niles** [00:19:42] Thanks Mr. Vice-Chair and thank you Maggie for the motion. Just a brief comment on, under action item 9 on the sector specific set aside. I'll just make a general comment. I'm supportive. I am also thinking about workload, but I'll just comment that we spent, this Council spent a lot of time ensuring that we didn't have hard cap set asides where we didn't, where the conservation purpose didn't require them and so I'm supportive of looking at this, but again, I just want to, these aren't meant to be hard caps and I look forward to talking with, with the mothership and CP sectors over the winter. At this point I'm supportive of the motion.

**Marc Gorelnik** [00:20:36] Further discussion? Aja.

**Aja Szumylo** [00:20:40] Thank you Mr. Vice-Chair. Yeah and to add to Corey's comment. You know even if we were, so between the changes that we made to the at-sea set asides and specifications where we removed the closure mechanism for darkblotched and POP and the changes that we made in Amendment 21-4 that are going to go into effect soon, we've converted everything, all of the, all the former allocations for the whiting fishery and set asides, so there is no management response associated with them. Even if we were to define a, you know, a separate mothership and CP set aside, we are looking at that overall number too then to set the trawl allocation, but there's no management response for the separate groups and there's no management response for that overall number. And so, I just want to make that clear to everyone. They're, yeah, they are, they're simply a set aside now. We, you know, we would not respond to close the fishery in any way around those numbers or, or, you know, monitor catch between the mothership or CP sectors separately that, you know, that's, that's between them and that's, that's not NMFSs responsibility in that case. Thank you.

**Marc Gorelnik** [00:22:00] Thanks Aja. Further discussion on the motion? I'm not seeing any hands so I'm going to call the question. All those in favor of this motion say 'aye'.

**Council** [00:22:16] Aye.

**Marc Gorelnik** [00:22:17] Opposed no? Abstentions? Motion passes unanimously. Thanks Maggie. All right. Further motions? Aja.

**Aja Szumylo** [00:00:00] Thank you Mr. Vice-Chair. I have a motion. I think this is sort of in order. We're going by the action item list Sandra. So, I move the Council include in the range of alternatives for analysis action item 11 in the Supplemental GMT Report 3, Agenda Item H.8.a.

**Marc Gorelnik** [00:00:23] Thank you Aja. That language appears to be accurate. Is there a second? Seconded by Bob Dooley? Please speak to your motion.

**Aja Szumylo** [00:00:33] Thank you Mr. Vice-Chair. Horrible last name spelling. It's OK don't worry... (laughter)... it's always, it's a lifelong problem so, this, so this motion is to move forward for analysis alternatives for accountability measures for the various catch limits that the Council sets through specifications. We, you know we're, our plan, NMFS is planning to over the winter develop a white paper to suggest options for the Council to consider. We've spoken extensively about this in terms of shortbelly. The authorities, the management response that's associated with the ACLs is, is not clear in the regulations for groundfish and so we'd like to develop that clarity for, for what the NMFS response should be and so that the public can understand what NMFS's response should be when we approach ACLs and yeah we again, the focus was on shortbelly, but this is a broader problem across all the catch limits that we have in this fishery.

**Marc Gorelnik** [00:01:32] Thank you Aja. Are there questions for Aja on her motion? Discussion on the motion? I'm not see any I'll call the question. All those in favor say 'aye'.

**Council** [00:01:44] Aye.

**Marc Gorelnik** [00:01:44] Opposed no? Abstentions? Motion passes unanimously. Thank you, Aja. I haven't been keeping track of action items, so I'm not sure. Marci.

**Marci Yaremko** [00:02:02] Thank you Mr. Vice-Chair. Actually, we're just a little out of order. We skipped item 10. So, Sandra, I do have a motion for item 10 please. I move the Council adopt alternatives for analysis, identified in item 10 of the action item checklist in Agenda Item H.8, Supplemental GMT Report 2. These are preliminary two year within non-trawl harvest guidelines or shares for cowcod south of 40° 10'. Consider separate shares within the non-trawl sector. Evaluate a fifty-fifty sharing of commercial non-trawl and recreational. For bocaccio south of 40° 10', combined percentages for the non-nearshore and nearshore fisheries for a total of 30.9 percent. Then for yelloweye rockfish, southern sablefish south of 36° degrees and minor nearshore rockfish north of 40° 10', use the no action proportions, and for blackgill south of 40° 10', the harvest guideline is needed for limited entry and open access trip limit modeling.

**Marc Gorelnik** [00:03:28] Thank you Marci. Is the language on the screen accurate?

**Marci Yaremko** [00:03:32] Yes.

**Marc Gorelnik** [00:03:33] Is there a second? Seconded by Corey Niles. Please speak to your motion.

**Marci Yaremko** [00:03:40] Thank you Mr. Vice-Chair. So, with regard to cowcod south of 40° 10', we are recommending consideration of separate shares within the non-trawl sector. Right now, that pot of fish is shared and there is no specified amount that is set aside for one sector or other. It's, it's been a combined amount for all these years where we've been trying very, very hard to keep our impacts way down. So, by keeping this group of fish together during the period where it's been overfished has allowed us to kind of work with one another to share this very small pot of fish. The pot of fish is now a little bit bigger now that we have entered a period where the stock is rebuilt. However, we are not

moving forward with any retention in these fisheries, but we are making some adjustments to fishing areas and trip limits that we do expect will have increased impacts in both the commercial non-trawl and the recreational fisheries sectors. We haven't had any fishing in these areas or on... and we won't, but we haven't, we don't have any information upon which we might establish a sharing arrangement. The expectation is that, or we know we need this pot of fish for both sectors so we recommend evaluate a fifty-fifty sharing for now with the idea that we know that there will be some increased impacts by both of these sectors, so we want to make sure that it's clear that there is a need by both of these sectors, so fifty-fifty is really just a placeholder for future discussion. I understand that, that does imply an allocation scheme, but I think it's really simply to acknowledge that it is a resource that needs to be utilized by both sectors. So, at this point, we would recommend with moving ahead with an equal sharing for purposes of the numbers that will ultimately appear in the final rule. Again, we'll be looking at this biennially as this stock moves from being overfished to rebuilt and as we see increased impacts that result from our management measures this biennium. With regard to the no action proportions and specifically minor nearshore rockfish north of 40 10, we agree with the GMT's analysis that these proportions are biologically based as each states retain 100 percent of their respective ACL contribution and just flagging that this agreement has allowed for inform, informal sharing and flexibility for a use of this pot of fish over the years, so the no action proportions appear to be working and we recommend continuing with that. Thank you.

**Marc Gorelnik** [00:07:15] Thank you Marci. Is there, are there any questions for the maker of the motion? Is there any discussion on the motion? Not seeing any I'll call the question. All those in favor say 'aye'.

**Council** [00:07:32] Aye.

**Marc Gorelnik** [00:07:32] Opposed no? Abstentions? Motion passes unanimously. Thanks Marci. Marci.

**Marci Yaremko** [00:07:48] Thank you Mr. Vice-Chair. I have another motion.

**Marc Gorelnik** [00:07:53] Please.

**Marci Yaremko** [00:07:56] Okay so this one will address items 12, 13 and 14 in the action item checklist. I move the Council adopt the following 2021, 22 trawl and non-trawl catch control measure alternatives for analysis, working from the action item checklist in agenda item H.8, Supplemental GMT Report 3. Item 12, shortbelly rockfish. Include a shortbelly rockfish alternative that would close the whiting fishery on attainment of an ACT of 2,000 or 2500 hundred metric tons. Item 13 for thornyhead. Options 1 and 2, methods to allow retention of shortspine and longspine thornyhead in the non-trawl commercial fishery from 34 27 to 40 10. Also, daily trip limits of 50 pounds and bimonthly limits of a 1,000 pounds for both species in the aggregate and extend these limits coastwide per the GAP recommendation in Agenda Item H.8.a, Supplemental GAP Report. Then item 14, with regard to salmon troll and incidental retention of yellowtail rockfish, analyze a trip limit change for yellowtail rockfish north of 40 10 and for south of 40 10, analyze the proposal to retain yellowtail rockfish in the non-trawl RCA.

**Marc Gorelnik** [00:09:47] Is the language on the screen accurate Marci?

**Marci Yaremko** [00:09:50] Yes. Thank you.

**Marc Gorelnik** [00:09:52] Is there a second to the motion? Seconded by Louis Zimm. Please speak to your motion.

**Marci Yaremko** [00:10:00] Thank you Mr. Vice-Chair. With regard to shortbelly rockfish, we took action under H.6 earlier this week to revise the ACL for the species in 2020 as an interim measure with a commitment that we would be taking a deeper look at this item over winter. I felt it was appropriate to signal now the consideration of an ACT that is applicable just for whiting in order to ensure that our other groundfish fisheries that might have interactions with the stock are held harmless when we're talking about the ACL. I heard a commitment from the whiting fleet to continue with their non-regulatory avoidance practices such as routine fleet communications and creation of heat maps and all of the steps that I know that they have taken successfully this year to minimize their impacts, recognizing that the year in total for 2019 likely would have been substantially greater had they not taken those avoidance measures. With that said, I feel like we need a placeholder here and some further discussion of an ACT. I was I think compelled by the GMTs analysis that the maximum that the fishery is projected to attain would be under a thousand tons, recognizing that that's very speculative. I feel it's important that we remember our history with the action to establish an ACT or an ACL originally and what the goals were, and yes we have new information now I think to inform us as to what a better suite of accountability measures might be, but I wanted to make sure that we included some alternative here that would allow us to consider this item more comprehensively after we receive more information over winter. So I'm looking at this really as a placeholder, and with regard to the trigger mechanism regarding closure of the fishery, I know that NMFS is very much wanting us to include very clear language about what happens upon attainment of ACTs and ACLs, so I am offering this language again for public review with the hope that maybe there will be other suggestions that come forward between now and April as to what an appropriate action is that would happen upon attainment of an ACT for this particular sector. I want to make sure that we, just like we did with our salmon bycatch in groundfish fisheries, that there is some buffer between the whiting fishery and our non-trawl fisheries and other trawl fisheries so that we don't wind up in a situation where we need to look at management of those other fisheries that are likely to have much, much lower impacts or de minimus impacts on this resource. So that's the intention here. I realize that it's not a perfect or very detailed alternative, but I do think it's important that we keep this item on the list at this time. Moving to thornyhead. These are recommendations that we've received through public comment and also now from our GAP on some trip limit modifications and allowing retention of this species in a part of the coast that currently there is no authorization for thornyhead. So this is I feel like with regard to spex analysis, this is exactly the place to consider these types of recommendations where we're making changes to rules that have been on the books for some time that haven't had a fresh look in a long time, so when it was brought to our attention that thornyhead was, that no retention was allowed in the commercial fisheries from 34 27 to 40 10 we kind of went... oh really? And so, and we've been, I think waiting for the opportunity to take a look at this and consider whether retention is appropriate, so certainly supports options moving forward. Similarly, with the idea, or with the item 14 with salmon troll and the incidental retention of yelloweye, or not yelloweye sorry, yellowtail rockfish incidental to salmon troll operations. There have been recommendations to analyze a trip limit change for the existing authorization for yellowtail rockfish north of 40 10. We heard from constituents in the south that they would like a similar opportunity in their troll fisheries, so again now is the time to consider these recommendations. Thank you.

**Marc Gorelnik** [00:16:01] Thank you. Thank you, Marci. Are there questions for Marci on CDFW motion number 4? Aja.

**Aja Szumylo** [00:16:11] Thank you Vice-Chair Gorelnik. So, one thing about item 11. The groundfish regs define an ACT as a target that is not a limit, so it's not something that we could close the... round.

If you are interested in closing the fishery, closing the whiting fishery, for example, at one of those levels, you would have to structure that as a sub ACL for the whiting fishery. So, it's creating an allocation for the whiting fishery. That is possible, but yet not, not structured the way that the motion is currently, the groundfish regulations won't allow that. I need to check further; I need to discuss further, and I guess check in with the Council on the range of options that Maggie presented in a motion that the Council put forward in September. I am happy to consider an option like this as part of a suite of options that we're considering for managing shortbelly but on its own I don't, I don't I don't think that this is appropriate to just consider this approach. We've discussed ecosystem, we've discussed, there's the groundfish shared ecosystem component option. There are other ACL AM constructs that we could set up for the shortbelly fishery, but I'd like to investigate them all against each other and present that to the Council as a full package rather than considering this one option. So, if, if this is the only option, then happy to take a break and try to draft a motion that includes everything that was in Maggie's motion from the September meeting but I just don't know where we are right now.

**Marc Gorelnik** [00:17:43] Marci.

**Marci Yaremko** [00:17:45] Thank you Mr. Vice-Chair. Thank you Aja and I'm sorry that we didn't have a chance to really coordinate on this before now. I would be more than willing to withdraw my motion and amend it to remove this element and have it refer to the work that you currently have going in progress if that would make things easier for all of us.

**Marc Gorelnik** [00:18:09] Aja.

**Aja Szumylo** [00:18:11] Thank you Mr. Vice-Chair. Maybe remove item, just item 12. I haven't, yeah we can get to the other items in a moment, but I just need to make sure that the, the motion from the last meeting that included a range of options for analysis is, is what we're going forward with.

**Marc Gorelnik** [00:18:34] Corey.

**Corey Niles** [00:18:34] Thank you for the motion Marci and I would just echo what a lot of what the sentiment behind what you're just saying. I think I'm not opposed to looking at this one option, but I think I'm more interested in the Council having a much broader discussion about the full set of things we could look at to achieve our policies with shortbelly and I think Aja covered the thought and I would be curious to know what our range is and if we don't have that range, I think we want that. We want, what we want to come back with in April is some good comprehensive thinking. Again, this could be one of the options but...

**Marc Gorelnik** [00:19:13] Maggie.

**Maggie Sommer** [00:19:17] Thanks Mr. Vice-Chair. I would support removing item 12 here, and I am not interested in seeing an option when we get to discussion of a broader range that would include closure on an ACT, partly because of what Aja just said and I have other rationale but I don't think we need to go into it right now.

**Marc Gorelnik** [00:19:40] Chuck.

**Chuck Tracy** [00:19:42] Thank you. I guess I would suggest that somebody offer amendment to remove that item and then the Council can work on that number 12 at a later time.

**Marc Gorelnik** [00:19:56] Maggie.

**Maggie Sommer** [00:19:58] Thanks Vice-Chair Gorelnik. I move to amend the motion. Sandra would you please strike item 12 shortbelly and all the text under the bullet below it.

**Marc Gorelnik** [00:20:23] Maggie, does that accurately reflect your amendment?

**Maggie Sommer** [00:20:27] Yes. Thank you.

**Marc Gorelnik** [00:20:28] Seconded by Brad Pettinger. Please speak to your amendment as necessary?

**Maggie Sommer** [00:20:32] I think we have. Thanks.

**Marc Gorelnik** [00:20:33] All right. Any discussion on the amendment? I'm not seeing any. I'll call the question. All those in favor of the amendment say 'aye'.

**Council** [00:20:40] Aye.

**Marc Gorelnik** [00:20:40] Opposed no? Abstentions? The amendment, motion for the, the amendment passes unanimously. We're now back to the main motion as amended, which basically is items 13 and 14 on the screen. Any further discussion on this motion? Todd.

**Todd Philips** [00:21:03] Thank you Mr. Vice-Chair. Regarding item number 14, the, for south of 40 10 north latitude, analyze the proposal to retain yellowtail rockfish in the non-trawl RCA. We just had a question regarding that particular bullet point because at least at present, that would be analyzed as part of the non-trawl RCA and that is tentatively scheduled for March and so I just want to confirm that with Miss Yaremko that this is where it needs to be.

**Marc Gorelnik** [00:21:32] Marci.

**Marci Yaremko** [00:00:00] Thank you Mr. Vice-Chair. In the spirit of being inclusive and recognizing that we've received this recommendation through our process to solicit comments for amendments to the biennial specifications, we did include it here. The north has this authorization presently. It is about a trip limit and retention of a groundfish species. I acknowledge that the non-trawl package might be another opportunity to look at that. I'm not feeling a great deal of comfort with the timeline on that package. I'm also concerned that putting thing, I mean, I understood that package to be about looking at wholesale changes or even removals of large chunks of RCA or the CCA, so it was really an agenda item aimed at looking at area management and I think a lot less about fishery specifics or management measures for fisheries so that's why I included it here. I felt like it was natural to have this analysis go on concurrently with analyzing the existing trip permits for this opportunity to the north, so we may learn more that the analytical lift is, is too high, but we're talking about retention of incidentally taken species and activities that are going on today and the request was made in hopes that rather than discard those fish, they can be retained. Thanks.

**Marc Gorelnik** [00:01:52] Thanks Marci. Further discussion on the amended motion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:02:06] Aye.

**Marc Gorelnik** [00:02:06] Opposed no? Abstentions? Motion passes unanimously. Marci.

**Marci Yaremko** [00:02:19] All right. Moving to item 16 and 17.

**Marc Gorelnik** [00:02:30] Please proceed.

**Marci Yaremko** [00:02:33] I move the Council adopt the following 2021 and 2022 season structure alternatives for analysis, working from the action item checklist in Agenda Item H. 8, Supplemental GMT Report 3. Item 16, IFQ based on allocations, trip limits for non-IFQ species et cetera, an unlimited IFQ big skate limit, IFQ blackgill trip limits, inseason monitoring with implementation of an IFQ trip limit of 100 pounds bi-monthly if necessary. Then for item 17, this is the big one. Routine adjustments to the non-trawl RCA configuration, trip limits, sizes, et cetera. Analyze requested changes detailed in GMT Report 3 for north and south of 40° 10', then modify the GAP recommendation on lingcod open access and limited entry trip limits to analyze separate increases for the areas from 42° to 40° 10' and north of 42 degrees separately. Thank you.

**Marc Gorelnik** [00:03:57] All right. The language on the screen accurately captures your motion?

**Marci Yaremko** [00:04:03] Yes. Thank you.

**Marc Gorelnik** [00:04:03] Is there a second? Seconded by Maggie Sommer. Please speak to your motion.

**Marci Yaremko** [00:04:11] Yeah, so on, these are really just straight out of the GMT action item checklist to evaluate. The blackgill item we discussed earlier the need for a new kind of approach with the inseason monitoring of blackgill within that southern slope complex and the implementation of the IFQ trip limit, if that becomes necessary because of approaching attainment of that HG. Item 17, this is kind of our big grouping of requests that have come from the public for trip limit changes, minor modifications to regulations and such. It's a lengthy list. These are the types of things that we look at now so we, they are routine on the list. Thanks.

**Marc Gorelnik** [00:05:14] All right. Thank you. Questions for maker of the motion? Looking around the room to see if there are any, or any discussion on the motion? I see some NMFS conversation. Is that, any comments or questions? Okay. Not seeing any. I'll call the question. All those in favor say 'aye'.

**Council** [00:05:55] Aye.

**Marc Gorelnik** [00:05:55] Opposed no? Abstentions? Motion passes unanimously. All right. An additional motion? Maggie.

**Maggie Sommer** [00:06:15] Thanks Mr. Vice-Chair. Thank you, Sandra, for your organization and help with all of this. I know we don't make it easy. Referring to Agenda Item H.8, Attachment 1, November 2019, I move the Council adopt for further analysis for action items numbers 18, 19 and 20, the recreational management measures described in H.8.a, Supplemental Report 3, H.8.a, Supplemental CDFW Report 1, September 2019, H.8.a, Supplemental CDFW Report 1, November 2019, and H.8.a, Supplemental WDFW Report 1, November 2019. Apparently, you can all read my rationale there so.....

**Marc Gorelnik** [00:07:20] Right. Thank you...

**Maggie Sommer** [00:07:20] Sandra, I actually would like to ask Sandra to add in on the line 2 of the bullet after Supplemental GMT Report 3, would you please just put the date reference of November 2019.

**Marc Gorelnik** [00:07:37] And then push the rationale talking points below.

**Maggie Sommer** [00:07:46] Sure. Thanks.

**Marc Gorelnik** [00:07:48] All right.

**Maggie Sommer** [00:07:48] I'll read them out loud.

**Marc Gorelnik** [00:07:50] All right Maggie, is the language there now accurately reflect your motion?

**Maggie Sommer** [00:07:55] It does.

**Marc Gorelnik** [00:07:55] Is there a second? Seconded by Brad Pettinger. Please speak to your motion.

**Maggie Sommer** [00:08:01] Thank you Mr. Vice-Chair. These are the state's descriptions of measures we will analyze to provide recreational opportunity without exceeding the limits. I note that recent or coming increases in yelloweye rockfish and cowcod will allow a little bit more flexibility than we've had in the past and so our analyses will be able to take advantage of that and for example, in Oregon, our analysis will include the potential for a year round all depth recreational groundfish season, as well as allowing long leader gear on all depth halibut trips, noting that we have also committed to proceeding cautiously with measures that will increase yelloweye impacts and that we have been doing that over the past couple of years and plan to continue that and I guess I would just invite my colleagues from California or Washington to add anything they have to say about theirs.

**Marc Gorelnik** [00:08:57] Thanks Maggie. Questions for maker of the motion? Discussion on the motion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:09:11] Aye.

**Marc Gorelnik** [00:09:11] Opposed no? Abstentions? Motion passes unanimously. Further motions? Further discussion? Todd, how are we doing on this agenda item?

**Todd Philips** [00:09:36] Thank you Mr. Vice-Chair. I believe we are doing very well. We have covered every single item on and more on the action item checklist. I just wanted to double check for item number 12, which is shortbelly, if there is any additional Council discussion on that particular issue that Aja brought up regarding the ACT.

**Marc Gorelnik** [00:09:56] And I was wondering about 12 too since it was removed from that motion. Look around the table and see if there's any direction, further direction on 12? Aja.

**Aja Szumylo** [00:10:08] Thank you Mr. Vice-Chair. I can shoot Sandra the motion from September.

**Marc Gorelnik** [00:10:14] Okay.

**Aja Szumylo** [00:10:16] And maybe she it. So, yeah, I think if everyone, from my perspective this covers what we would need unless the Council wants specific analysis of an exact ACT. A motion, there was a motion yesterday under the ACL the OFL, ABC, ACL agenda item that suggested an ACL, an overall ACL for shortbelly. If there's interest in a specific closure mechanism for the whiting fishery only under that, then maybe we would need another motion for that, but I, as long as everyone's

comfortable with this motion including that range of options for analysis, I'm comfortable without an additional motion to include that.

**Marc Gorelnik** [00:11:21] All right. Thank you, Aja. Let me look around the room and see if folks want to provide further guidance at this time. Maggie.

**Maggie Sommer** [00:11:30] Thanks Mr. Vice-Chair. You know as the, the maker of this motion I think it's sufficient. I will say I'm skeptical about the value of an ACT. I think we had quite a bit of information provided to us under the shortbelly item for 2020 that demonstrated that there is not a conservation concern for either the shortbelly stock or the forage base at harvest levels being considered, and that can be reasonably extrapolated into 2021 and 22 based on the current large abundance of shortbelly rockfish and their lifespan, so I don't see a need for an ACT but it's, it's in the range and I understand we will receive some more information. I believe Aja indicated that the National Marine Fisheries Service would be bringing back some information on these various approaches for us to consider as we move forward. I guess I'd say it is, you know, we heard in public testimony yesterday a suggestion of various, you know, a suite of various responses to when an ACT was reached, and I think some of those were more reasonable, such as a fishery check-in or potential area closures. I'm not sure that those are necessary to specify. I think if we are approaching anywhere near these levels of shortbelly rockfish bycatch, we will be checking in and we'll be hearing from the fleet and they are better, the at-sea whiting sectors are better able to identify and manage their hotspot closures than I think we can do through the Council process, but I am comfortable just retaining this range at this time.

**Marc Gorelnik** [00:13:15] Thank you Maggie. Further discussion? Marci.

**Marci Yaremko** [00:13:20] Thank you Mr. Vice-Chair. Yeah, I would likewise express comfort with the fact that there will be a fair amount of work done over winter by NMFS on various alternatives. As long as the plate, placeholder is preserved in terms of what we might do looking forward that, that was really my intent with that item. Thank you.

**Marc Gorelnik** [00:13:41] Thank you Marci. Further discussion? Chuck.

**Chuck Tracy** [00:13:45] Thank you Mr. Vice-Chair. Well, I'd just like to note what a, what a substantial workload the Council is placing on Council staff and the GMT in particular. You know there's a lot of things here. There's there are items that were scheduled to be taken up in separate actions that have been added into this process, including the Amendment 21 business. So, you know and I guess I'm concerned about the workload. You know in the past we've had some direction from Council to you know, set priorities for what, for the analysis that will occur over winter, starting with the spex analysis, then the routine adjustments and then followed by the new management measures that come later, so I guess I would be interested in hearing some discussion about that. I guess I will remind the Council that the GMT is undergoing some transition at this time and I'm not sure we're going to have quite the capacity that we've had in the past or certainly challenged with losing some of the expertise that longtime experienced folks on the GMT so I guess I'd just be interested in hearing some discussion about that from the Council.

**Marc Gorelnik** [00:15:28] All right. Aja.

**Aja Szumylo** [00:15:33] Thank you Mr. Vice-Chair. I just want to second what Chuck said, I, this is my first time going through this again from the full development side of things and I don't have a sense for how large any of the items that we added to the lists are but I think it would be helpful, I don't know what venue to bring it back in, but yeah be able to compile everything and get some indication of

priority from the Council. I don't know if that can happen later on in workload planning or how we can take that up again but, yeah, I don't, I'm, I guess what I'm saying is I don't envision that a quick discussion right now of relative priority is going to be easy given that we just did this over seven or eight different motions. I think having it all together in a quick table to look through might, might be more helpful for that Council to indicate its priority for different items.

**Marc Gorelnik** [00:16:28] Well that is a heap of work. Marci.

**Marci Yaremko** [00:16:33] Yeah thank you. I'm certainly concerned with workload and acknowledge the limits that we have in capacity and certainly what comes with losing some of our most seasoned veterans in this process. I also wanted to note that as part of this spex analysis, I haven't lost sight too of the fact that we have a pretty big bite on the plate with EFPs. We approved 7 for preliminary review under the EFP agenda item and then we also allowed some room for additional EFPs that we expect to receive in March so when I think about workload with regard to biennial measures, I do consider EFPs as a part of that workload on the plate so I think it's important to consider it all comprehensively.

**Marc Gorelnik** [00:17:32] Phil.

**Phil Anderson** [00:17:33] My recollection of previous biennial cycles, we have come up against this issue in November and later in the process, and my memory is that the priorities of specifications first, routine second, and new third has been our priorities in my, to my memory in the last two different, last two cycles and I don't know that we need, well there may be a need to debate those as to whether those are our priorities for this cycle but from at least my chair, I think those continue to be the priorities, the spex and the routine and the new come third and we can't move forward with fisheries without specifications so that's why it's been on the top of the list every time, and I don't feel a need to get a list and have a new, have a discussion around priorities because I think those still are the priorities.

**Marc Gorelnik** [00:18:53] Thanks Phil. Is there general agreement that's the way we should work it? Chuck.

**Chuck Tracy** [00:19:04] Thank you. Yeah well, certainly I think that's appropriate. That's the way the process has been laid out in our Council Operating Procedures I believe, but I guess the long list of new management measures, I think if there's any prioritization the Council could consider there, the new management, and again, I think good point, Marci, we think we adopted seven or eight EFPs as well and those are not an insubstantial burden as well, so maybe some discussion about how some of those things might fit in.

**Marc Gorelnik** [00:19:50] Guidance? Discussion? Chuck?

**Chuck Tracy** [00:20:06] Not seeing much appetite for this right now, or maybe not, not time to really prepare for this, I realize that we are in a compressed schedule here and just asking the Council to come back with just the overnight to do even put the motions together was a, was a big ask for them. I'm not sure where to go, but you know, I think if absent any guidance, I guess it'll be up to, up to the Council staff and GMT to prioritize workload and see what they can get through and prior to the next step in this process.

**Marc Gorelnik** [00:20:51] Corey.

**Corey Niles** [00:20:52] Yeah thanks Chuck and I don't know if it's possible but excuse me. I don't, Mr. Anderson I think has the general outline the same as mine, I think, but I think the tough choices, if any,

are going to become where I think Chuck's saying under those, under the things that would be in the gray area of between routine and management measures. So, if it is possible for NMFS to by, is it tomorrow already? Yes tomorrow serve up some choices on some of those things for us to weigh in and I think that would be no, I mean Council staff, I think that would be a helpful discussion and then I'm going to, not, not everything but if there, if we could put our, are there some ones we want to talk about should be relatively higher than others and I think our GMT member would remind us that I think in March we'll have a check- in and that's where we will hear back where they need help and, but I think as Chuck said, in that case it's we're leaving it up to the staff to do the priorities, read the tea leaves for us, but I don't know how much time is left. I think there isn't a lot of time but what helps, has really helped is that dialogue between Council staff and NMFS staff about how much analysis is going be needed in the GMT. At this point, yeah, I can't weigh in because I know Washington, I think we are going to want our EFP for collecting the yelloweye rockfish to be a priority. It's hard to weigh in specifically now without, without having more information and I do think that the hard choices are those third category things in the tier that Mr. Anderson spoke to.

**Marc Gorelnik** [00:22:34] I think it's hard for the Council. Things have only just now come into focus in terms of the full workload and it seems like folks aren't really prepared to process that and provide further guidance at this time, so we do have general, as Phil put forward, we do have a general order of things and Council staff will have to, you know, provide some information to us about what, what can and can't be done. I don't know if there's time or appropriate for us to discuss this tomorrow as part of workload planning, but it seems that right now I'm not seeing any appetite for providing direction, but if I'm wrong please let me know. Okay with that proviso that we're concerned about the total workload that we've heaped on to the management team and staff, is there anything further you folks want to put on them under this agenda item? Is there any further discussion on this agenda item? Todd.

**Todd Philips** [00:23:51] Thank you Mr. Vice-Chair. I believe that the Council has adequately and thoroughly completed their Council action for this particular item and with any questions that you have, I'm happy to answer.

**Marc Gorelnik** [00:24:05] All right. Thanks very much everyone. It's a lot of work and thanks to everyone for the motions and the helpful discussion. This concludes agenda item H.8 and allows me to pass the gavel back to Chair Anderson.

**Phil Anderson** [00:24:19] Thank you very much and echo Vice-Chair Gorelnik's thanks to the people who worked over the evening in preparing motions for us.

## 9. Endangered Species Act Mitigation Measures for Salmon – Final Action

**Phil Anderson** [00:00:01] That concludes public comment on this agenda item. Takes us to our Council action, which is displayed on the screen. Any discussion that you wish to have prior to moving to motion consideration. Marci.

**Marci Yaremko** [00:00:21] Thank you Mr. Chair. Just a quick question for NMFS. Can you refresh me on exactly what the ITS says about 20,000 chinook?

**Aja Szumylo** [00:00:34] Okay so the 20,000 chinook, so the overall, the highest level thing you need to know is that is the level that triggers re-initiation of the biological opinion and it also is a, is a hard cap for closure of the groundfish fishery so all the sectors that are included in the non-whiting and whiting side of the fishery are closed down at that level. If you need additional details beyond that I'm going to need to pull out....

**Marci Yaremko** [00:01:03] That, that's fine so it, it does specify closure of all groundfish fisheries on attainment of the 20,000 number? I just want to clarify that.

**Aja Szumylo** [00:01:13] Yes, yeah and we have a, we have a closure mechanism built into the regulation.

**Marci Yaremko** [00:01:17] Okay great thank you. So, we don't need that. It's already there?

**Aja Szumylo** [00:01:23] Thank you. Sorry I keep speaking out of turn. Yes it is, so in the 19/20 specifications we put it in, excuse me (cough), we put enclosure mechanisms for the guideline plus reserve for both the whiting and non-whiting sides of the fishery and then an overall closure for the 20,000 level, so we did, we did a portion of the requirements for the biological opinion in previous actions and then now we're just picking up the final bit here relative to access to the reserve.

**Marci Yaremko** [00:01:55] Thank you.

**Phil Anderson** [00:01:57] Any other discussion? Maggie.

**Maggie Sommer** [00:02:02] Thanks Mr. Chair. Mr. Dooley raised a question maybe about what constitutes a co-op specifically and what the definition of a co-op is and I guess I'd be interested in asking if National Marine Fisheries Service thinks that, that is an issue we need to consider specifically here?

**Phil Anderson** [00:02:30] Aja.

**Aja Szumylo** [00:02:30] Thank you Mr. Chairman and thank you Maggie for the question. The Council, if the Council has some guidance on what it would like to consider a cooperative, we could absolutely take that into consideration when we're writing up the regulations for this. The, so the way we set up the application process for evaluating these salmon mitigation plans is that they'd be submitted at the beginning of the fishing year before we do the final permit issuance and review process for the mothership and cooperative, and catcher processor sectors and so we're envisioning pulling in the existing shoreside cooperative into that process right now. The way we'd look at it as we'd look at a salmon mitigation plan that had vessels signed onto it and so we would consider that grouping as some kind of cooperative but I don't, we don't have any further definitions around that because it's a voluntary grouping of vessels agreeing to act a certain way together, but there are no other definitions around

what constitutes a cooperative other than the permit requirement to fish in that portion of the fishery.

**Maggie Sommer** [00:03:42] Thanks.

**Phil Anderson** [00:03:44] Any other discussion or questions? We're going to take a short break before we come back and take up motions so I've got 9:40, we could do our extended break right now to for check out and, so to speak kill two birds with one stone, so why don't we go ahead and do that and how about 10:05, be back at 10:05.....(break). Get back to our seats and we'll reconvene. Just wanted to check if I heard the sweet sound of donuts back over that away a little while ago on Lori Steele's phone. Did I hear that correctly?... (laughter-background chatter) ... all right. We'll put Lori in the queue for the March meeting... no she left. Okay we are on H.9, our ESA mitigation measures for salmon in our groundfish fishery. We've heard our staff report. Received a report from the GMT, the GAP, comments from the public, a little bit of discussion around the Council table so unless there is additional discussion to be had I would look for a motion. Maggie.

**Maggie Sommer** [00:06:14] Thank you Chair Anderson. I'd like to offer a motion. Thanks. I move the Council adopt the following final preferred alternatives for salmon bycatch mitigation measures in groundfish fisheries. Block Area Closures. Block area closures would be developed as a routine inseason mitigation tool for salmon bycatch in the midwater trawl fisheries in the whiting and non-whiting sectors. This is our PPA. Extension of block area closures for groundfish vessels using midwater trawl gear to the western boundary of the Exclusive Economic Zone and to the 700-fathom curve for vessels using bottom trawl gear. Develop regulations to allow for the extension of any block area closure seaward of 250 fathoms south of 46 degrees, 16 minutes north latitude, 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, and this was also our PPA. Selective Flatfish Trawl Net Requirement. Selective flatfish trawl nets would be available for use as a routine inseason mitigation tool to address salmon bycatch in the groundfish bottom trawl fisheries. That was also a PPA. For Pacific Whiting Cooperative Agreements. Develop regulations to allow each whiting sector co-op to develop salmon mitigation plans for approval by the National Marine Fisheries Service. This is also a PPA with a minor revision below to the reporting language. Include a requirement for annual season summary reporting to the Council and the National Marine Fisheries Service describing the use of salmon mitigation measures and an evaluation of the effect, the effectiveness of these avoidance measures. Automatic authority for NMFS to close trawl sectors and preserve 500 Chinook salmon for fixed gear and select recreational fisheries. Develop an automatic action authority that would close all trawl fisheries at 19,500 chinook and non-whiting trawl fisheries at 8,500 chinook. And there's another page Sandra. Development of Reserve Access Rule Provision. 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 cooperative salmon mitigation plans in each of those sectors. The requirement for Council or NMFS action to minimize chinook salmon bycatch for access to the reserve by shoreside whiting co-operative vessels would be satisfied upon approval by NMFS of a shoreside whiting co-operative salmon mitigation plan. Individual vessels are not eligible. If there are vessels participating in the at-sea or shoreside whiting fisheries that are not members of a whiting co-op, then additional actions by the Council or NMFS will be needed to minimize chinook salmon bycatch, for example block area closures, prior to allowing access to the reserve by those vessels. Vessels fishing under an approved salmon mitigation plan may be exempt from additional salmon mitigation measures. Performance of sound mitigation plans will be evaluated via the scorecard and inseason status reporting approach described in agenda item H.9.a, Supplemental NMFS Report 1, November 2019 on page 2, sub bullet, pardon me, bullet three, sub bullet one. The Council will have the option of implementing

additional mitigation measures, for example, block area closures, even if access to the reserve was automatically granted through the adoption of the salmon mitigation plan if the salmon mitigation plan measures are not sufficient in mitigating salmon bycatch as determined upon inseason review at regular Council meetings. That concludes my motion.

**Phil Anderson** [00:10:13] Thank you Maggie. Just confirming the language on our screen accurately reflects your motion?

**Maggie Sommer** [00:10:23] Yes.

**Phil Anderson** [00:10:23] Thank you. Is there a second? Seconded by Bob Dooley. Speak to your motion please.

**Maggie Sommer** [00:10:29] Thanks Mr. Chair. We are addressing here the remaining terms and conditions 2B and 3A of the 2017 biological opinion. I'll go through and speak to the individual elements of the motion here, and as I do, I'll hopefully address some of the questions and points raised by the National Marine Fisheries Service in their supplemental report, as well as by the Enforcement Consultants, GAP and GMT. So regarding block area closures, these will be developed as a routine inseason measure for midwater trawl fisheries coastwide because their size variables, spatial closures and bounded by common latitude lines and depth contours, they're highly flexible in terms of size and they could be used to close specific areas of unexpected high salmon bycatch. They can be implemented by sector and for a specified length of time. BACs would allow for the fishery to remain open in areas outside of the block area closure. I note that block area closures like bycatch reduction areas are applicable only to non-tribal vessels. Washington was not included here, speaking to the extension, Washington was not included because the Council, we originally examined adding the seaward most edge of the EEZ as the western boundary for any block area extension coastwide, however as block area closures were not developed for vessels fishing with bottom trawl gear off of Washington during development of Amendment 28, the Council chose not to develop the option of the 700 fathom line here as a depth boundary for waters north of the Oregon Washington border to remain consistent with the intent of Amendment 28, and this was information that was provided again to us on the regulatory impact review. Additionally, the Council decided not to pursue extending the available block area closure boundary for vessels fishing with midwater trawl gear beyond 250 fathoms off of Washington. The intent for the extension is to be able to, to expand any block area closures out to close beyond the 250 fathom boundary in order to mitigate incidental salmon bycatch, while generally low in depths greater than 250 fathoms for trawl fisheries, salmon distribution is known to extend into those depths and if incidental bycatch events occur without this provision, the Council would be constrained only to the 250 fathom depth contour as the seaward boundary for a block area closure. On selective flatfish trawl requirement, these nets are effective at excluding chinook due to their behavior and strong swimming ability. This would make selective flatfish trawl nets available as a routine inseason mitigation measure that the Council could implement to minimize salmon bycatch in the bottom trawl fishery and we could link this, the use of selective flatfish trawls in conjunction with a block area closure so that if we were to implement a block area closure for bottom trawl, well, we could consider allowing bottom trawl vessels to continue fishing within that block area closure if using selective flatfish trawl nets. It provides for flexibility and efficiency particularly for those vessels that already own a selective flatfish trawl net. Pacific Whiting Cooperative Agreements or operational rules. Here the provision to allow salmon mitigation plans is, the salmon mitigation plans would represent an action to allow a sector access to the reserve in an unexpected high bycatch year. Such an action is necessary to allow reserve bycatch. Note that the co-ops have developed a self-management system that governs their effort and is in general, requires consistent communication between all parties directly involved with the fishery, including vessel operators, co-op board members, et cetera, both within and among the

fisheries in the whiting sector. Each co-op, through their management structure reviews daily catch reports, obtains information from vessels fishing, decides where their fleet should fish in order to avoid bycatch while targeting whiting, and in general their government systems require vessels to abide by the co-ops rules and if warranted, based on those rules, can implement vessel level accountability measure. This is a system which allows the industry to be very effective at avoiding bycatch and it provides the opportunity to mitigate bycatch concerns in a rapid manner. I note that there is an overview of the tools generally employed a little bit more expansive than what I just mentioned in the regulatory impact review and in general taken together, this, it really illustrates the effectiveness of co-ops and their approach to salmon mitigation. The, I would note that salmon mitigation plans should contain the minimum elements described in Supplemental NMFS report under this agenda item and also note that in the minor revision to the language here, which was based on the part on the GAP's recommendation, our intent is certainly for annual season summary reporting that gives us an understanding of the general effectiveness of the salmon mitigation plan approach overall and the individual plans in terms of performance in reducing salmon bycatch but we don't necessarily need a detailed blow by blow reporting of every individual high bycatch event. The GAP did comment on the word effectiveness and they had some concerns that it maybe would be challenging to evaluate quantitatively the effectiveness and I believe that's true. I don't think this needs to require, needs to refer to a quantitative evaluation necessarily and I noted that in the NMFS supplemental report they recommended that this, this be included because it would help NMFS comply with term and condition 6.a.3, which requires a summary of bycatch reduction measure use and an evaluation of their effectiveness. On the automatic authority for NMFS to close trawl sectors and preserve 500 Chinook salmon for fixed gear and select recreational fisheries. We did hear quite a bit from the Groundfish Management Team about if they don't believe that any action here is necessary, that the existing mechanisms, existing closure points and inseason processes and, and pardon me whiting co-operative approaches are sufficient and I, you know I think that I agree with that, however, I also want to recognize the, the importance of protecting our non, our non-trawl fisheries from potential impacts here in, in that one in a million chance and you know given the sensitivity of the chinook bycatch issue, I think it is reasonable action to take here as I'm recommending to add these two closure points which were recommended in the NMFS supplemental report here and also supported by the Groundfish Advisory Subpanel, and this was also the GMT's proposed modification to the Councils preliminary preferred alternative, so these, adding these new numbers would not vacate any of the existing closure points in a rule, the 20,000, the guidelines for each of the, each of the sectors, the reserve points, this would, these are the places where that 500 would be taken off of several existing closure points in order to ensure that, that 500 is preserved. All right last page. Development of the reserve access rule provision. As I noted before, a reserve rule, a reserve access provision is required to be in compliance with the buy-op. The cooperatives under this would have the opportunity to prepare and submit salmon mitigation plans for approval, which would result in them being able to access the reserve without further mitigation measures, unless the Council determines inseason that additional measures are necessary. So, under this motion it would provide an opportunity for cooperatives in the at-sea or shoreside whiting sectors to prepare and submit salmon mitigation plans, but not individual vessels. Wanted to really again point to the cooperatives very effective communication and self-management, self-enforcement structures that allow them to be a much more effective entity at reducing salmon bycatch than an individual vessel would be able to. I also want to point to the Enforcement Consultants note that they had concerns as well about the enforceability of multiple individual and potentially different salmon mitigation plans on individual vessels. Under this, as I said, vessels fishing under an approved salmon mitigation plan may be exempt from additional measures, however I do want, we would retain the opportunity that, you know, even if they were fishing according to their salmon mitigation plan or they had approved salmon mitigation plans, if there was very high salmon bycatch through our normal check, check-in process at Council meetings, we could still choose to implement an additional measure such as a block area closure if we thought that was important. Regarding the questions on how compliance would be evaluated inseason.

Adherence to salmon mitigation plan provisions and the salmon mitigation plans themselves would be evaluated via the scorecard and informal season status reporting approach but described in the NMFS report and also as Miss Nayani commented on in public testimony. I think we're very familiar with that. And finally, under this I would recommend that NMFS address the Enforcement Consultants recommendation number five to allow for enforceability of the reserve access provisions such as through the use of salmon mitigation plan related VMS declaration codes. And then just a couple of general comments in, in conclusion I would request that NMFS continue to coordinate with Council staff and fishery participants as regulations are developed. We loved seeing these draft regulations. It was very helpful to this process and you know we've made some, some changes from our preliminary preferred alternative here and we'd appreciate that and hope that the coordination will continue. If I didn't cover it earlier regarding the EC report question on enforcement of provisions of salmon mitigation plan provisions, I would suggest that they be addressed administratively through the co-ops or NMFS. We would not be expecting you know other enforcement of those. Regarding the GAP recommendation that for chinook bycatch accounting and the desire for a census rather than sampling, I do want to note that again the Northwest Fisheries Science Center has indicated that they would look into it and NMFS will report back to the Council and we'll have a better, we can have a discussion and a better understanding after we refresh our knowledge on the current process before determining whether we feel any recommendation is appropriate or needed. Penultimately the GAP, regarding the GAP recommendation to develop a donation problem for chinook salmon bycatch, I think we'd all be very much in favor of that going to you know donation if possible. I'm not sure it's a Council action item at this point, but would be interested in learning more off, offline about it. And then winding down I do note the correction that the GAP commented on and confirm that the Council does not intend to use selective flatfish trawl as a mitigation measure for whiting vessels. Thanks.

**Phil Anderson** [00:22:51] Thank you Maggie. Discussion on the motion.

**Phil Anderson** [00:00:01] Marci.

**Marci Yaremko** [00:00:01] Thank you Mr. Chair. I'd like to offer an amendment. On the item pertaining to automatic authority for NMFS to close. After the number 19.5 chinook. Nope, it's not looking right on the screen.

**Phil Anderson** [00:00:43] She'll get there. Just give her a minute.

**Marci Yaremko** [00:00:43] There we go. Okay so after the comma, the remaining language, please strike 'and non-whiting trawl fisheries at 8,500 chinook' and replace with 'non-whiting trawl fisheries at 9,000 chinook and whiting trawl fisheries at 14,500 chinook.'

**Phil Anderson** [00:01:43] And I believe the language on the screen accurately captures your motion?

**Marci Yaremko** [00:01:47] Yes it does. Thank you.

**Phil Anderson** [00:01:49] Is there are a second? Seconded by Louis Zimm. Speak to your amendment please.

**Marci Yaremko** [00:01:59] Thank you. We've been working on this action for quite some time now, I think over a year and I have never viewed any of these items in, otherwise in this motion to be substitutes for hard caps on our trawl fisheries. That's what I understood is intended in the ITS and the buy-op. The idea that we would leave here without a hard cap on a trawl fishery sector to me is, is not where I want to see things end. BACs, co-op rules, SMPs, inseason use of selective flatfish trawl gear, those are all

tools that I believe have been requested to help sectors stay within their respective allocated amounts. Those items help individual operations as well as sectors minimize their take, but yet continue to operate and there's been an awful lot of good work done by all of the various groups to develop this suite of rules that help sectors stay within their respective allocations, allocations the wrong word here, but their respective limits, but in my view there was never any intention that we move away from the hard caps and establishing them formally in a role. So I believe an automatic action is necessary for these trawl fishery sectors at the value levels that would include their respective amounts, so that would be the 11,000 fish for whiting, the, plus the reserve amount of 3,500 which gets us to the 14,500 number you see on the screen. Similarly, for the non-whiting trawl sectors, their amount is 5,500 fish plus the reserve amount. So automatic action means closure and I think what we need to say here is that when you have taken the amount that you have been given, plus that full reserve, you're done and I don't think there's any, any reason for us to leave any gray area about that. Thank you.

**Phil Anderson** [00:04:45] Thank you. Discussion on the motion? Aja.

**Aja Szumylo** [00:04:49] Thank you Mr. Chair. So, and I'm sorry I didn't get to clarify earlier when you asked the question, but those, those exact closures are already in regulation through the 19/20 specifications, so I totally agree with you those are requirements of the ITS and they exist already. That 8,500 one is necessary to address the non, the non, so it's the non-whiting trawl portion of catch and I think excluding that potentially takes away the benefit of having those two mechanisms there to maintain catch for the fixed gear fishery, so I would recommend putting that back in. We'll vote against that, the amendment to the motion, but the additions that you made aren't necessary because they're already in regulation.

**Phil Anderson** [00:05:48] Marci.

**Marci Yaremko** [00:05:49] Thank you Mr. Chair. So, you're saying for the non-whiting trawl fisheries, we already have a limit that is at 8,500 chinook that's in rule? Or is it? We have no limit for that sector. It's just the whiting sector.

**Aja Szumylo** [00:06:09] Thank you Mr. Chair, Miss Yaremko. So, the, for the non, for the non-whiting trawl fisheries, we need the 8,500 number, not the 9,000 number. The 9,000 number is already in regulation to close the entire non-whiting portion of the reserve.

**Marci Yaremko** [00:06:25] Okay great.

**Aja Szumylo** [00:06:25] Or the guidelines that's reserved.

**Marci Yaremko** [00:06:26] Thank you.

**Aja Szumylo** [00:06:27] And then I'm running away. Thank you, guys.

**Phil Anderson** [00:06:29] Where did that... did somebody? Marc Gorelnik.

**Marc Gorelnik** [00:06:44] Yeah I think that leaving the 9,000 in there doesn't hold the fixed gear and select recreational fisheries harmless because that 9,000 is an automatic closure as I understand it so unless I'm not getting something which is entirely possible, I agree with Aja that needs to be 8,500.

**Phil Anderson** [00:07:07] Maggie.

**Maggie Sommer** [00:07:10] Thanks Mr. Chair. Thanks Marci. I agree with your comments and I, I had the opportunity during the break to talk with Aja and try and walk through the table in the supplemental NMFS report with the closure points and so it's my understanding that with the additions that I proposed in my original motion here, we would have automatic closures for the non-whiting trawl fishery at 8,500. All non-trawl fisheries at 9,000. The whiting fisheries at 14,500. All trawl fisheries together at 19.5 and then the entire groundfish fishery at 20,000.

**Phil Anderson** [00:08:01] Chuck.

**Chuck Tracy** [00:08:02] Yeah thanks. Just to clarify for Kelly, I guess. So, Aja stated that this was in regulation already that the, so the non-whiting trawl fisheries would close at 9,000 or the non-whiting fisheries would close at 9,000. Which of those two is in regulation? Kelly.

**Kelly Ames** [00:08:25] Thank you. I'd like to bring up Karen Palmigiano to specify.

**Phil Anderson** [00:08:29] Karen.

**Karen Palmigiano** [00:08:35] Good morning Council. So currently in regulation we have the 20,000 closure, which is all groundfish fisheries. We also have a closure if a sector takes their guideline and the reserve, so there's currently a closure in regulation for whiting at 14,500 and there's currently a closure for non-whiting at 9,000 that closes all of non-whiting, including recreational and fixed gear. If you would like to reserve 500, we would need the additional 8,500 to close just the non-whiting trawl fishery, which would then keep that 500 open for rec and fixed gear and then close all of non-whiting at 9,000.

**Phil Anderson** [00:09:20] Chuck.

**Chuck Tracy** [00:09:20] So then, so then just to be clear that this exact language is not in regulation so....

**Karen Palmigiano** [00:09:27] This language, sorry Mr., Mr. Tracy....

**Chuck Tracy** [00:09:30] It says that non-whiting trawl fisheries at 9,000. That is not....

**Karen Palmigiano** [00:09:35] That's correct. Currently at 9,000 it's all of non-whiting. This would close... this in a way is almost moot because we already close all, all of non-whiting at 9,000, which includes trawl. By putting this in here we don't hold anything in reserve for the fixed gear and recreational sector.

**Phil Anderson** [00:09:58] Marci.

**Marci Yaremko** [00:10:02] Thank you Mr. Chair. Well this comes as a little bit of a surprise. I don't understand why we would have a rule that would close all non-whiting fisheries on attainment of the 9,000 fish threshold. It sounds like it may be a vestige of history if I'm understanding how the grouping of non-whiting occurs, but I don't believe we would have ever intended that our non-trawl commercial fisheries and recreational fisheries be subject to a closure at a level of 9,000 chinook. I, I believe as I recall, when the buy-op and the ITS came to our attention, we found ourselves surprised that the non-trawl commercial fisheries and the recreational fisheries were subject to the buy-op and the ITS, but I have difficulty thinking that I, that we would have recommended that those two sectors be held to a

standard of 9,000 fish collectively with the non-whiting trawl sector. So, if that's, if you're telling me that, that is the case, then I guess I would ask is this our opportunity to correct that?

**Karen Palmigiano** [00:11:30] Thank you for the question Miss Yaremko. Yep so the 9,000 number is the threshold plus the reserve. So, the non-whiting, all non-whiting fisheries in the buy-op were given a threshold of 5,500 and that does include the recreational and fixed gear fisheries. If they take their threshold plus the 3,500 reserve, we get a total of 9,000 and the buy-op does require us to close either the trawl or non-trawl sector upon their attainment of their threshold and the reserve, so that's where that 9,000 does come from. If you do want to hold the non-trawl folks, that's where this 500 would come from, so then I would recommend that you have a trawl, a non-whiting trawl closure at 8,500. We already close all of non-whiting trawl at 9,000. That's not something we can fix at this time. That's hardwired into the buy-op. It requires us to close a sector upon reaching their threshold plus the reserve, but if you want to hold an amount for the non-trawl folks, then I would recommend going back to Miss Sommers motion of 8,500 closure for the non-whiting trawl fishery and that would keep 500 for the rec fishery and the non-trawl sector, and that's the number that we came up with, that's their high times two. It gives them a lot of buffer and things in there as well.

**Phil Anderson** [00:13:00] Yeah, my memory is, well first of all the buy-op has to do with our groundfish salmon taken on our groundfish fisheries, regardless of whether it's recreational or trawl or non-trawl. There may have been a time when we were surprised that the rec fishery was included in that, but I certainly remember when we learned that it was and then at that point we wanted to think about a mechanism by which we could protect the rec fishery and the fixed gear fishery and so that's when we went down this road of looking at an alternative that preserved the 500 chinook salmon for fixed gear and the recreational fisheries to avoid having them be closed by actions associated with the trawl fishery and so the way the motion was originally structured provided the protection for the fixed gear and recreational fisheries by setting aside that 500 while maintaining the automatic closures for the whiting fishery at the 14.5, assuming they used all the, the reserve or the non-whiting fishery at 8,500 thereby reserving that 500. So that's as I remember us in the sequence and as this played out, the sequence that we went through and the measures that have been suggested to us to respond to the perspectives from the Council that we wanted to try to find a way to ensure that the chinook salmon were, that small number of chinook salmon taken in those two sectors didn't close it down.

**Phil Anderson** [00:15:05] Marci.

**Marci Yaremko** [00:15:06] Thank you Mr. Chair. With, with this discussion, I was not understanding correctly what existed currently in rule and in the buy-op with regard to the non-whiting sector as a whole, so with these clarifications and with this discussion I will happily withdraw my amendment.

**Phil Anderson** [00:15:28] And the second agrees with the withdrawal of the amendment? Okay the amendment is withdrawn. We have the main motion back in front of us as originally proposed. Further discussion on the main motion? Seeing none I'll call for the question. All those in favor say 'aye'.

**Council** [00:15:52] Aye.

**Phil Anderson** [00:15:52] Opposed no? Abstentions? Motion carries unanimously. Let me turn to Mr. Phillips and ask him if there is additional action we need to take under this agenda item.

**Todd Phillips** [00:16:11] Thank you Mr. Chair. No, at this, at this time you have completed your work on this particular item, and I would thank the Council for your diligent and hard work over the, I guess, past almost four years. I would also like to bring the attention to the Council to express my appreciation

for the assistance that I received from Miss Doerpinghaus and Mr. Hooper on this particular action. Thank you.

**Phil Anderson** [00:16:37] Okay before we leave this agenda item, let's check Patrick's happy meter over there and see if it's on high... (laughter)... good. All right.

## 10. Final Action on Inseason Adjustments – Including Whiting Yield Set-Asides for 2020

**Marc Gorelnik** [00:00:00] That takes us to Council discussion and action, which appears up on the screen. I don't need to read it. Let me look around the table and see if folks want to chat about this or if someone has a motion?

**Chuck Tracy** [00:00:18] Marci.

**Marci Yaremko** [00:00:18] Thank you. Can I ask for a pause?

**Marc Gorelnik** [00:00:27] Sure. Let's take five.

**Marci Yaremko** [00:00:28] That would be great.

**Marc Gorelnik** [00:00:29] All right. Five minutes. 11:37 we'll come back at 11:42... (BREAK)... Please take any conversations that can't be interrupted outside and if you're a Council member maybe come to your seat.

**Phil Anderson** [00:00:51] Or the Executive Director.

**Marc Gorelnik** [00:00:54] Same for the Executive Director. All right let's take our seats. I'm going to look around the table and see if we still have a quorum. I think we do. All right. Council action and discussion. I'm going to look around the table to see if there's any discussion or a motion. Corey.

**Corey Niles** [00:01:36] Yeah thanks Mr. Vice-Chair. I have a motion, a pretty simple one that I think Sandra might have ready, and I move that the Council adopt the 11 recommendations listed on page 15 of Agenda Item H.10.a, Supplemental GMT Report 1.

**Marc Gorelnik** [00:02:03] All right, Corey, thanks for that motion. Is the language on the screen accurate?

**Corey Niles** [00:02:08] Yes, it is.

**Marc Gorelnik** [00:02:10] Look for a second. Seconded by Maggie. Please speak to your motion.

**Corey Niles** [00:02:15] I'll just say I think we've, we have again a very thorough GMT report and analysis following our routine here for setting up the trip limits and set, and things like the research set aside for next year and I think I don't need to speak to any of the items. They're thoroughly explained and again, we see signs of excellent communication between the GMT and the GAP. I thank them for that and that their recommendations are aligned, and I will stop there.

**Marc Gorelnik** [00:02:46] Thanks, Corey. Questions for Corey or discussion on the motion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:02:59] Aye.

**Marc Gorelnik** [00:02:59] Opposed no? Abstentions? Motion passes unanimously. Does the Council have any further discussion or action on this agenda item? Todd, how are we doing?

**Todd Phillips** [00:03:18] Thank you Mr. Vice-Chair. Yes, I believe that you have adequately addressed both of the two actions that are shown on the screen and that you may likely conclude this business as appropriate.

**Marc Gorelnik** [00:03:32] All right. Thanks very much Todd. Thanks Council. Many thanks to the team and the GAP for their work on this.

## I. Administrative Matters

### 1. Legislative Matters Including the Modernizing Recreational Fisheries Management Act Report to Congress

**Phil Anderson** [00:00:00] Takes us to Council action, consideration of the information we heard from the SSC, the Highly Migratory Species Management Team, and the Legislative Committee's Report and their recommendations. Caren.

**Caren Braby** [00:00:21] Good morning. I have maybe a question for Kelly or for Jennifer. There are some suggested changes that are maybe more copy-editing kinds of suggestions as well as some discussion items on the report and I just wanted clarity on how to kind of go about those without making this a group wordsmithing process.

**Phil Anderson** [00:00:50] Jennifer.

**Jennifer Gilden** [00:00:51] Mr. Chairman, Miss Braby. I'm sorry, did you say copy-editing comments? I didn't understand....

**Caren Braby** [00:00:59] Yeah, I have some comments on the report, suggested improvements. Some of them are very minor suggestions, which I would be happy to kind of go through but is that a good use of our time?

**Phil Anderson** [00:01:17] Well I'm certain it would be. Any comments that you would have I'm sure would be welcome by the Council.

**Caren Braby** [00:01:26] So I'll just go ahead and maybe I'll pause, because maybe some of them might be different than what other folks want to address.

**Phil Anderson** [00:01:36] Okay.

**Caren Braby** [00:01:37] So the first one is on, there aren't page numbers. Add page numbers is first comment. I'm not seeing page numbers, but on the report, page five at the top in the section that is talking about types of data and analysis used in fishery management. I just wanted to note that in the description of fishery dependent and fishery independent data, there are some uses of those, there are some other things that are not represented that those data are used for like calculating catch rate, for example, that aren't listed in there and I think just as in looking through the report, it's a great report, you know, I think I'm glad that we have a chance to look at it. There are some areas where it seems like there's very little amount of detail and, and many of my comments are about kind of maybe adding a little more detail in areas so that's, that's one. I'm a little bit further down the page in the paragraph on catch. The last sentence of that paragraph simply says different methods are used for the Pacific Coast, which might be something that could be augmented a bit to describe more about what it is that we do to document effort and catch on this coast, which is something that we're quite proud of, our ability to get really rigorous fishery landings information. The next page under inclusion of state and nongovernmental sources, the sentence and actually, Jennifer, you highlighted this in your presentation, the sentence starts, additionally nongovernmental datasets most frequently those collected by state agencies. Typically, I think of myself as a government employee so I would just rephrase that so that it's state agencies and other nongovernmental sources of data. The following page, about in the middle of the page, the paragraph that starts 'NMFS has also improved recreational catch', the last sentence there that speaks to maintaining the program's commitment to continuous improvement of survey

design and results. I would just highlight that we want to stress that the agency that, that NMFS receives the funding it needs to do that and so that may be a location where that kind of comment could be included. Certainly, as a state person, I would want that represented to Congress. I'm not sure if that's appropriate in the report from NMFS to Congress, but just noting that. A couple more comments and then I'll be done. Let's see a couple of pages forward in the paragraph before citizen science guidance. Here's a copy-editing, the fourth line down, advice for stocks that cannot be assessed by NMFS in a timely fashion would make sense, and the last three sentences in that same paragraph, which is talking about external assessments, I would just note that this seems to be a description of problems with other Councils receiving external assessments and causing disruption and perhaps this would be a place to indicate that the Pacific Council doesn't experience this. We have a fairly rigorous stock assessment protocol process and that's of note and to be modeled. The following page under recommendations and specifically in the section for NMFS and Fishery Management Councils, it seems like this is another place to stress that sustained and adequate funding for stock assessment surveys for fishery independent surveys and so on, things like the trawl survey should be continued and augmented to match funding needs to support science approach, so that's probably another bullet, again, not sure whether that's appropriate for NMFS to say to Congress, but certainly from the Council's perspective I think that's something that we would like to see. The end.

**Phil Anderson** [00:07:04] Okay. Thank you very much for those recommendations. My understanding that this is a draft report and that the Council has the opportunity to provide recommendations to National Marine Fisheries Service on their report. Is that correct?

**Jennifer Gilden** [00:07:24] Yes, that is correct.

**Phil Anderson** [00:07:25] Okay and I know the Legislative Committee reviewed the report but did not have any recommended changes and so I'm wondering if Dr. Braby you would be willing to put those recommendations in, write those up and then we, given that we've all had an opportunity to hear what Caren's recommendations are we could put those in the form of a, some sort of a communication letter to Chris Oliver or whomever the right person is to send our comments to and that could be put together as a letter from the Executive Director or the Chair to National Marine Fisheries Service. Correct? Okay. Let me look around the table at my colleagues just you've had an opportunity to hear what Caren's review and her recommendations are for the Council to make comments on the draft. Are there any concerns with those recommendations? Okay, so we're all good? So is there concurrence around the table that we take those recommendations and put them in letter and convey those to National Marine Fisheries Service. Is there objection? Marci.

**Marci Yaremko** [00:09:06] Just a question. Is there a review process for that letter?

**Phil Anderson** [00:09:09] That there can be if, we have two choices, we could, maybe we have three choices. We could ask for those to be written up so that we could take a look at them on Wednesday and then not in, they wouldn't necessarily in my perspective, they wouldn't necessarily need be put in a formal letter, but just put those recommendations together so that we could look at them and then if there is concurrence with those, then we could task and delegate to the Executive Director to go ahead and convey those recommendations to NMFS. Conversely, we could wait until the letter is put together and we could go through a, some sort of a review process or but I think maybe the most expeditious and efficient way to do it would be to have them written up and have us take a look at them on Wednesday and then go ahead and authorize there, or authorize the Executive Director to put them in the letter and convey them the NMFS. Is that acceptable?

**Marc Gorelnik** [00:10:27] Yeah. Thank you, Chair Anderson. I think that's the best approach.

**Phil Anderson** [00:10:32] Okay. Would you be willing to do that Caren?

**Caren Braby** [00:10:36] If it is the will of the Council? Absolutely.

**Phil Anderson** [00:10:40] It appears to be the will of the Council. Caren.

**Caren Braby** [00:10:45] I also had a question for Jennifer on HR 3742, which is the RAWA Act. I don't see that reflected in the list of bills and I think it's just of interest to the Council if that wasn't discussed and that is the Recovering America's Wildlife Act, which is in progress and has been for a couple of years and I probably haven't mentioned it before, but even though it's wildlife, it does relate to fisheries as well, fish species that the Council deals with. Its potential support for conservation efforts on species that are listed in the conservation strategies for each state so for Oregon that would include salmonids and other species that are relevant to Council process. So, I just flag that as an important piece of legislation for funding to support recovery of Council relevant species.

**Phil Anderson** [00:11:50] Okay. Sounds good. Okay. Thank you very much. Appreciate the review and the recommendations. Let's go back to the recommendations contained in the Legislative Committee's Report for potential action. Marc Gorelnik.

**Marc Gorelnik** [00:12:11] Thank you Chair Anderson. At the CCC meeting, there was revised language with prose to the consensus statement for the CCC working paper. That language is in the report and it was put into the record read by Jennifer. At the CCC meeting all of the Councils except for Pacific were ready to provide unconditional support. We pointed out that the Pacific Council we like to have the full Council review consensus statements. That's why it's here in the report and that's why we have an action to either approve or not signing on to this consensus statement. I will note that this consensus statement, I believe, is consistent with our regional perspective on the, on forage fish, which also appears in the working paper and our regional perspective was drawn from comment letters that are responses to requests for comment we've received from Congress. So, the Legislative Committee recommends that the Council approve this language, so we join the consensus statement and on that basis I'd be prepared to make a motion.

**Phil Anderson** [00:13:30] And I would be prepared to hear it.

**Marc Gorelnik** [00:13:35] Very well. I move that the Council approve the proposed consensus position on forage fish set forth in Supplemental Legislative Committee Report 1. And I would say, Sandra, it should be the proposed CCC consensus position, CCC working paper. Chair Anderson that language accurately reflects my motion.

**Phil Anderson** [00:14:33] Thank you for not making me ask you that question. Is there a second? Seconded by Bob Dooley? Go ahead and speak to your motion as needed.

**Marc Gorelnik** [00:14:43] I don't think it's really necessary to speak to it. I think we've already addressed it.

**Phil Anderson** [00:14:47] Thank you. Discussion on the motion? Michele.

**Michele Culver** [00:14:53] Thanks. You may have mentioned this, and I missed it but is there, was there a request to specifically provide comments and or what's the audience of this consensus statement? Is it being sent anywhere or how will it be used?

**Phil Anderson** [00:15:21] Marc.

**Marc Gorelnik** [00:15:22] Chair Anderson. The, the working paper is a living document that's been tamed by the Council Coordinating Committee. It's, it's not done in response to a request for comment. I'm not sure how long this living document has been alive, but apparently for a fair amount of time. It underwent a fair amount of work in previous legislative sessions when there were proposed, when the legislation was proposed to reauthorize Magnuson, so I do believe that legislative offices are free to consult the document, but it is not, it's not the same thing as a response to a request for comment. If, if we receive a response to it, if we receive a request for comment, we provide our own comment on the legislation. So, I do think this is considered a resource for legislators and I think that's why it's maintained, and the working paper contains not just consensus statements, but each Councils regional perspective on the issues addressed in the working paper.

**Phil Anderson** [00:16:30] And the other purpose it serves as we have Dave Whaley that is employed by the CCC to represent or to coordinate with legislator's legislative actions and so if he is asked what the position of the CCC is on a particular matter, such as forage fish, that he has something to draw from, and as Vice-Chair Gorelnik said, he then also has our regional perspectives that if we have a, if he's talking to a member of Congress who has a particular interest in what our perspective is on a particular issue and we have had a chance to put that as part of this working paper, then he has something to draw from.

**Chuck Tracy** [00:17:25] As does the rest of the CCC.

**Phil Anderson** [00:17:29] Pardon me? Chuck.

**Chuck Tracy** [00:17:30] Yeah and so and the entire CCC has this is a source so if the CCC gets a request as a body, then they have a source document to craft their letters and what's already agreed to without having to go through a long process to get agreement on certain things.

**Phil Anderson** [00:17:49] Caren.

**Caren Braby** [00:17:51] Thank you Mr. Chair. I just wanted to say that I think that having a consensus statement like this makes sense. I'm reading it as a, it's a description of wanting to retain the ability to have the definition of forage fish within the Councils themselves rather than in a congressional act and have the management and authority remain with the Council and I think that, that is what we want, and so having a united voice across the country from the Councils on retaining that authority with the Councils instead of in a congressional act makes sense to that, but that said, you know, I applaud Congress being interested in forage fish and the important role they play in the ecosystem but I agree that, that authority is best managed through the Councils and not Congress directly. So, I plan to vote for this motion.

**Phil Anderson** [00:18:57] Thank you. Further discussion on the motion? All those in favor say 'aye'.

**Council** [00:19:05] Aye.

**Phil Anderson** [00:19:06] Opposed no? Abstentions? Abstained by Kelly Ames from National Marine Fisheries Service. Motion carries. Let me do a check-in. Are there other, any other recommendations from the Legislative Committee that need to be considered by the Council? I don't believe so but if I've missed something. Jennifer, is there other action that we need to take? I'm going to, before you respond to that question. Michele.

**Michele Culver** [00:19:46] Thank you. There had been some discussion under the Executive Director's Report on the CCC about the Chairman Huffman's Magnuson Act reauthorization listening tour referenced in Supplemental Attachment 5. I understand that there's a listening session scheduled in Seattle for later this week and was wondering if the Council have been invited to testify at that listening session?

**Phil Anderson** [00:20:20] Chuck.

**Chuck Tracy** [00:20:21] Thank you Mr. Chairman, Miss Culver. At this point we have not received a specific invitation to attend that listening session.

**Phil Anderson** [00:20:36] Louis Zimm.

**Louis Zimm** [00:20:39] Thank you Mr. Chair. If I may interject. The invitations went out to individual members of the Council and it wasn't to the Council in general for the listening sessions in Northern California and in San Francisco.

**Phil Anderson** [00:21:02] Michele.

**Michele Culver** [00:21:02] Thank you. So, I guess I will ask if any Council members have received invitations for the listening session scheduled in Seattle on Thursday? I have not.

**Phil Anderson** [00:21:16] I received a notification. I would not characterize it as an invitation. Bob Dooley.

**Bob Dooley** [00:21:27] Thank you Mr. Chair, I, I would suggest contacting Christine Sur in Congressman Huffman's office. I would pretty much be sure that she would welcome participation if someone was to reach out because he's been pretty proactive about doing that and been very approachable so I would reach out to her.

**Phil Anderson** [00:21:51] Anything else on legislative matters? Marci.

**Marci Yaremko** [00:21:58] Thank you Mr. Chair. I just really want to bring to everyone's attention that recommendation in the SSC report regarding methods reviews at the, toward the end of their statement. The suggestion having pre-assessment data review workshops is a robust way to identify new data sources and to ensure data is used correctly. That really has proven to be a very effective process, I think. That's a great recommendation. I just want to make sure that the SSC Report is being forwarded, I think as I understood it since NOAA did request it specifically. So, it will, this will be forwarded from the Council as requested. Is that correct?

**Phil Anderson** [00:22:50] Chuck.

**Chuck Tracy** [00:22:52] Yeah thanks for bringing that up Marci. I was going to loop back around to that. We do have recommendations from both the SSC and the Highly Migratory Species Management Team regarding the report to Congress and I think it would be important for the Council to consider incorporating those comments into the letter that we sent, based on Dr. Braby's comments, just to include that in that, in that final letter. Make sure that those comments are approved by the Council and forwarded to National Marine Fisheries Service.

**Phil Anderson** [00:23:34] Okay. Marci. I'm sorry.

**Marci Yaremko** [00:23:36] Thank you. Do we, we don't need a motion to do that, we're fine? So will Caren be.....

**Phil Anderson** [00:23:41] We'll have that as part of the write up of the bullet points that we'll be making in the letter when you, comes back to look at it on Wednesday.

**Chuck Tracy** [00:23:49] If that's the Council's wish, yes.

**Phil Anderson** [00:23:52] I believe that is the case. Okay. Anything else? Jennifer, check-in.

**Jennifer Gilden** [00:24:02] Mr. Chairman, there was nothing else apart from waiting until February 7th, I believe, for, to schedule the next Legislative Committee meeting in March.

**Phil Anderson** [00:24:19] Okay we'll leave that to the workload planning. Boy the list is long, getting long, isn't it? I mean I would just say we would leave it to the Executive Director and the Chair of the Legislative Committee to make that determination. I don't know that we need to discuss it under workload planning.

**Chuck Tracy** [00:24:41] That's fine.

**Phil Anderson** [00:24:43] If others are comfortable with that. Okay. Anything else Jennifer?

**Jennifer Gilden** [00:24:50] No Mr. Chairman, I think that that completes your business under this agenda item.

**Phil Anderson** [00:24:55] Okay. Thank you very much and thanks Caren for that review of that document. I don't think the rest of us have had time to do that and appreciate that and whatever help you may have had from others that are, that are not behind you.

## 2. Approval of Council Meeting Record

**Phil Anderson** [00:00:00] All right so as long as we're all still fresh.....(laughter)... I promised myself we were not going to leave here tonight behind. So you have one more matter to consider and that's our administrative matter, the approval of the Council meeting record. Pete Hassemer.

**Pete Hassemer** [00:00:22] Thank you Mr. Chair. I don't want to preclude any discussion that my fellow colleagues might have if they discovered omissions or errors that I'm ready to make a motion.

**Phil Anderson** [00:00:35] And we are ready to receive it.

**Pete Hassemer** [00:00:37] I move the Council approve the draft September 2019 Council meeting record as shown in Agenda Item I.2, Attachment 1, Draft Council Meeting Record, 251st Session of the Pacific Fishery Management Council.

**Phil Anderson** [00:00:53] Thank you and the language on the screen accurately reflects your motion?

**Pete Hassemer** [00:00:57] Yes it does.

**Phil Anderson** [00:00:58] Thank you. Is there a second? Seconded by Marc Gorelnik? Speak to your motion if needed.

**Pete Hassemer** [00:01:06] I don't think that's necessary at this time.

**Phil Anderson** [00:01:08] Good answer.

**John Ugoretz** [00:01:11] I have an amendment.

**Phil Anderson** [00:01:12] Any discussion? John do you want to amend it?

**John Ugoretz** [00:01:16] I, just what I was saying... (laughter) ...

**Phil Anderson** [00:01:20] All right. All those in favor say 'aye'.

**Council** [00:01:22] Aye.

**Phil Anderson** [00:01:22] Opposed? Abstentions? Okay. We're out of here before six o'clock first time this week. Oh, no we're not. Hold off. Chuck Tracy.

**Chuck Tracy** [00:01:31] Just a reminder that the workload documents are available the night before the day last so please have a look at those and be ready to answer the questions that went unanswered tonight and anything else that you're ready for.

### 3. Fiscal Matters

**Phil Anderson** [00:00:00] So that takes us to our Council action, which is to consider the Budget Committee's report and recommendation. Virgil Moore.

**Virgil Moore** [00:00:08] Mr. Chairman I move we approve the Budget Committee recommendations, labeled 1, 2 and 3, in agenda item that was just presented. I don't have the numbers up there but that's good enough right there. I got it.

**Phil Anderson** [00:00:24] Thank you. It looks like the language accurately reflects your motion. Is there a second? Seconded by Pete Hassemer. Any, any need to speak to the motion? Any discussion on the motion? All those in favor say 'aye'.

**Council** [00:00:41] Aye.

**Phil Anderson** [00:00:41] Opposed no? Abstention? Motion carries unanimously. That'll take us to our lunch break.

#### 4. Membership Appointments and Council Operating Procedures

**Phil Anderson** [00:00:01] Okay that takes us to our Council action. So let's first address the SSC and the nomination we've received. Ryan Wulff.

**Ryan Wulff** [00:00:17] Thank you Chair. Morning everyone. I'd like to make a motion. I move the Council appoint Dr. Melissa Haltuch to a vacant at large position on the Scientific and Statistical Committee.

**Phil Anderson** [00:00:32] Thanks Ryan. Is there a second? Seconded by Virgil Moore. Any... do you wish to speak your motion?

**Ryan Wulff** [00:00:43] I think most folks here are familiar with Dr. Haltuch. She's a very experienced stock assessment scientist. I feel her range of experience would make her an ideal addition to the SSC.

**Phil Anderson** [00:00:55] Thank you. Any discussion? All those in favor say 'aye.'

**Council** [00:00:58] Aye.

**Phil Anderson** [00:00:58] Opposed no? Abstentions? Motion carries. Thank you very much. You heard Mike's recommendation to move forward with soliciting nominations for both the upcoming vacancy on the Groundfish Advisory Panel as well as the vacant seat on the CPSAS. Everybody's good with that? Okay. And we'll look to the U.S. Fish and Wildlife Service in March to potentially make a motion relative to Habitat Committee members, and then we had the comment from the Coastal Pelagic Species Management Team suggesting that conversation around the current process that we have in our COP for receiving EFPs, or methodology reviews is maybe not ideal and they were suggesting that they could discuss that both within the team as well as with the advisers at the April meeting and potentially come back to us with potentially a suggest, some suggested changes. So, any objection to us indicating to the team that we would be happy to receive any suggestions they might have and encourage them to coordinate the advisory panel. All good. Mike anything else on this agenda item?

**Mike Burner** [00:02:42] No. Thank you Mr. Chair. I think you summarized it well. That will do. Thank you.

**Phil Anderson** [00:02:47] Thank you.

## 5. Future Council Meeting Agenda and Workload Planning

**Phil Anderson** [00:00:00] That'll conclude public comment on this agenda item and takes us to our action and work that we have ahead of us, and I will turn the mic over to Chuck to take us through these pieces.

**Chuck Tracy** [00:00:27] Thank you Mr. Chair. Again, as I mentioned in the situation summary, I would like to start this off by dealing with the two letters that we have to, the Council needs to decide whether to approve or not. First one is in agenda item A.3, Supplemental Attachment 1, it's at the very bottom. It's a letter to Chris Oliver regarding the electronic monitoring procedural directive on data retention periods and again, it's sort of a thumbs up or thumbs down action here for you.

**Phil Anderson** [00:01:11] Comments on the CCC letter regarding electronic monitoring?

**Chuck Tracy** [00:01:21] Maybe just a little bit more detail on it. We did draft this letter, so the Council did, we used the comments that the Council has already submitted to National Marine Fisheries Service as a basis for that and we went into a little more detail on defining, particularly in defining that period between the end of the fishery and the beginning of the retention period to try and get some more.....(phone going off)....

**Phil Anderson** [00:01:50] Oh, there is the third one. I mean you know there's only six days in the March meeting. We're running out of spots here.

**Chuck Tracy** [00:02:07] No don't say that yet we're not done, we might end up with seven.

**Phil Anderson** [00:02:11] Oh I know. Okay.

**Chuck Tracy** [00:02:12] Anyway, just to get a little more secure definition about that timeframe to remove some uncertainty about what the actual retention period would be and to try and minimize cost so that was the point of the letter. It's different, there might be a little different emphasis than what you approved that we have already sent to National Marine Fisheries Service.

**Phil Anderson** [00:02:39] So if there's support for the letter, then a motion would be welcome. If there isn't support for the letter, please indicate that as well so we know how to respond to CCC. Do you want to... could you just tell us again where it is?

**Chuck Tracy** [00:03:12] It's agenda item A.3. It's the Executive Directors Report, Supplemental Attachment 1.

**Phil Anderson** [00:03:28] Maggie.

**Maggie Sommers** [00:03:30] Thanks Chair Anderson. I do support the letter and you're looking for a motion recommending that the Council send the letter or that we, we approve of the letter.

**Phil Anderson** [00:03:46] So the motion would be that the Council would approve the, the draft CCC letter to Chris Oliver regarding electronic monitoring or something like that. Is that close?

**Maggie Sommers** [00:04:02] That is exactly what I meant to say.

**Phil Anderson** [00:04:10] Okay I believe the, I believe the language on the screen accurately reflects

your motion. Is there is a second? Seconded by Bob Dooley. Any need to speak to your motion as needed?

**Maggie Sommers** [00:04:30] I don't need to.

**Phil Anderson** [00:04:31] Okay. All those in favor say 'aye'.

**Council** [00:04:33] Aye.

**Phil Anderson** [00:04:33] Opposed No? Abstentions? Motion carries. All right, then the other letter has to do with the Modernizing the Recreational Fisheries Act, and I believe Chuck if you can help remind me where that is.

**Chuck Tracy** [00:05:06] Yeah so that's agenda item I.1, Supplemental Attachment 7. It was the legislative matters and again this is, the requirement was for NMFS to consult with the Councils and their SSC's on the contents of that report so I think the letter is probably largely associated with the recommendations from the SSC that we received under this agenda item and I believe there have been some other editorial and points that incorporated that Dr. Braby had referred to in her discussion under this agenda item and I believe the Highly Migratory Species Management Team has also submitted some comments on that.

**Phil Anderson** [00:06:06] Okay and we were able to build those into the letter?

**Chuck Tracy** [00:06:12] Yes.

**Phil Anderson** [00:06:12] Okay so same, same two questions or answer one or the other. Council either approves of the draft CCC letter regarding.....oops sorry, regarding the report from NMFS on Modernizing their Recreational Fisheries Management Act of 2018. Marc.

**Marc Gorelnik** [00:06:49] Chair Anderson I'll just offer a motion. No, I don't think, I don't have anything to discuss on this. I move that the Council approve the draft letter appearing in Agenda Item I.1, Supplemental Attachment 7 regarding comments on the Modernizing Recreational Fisheries Management Act.

**Phil Anderson** [00:07:25] Okay, I believe the language on the screen accurately reflects your motion?

**Marc Gorelnik** [00:07:30] It does.

**Phil Anderson** [00:07:31] Is there a second? Seconded by Christa Svensson. Speak to your motion as needed?

**Marc Gorelnik** [00:07:38] I don't think it's needed.

**Phil Anderson** [00:07:39] All those in favor say 'aye'.

**Council** [00:07:41] Aye.

**Phil Anderson** [00:07:41] Opposed...

**Chuck Tracy** [00:07:42] We have a question.

**Phil Anderson** [00:07:46] We'll backup. Is there any discussion on the motion? Marci.

**Marci Yaremko** [00:07:49] Thank you. Question for the maker of the motion. Is it your intent that you're giving some editorial discretion to the Executive Director in the development of the final version of the letter as this, this is a report format. It's not really constructed entirely as a letter.

**Phil Anderson** [00:08:12] Marc.

**Marc Gorelnik** [00:08:13] Thank you and Marci yes, it is my intent that we provide Council staff with the discretion to convert this report into the form of a letter without substantive change.

**Phil Anderson** [00:08:31] Any other discussion on the motion? Okay we'll try it again. All those in favor say 'aye'.

**Council** [00:08:40] Aye.

**Phil Anderson** [00:08:40] Opposed no? Abstentions? Motion carries unanimously. Okay back to you Chuck.

**Chuck Tracy** [00:08:52] Okay thank you for taking care of those two pieces of business. So, I'm just going to start with the Year-at-a-Glance and maybe give you maybe big picture items on this. I just wanted to bring up for both CPS and HMS there's some, a couple of new items there on EFH review, scoping and phase 1 report. So for CPS that's in April. In November for HMS that's March in September. So those, the EFH review for those two FMP's are overdue. We identified these as items to address in our five year grant application and we had specific comments from the grant reviewers that if we were serious about that, that they should appear on our agenda and our schedule so those have been put on our agenda. They are shaded however but that's that's the purpose there, and again, this is, this is just the review itself, it's not, does not address whether any changes to the FMP that might be recommended as a result of the review that, that has not been considered our scheduled at this time, so this is just a matter of doing the review, looking for new information and trying to decide if that's worthy of changes to the FMP. We are envisioning a much more streamlined process. You know we did adopt a new COP 22 to look at EFH reviews for all, for all of our FMP's that included a much more streamlined process than you're perhaps familiar with, with that the groundfish business went through so that's, that's the, that's the genesis of having those two, two items show up there. For groundfish there's already been some, some discussion about some of these new management measure issues that have come out of the prioritization process. For March we've got the non-trawl area management and salmon troll incidental landing limits so a part of that has been recommended to be included as a new management measure in the, in the spex process this time around. Likewise, I think some of the trawl, non-trawl Amendment 21 allocations that's in the shaded item in June has also been included as part of this biennial specifications process. So to the extent that what's, if those aspects of those items are now included in the spex, I guess I would just ask the Council to consider the prioritization of those agenda items along with the rest of the associated groundfish workload that we're involved with here this upcoming year. Another couple things that are relatively new for groundfish. If you look in September and November, in September we have strategic plan revision or review scoping and then preliminary draft in November, again placeholders that the Council identified in September. And then we have a limited entry fixed gear sablefish catch share review scoping in September and again, this is, you know it's a requirement that that lab programs be reviewed periodically and so that is a placeholder for that seeing that that program is due for its next program review. Let's see, we've added electronic monitoring in April, in June to consider the regular regulation changes and implementation delay and EFP extension so those are all kind of lumped in there for both April and June so we've had some, some other comments about,

about that process. Also, in March, you'll see that the fisheries check-in now includes and EFP's so I think there's been some discussion about whether that agenda item would include the electronic monitoring EFP extension or not. There's been some suggestion that that should, that the electronic monitoring EFP should have a standalone agenda item but I will leave that to the Council's discussion. Moving on I guess, so I've already talked about the HMS EFH scoping. You'll see that we've stricken the shallow-set longline amendment items in both March in June. We, the Council did have a discussion about giving the team an assignment to do some analysis based on their recommendations and I guess I would suggest that we put something in perhaps in June tentatively as an opportunity to hear back from the management team and probably couch it as something along the lines of swordfish monitoring and management plan, or some information informing potential update of that plan just as a placeholder so that we could hear back from the management team on that, so that's, that's my suggestion there. Let's see I think that's all I've got for HMS. For salmon we penciled in a standalone Willapa coho forecast methodology final in March. The SSC did indicate that that approval of that methodology was necessary for them to endorse that ACL. We have moved the annual management cycle amendment to from March to April and recall that Council also added the management line at Horse Mountain to that amendment process, at least at this point. And then we also have added the presentation on salmon reintroduction above Grand Coulee Dam in April. For ecosystems, we have shown a strike out at the FEP Initiatives update and again we have the recommendation from the Ecosystem Work Group in the advanced briefing book about that so that was a Council staff suggestion and that's probably appropriate given the status of the initiative we're already working on, which still requires quite a bit of work. For Pacific halibut we've penciled in the commercial directed fishery transition range of alternatives in March, PPA in September and final action in November based on the Council's discussion at this meeting. And then under other issues, the Electronic Technology Plan Review is penciled in in June. We've got notice from National Marine Fisheries Service headquarters that those plan, that that was originally scheduled to be done or is due in February but they delayed that until June but that is, that was sent to us by NMFS headquarters so we've penciled that in there as an opportunity for discussion. I think that's all I've got kind of for big picture stuff now. Maybe some other things I'll just mention is that our regional operating agreement between National Marine Fisheries Service and Council staff, so that's the region and the science centers and general counsel and law enforcement and all parties to that agreement is I think due for some, for an update. I haven't penciled that in there, but I have had sort of an ongoing discussion and making a list of things to include in that, anyway the discussion with Mr. Wulff and so we're looking for an opportunity to work that in when it's, when it's reasonable to do so. So, I think that's all I've got in terms of sort of big picture agenda items. I would also just like to make note that we have had some workload discussions with National Marine Fisheries Service at this meeting and we've got some challenges ahead of us I think in particular with our groundfish and the spex and just, you know, just I guess to reiterate my concern under the specification of management measures items that, that the GMT also echoed is that, you know, with that load of new management measures in particular that's going to be a heavy lift and we've got some, you know, some challenges with our with our available staff, both the GMT and National Marine Fisheries Service and Council staff so to the extent that the Council can provide some some of the feedback that the GMT indicated on prioritizing those new management measures in particular, that would be helpful to see what, what the group can get through. So, I'm going to pause there and see if there's any questions or discussion about that before we move into the March and April quick reference items. We've got you all worn down don't we. All right, then, looking at the Mar....

**Phil Anderson** [00:20:30] Maggie.

**Chuck Tracy** [00:20:31] Oh sorry.

**Maggie Sommers** [00:20:33] Thanks Chair Anderson. Did you want comments on priorities now or are we going through everything first and coming back to it?

**Chuck Tracy** [00:20:48] At your pleasure, I think. Just so we get to it. I don't if you want to get through the agendas first and then do that. Would that be your preference? All right so starting with the March Quick Reference, Supplemental Attachment 5. We've got almost five and a half full days already, already identified in as agenda items. We've got 10 hours in the purgatory box with approximately two hours available time in the calendar itself. So the only thing shaded in the calendar is Fiscal Matters, which is a half hour agenda item, it usually takes a little bit less than that but again that would sort of depend on the availability of appropriations and spending plan information as to whether that would go forward. We'll make that decision at the FR meeting notice deadline will probably be when we decide that which is in February. So, candidate items, Willapa coho forecast methodology, commercial directed fishery transition, scoping and range of alternatives for Pacific halibut. For Ecosystem again we've already tentatively scratched out the, the initiatives update, but we still have the five year review vision statement final action on that and Climate Communities Initiative Workshop Report. And then for HMS we've got drift gillnet hard caps as a candidate item, shallow-set longline amendment scoping has been scratched based on the Council action and then we have the review of EFH scoping for 30 minutes. So, I'll pause there and see if there's any, any further direction that we could receive from the Council. Phil?

**Phil Anderson** [00:23:14] Well, I have had done some thinking about this, this is on Sunday, March 8th, The Item 6 gear switching sablefish area management. Well first, first of all, it's, it's a there, there is not much time between when the SaMTAAC meeting occurs in January and when the briefing book deadline is, which I think is February 11th or somewhere in there and I think it's going to take a good amount of time primarily on the part of Jim Seger to, if we are able to reach a point where we think we have something to take to the Council as a result of our January SaMTAAC meeting to get that properly prepared and comprehensive enough in nature to, to get into the advanced briefing book and I'm, and I'm also in the as part of my thinking and I don't, this is your business, not mine Chuck, but given that we have a really heavy lift here in terms that we, we keep referring is heavy lift and it and it is to get our actions fully analyzed and prepared for decision making in June that I'm, I'm thinking and I've talked with you a little bit about this Chuck, that to have some additional capacity in terms of staff resources in the Council, that there may be a role for Jim there too to help get that heavy lift over the line. I'm also... I don't want, I'm, well I guess I would say I'm not optimistic that we're going to complete our work and that there is a possibility that we may need an additional meeting before we get all the I's dotted and T's crossed and whatever the other great analogies are to getting a complete package that is ready for presentation to the Council and then for the Council to work through its process for considering that range of alternatives. So, as a result of all that thinking and I haven't, there, I haven't talked with all the committee members about this. My thinking is that delaying, and I understand the GAP's, what there, I understand that it is an important issue for them and I'm not in any way discounting that or disputing that as I referenced the other day and then in conversation, but I am thinking that delaying this until perhaps June when we would really have our, when I think we have a better chance to have our quote, 'act together' and really have something that's polished that we can bring forward makes more sense than to try to drive this and expect that we're going to have that kind of a work product to you in March. So, my suggestion is that we push that item to June and to ensure that we have a good product and also and for the other considerations I just mentioned.

**Chuck Tracy** [00:27:10] Maggie.

**Maggie Sommer** [00:00:00] Thanks. I would agree with that. I think those are good reasons.

**Phil Anderson** [00:00:08] Bob.

**Bob Dooley** [00:00:08] I agree with that too Phil. I think that that's a good observation and I think we would come out with a much better product given the time. Thank you so much.

**Phil Anderson** [00:00:24] Okay and I know Kelly was, I think Kelly left, but I'm assuming she would in support of that perhaps. Ryan.

**Ryan Wulff** [00:00:33] Yeah. Thank you, Phil. Yes, we are supportive as well.

**Phil Anderson** [00:00:35] Okay.

**Chuck Tracy** [00:00:35] Great. That's a five hour agenda item. Now we have seven hours of free time and 10 hours of agenda items to fill it so...

**Chuck Tracy** [00:00:54] Rich.

**Rich Lincoln** [00:01:00] Thanks so I thought maybe I could start the feeding frenzy then and.....(laughter)... reflecting on the Ecosystem Work Group's recommendations and also similar ones in public testimony I think it would, it would really be helpful if we could move those two shaded items on ecosystem into the agenda and I would just speak to the community and, especially to the community and climate element of that is, is that we will just have finished a workshop in January that identifies scenarios that we are very interested in getting some Council feedback on so that we can stay on track with the next step, which is scheduling some outreach meetings in different areas along the coast to actually then discuss what the implications of those scenarios are, so if we were to delay that past March it would, it would delay the progress of the initiative pretty significantly.

**Chuck Tracy** [00:02:19] I will, usually don't weigh in on this too much, but I will just make a note that in the House appropriations bill there is some money identified for the Pacific Council to implement its fishery management plan. I think it might be a little awkward if we ditched our ecosystem, our fishery ecosystem plan business and took the money and ran, so to speak so I'll just toss that out there as further motivation to maybe keep that on the radar screen.

**Phil Anderson** [00:02:55] So for clarification Rich, on your prioritizing number four over number three, is that correct or are you advocating for both?

**Rich Lincoln** [00:03:04] Well I was suggesting both of them and just speaking more specifically to the four but I think they're both would be important to on the third one certainly to complete that work would be helpful for the Council to set up the subsequent continuation of some of the initiative process next year.

**Phil Anderson** [00:03:28] Corey.

**Corey Niles** [00:03:30] Thanks Mr. Chair and we very much support that, I just don't want to move on if there's other, I mean if there are other comments I had something else but in coming from the more experienced and more talented person who occupies this seat, we were wondering if and to stop the feeding frenzy for a second and on the G.2, the Workload and Management Measure Update, if we really needed that in the middle of the, you know we're in the middle of the spex process here so whether that work, that workload check in, which took really at this meeting was really brief do we even need that at that point, at this stage?

**Chuck Tracy** [00:04:20] I will make one comment on that and so the Council sort of adopted the GMT's model for this. If I'm not mistaken, and maybe Mike can help me out on this, but I think March was the meeting where the prioritization was to occur and then the rest were sort of check-ins, so you recall, I think last year we actually for I'm not sure why exactly just I think we did that step in April. Typically, we, we were thinking that we would either do the, skip either the March or April meeting so right now it's schedule we skip the April meeting. So anyway that, that's out there, that GMT process did identify the spring meeting, one of the spring meetings as the you know, the big privatization opportunity. I guess that, that said you know that I guess until we know what the status of the management measures that are going to be included in the spex package it seems like that would be an important influence on what's, what the topics and what the prior, priorities are for that new management measure planning exercise, so maybe you know pushing off the prioritization until April or June even might be worth considering.

**Phil Anderson** [00:06:29] Corey.

**Corey Niles** [00:06:29] Yeah and I think, sorry I was mixing up my notes and I think that was the suggestion was to push it to June when we've got a better idea of you know the fallout from, from what you just mentioned there, the management measures that might not make it.

**Chuck Tracy** [00:06:49] I'm seeing head nods, so I guess I'm unless I hear otherwise... oh hi Ryan.

**Ryan Wulff** [00:06:56] Hi... (laughter)... Hi there. How are you guys? Yeah, no we need to plan our work and assess the year and I think that's why we thought that item was important, especially in March for the prioritization reasons that you laid out initially so I think we'd rather keep that agenda item I think for March, and I have other comments but I'll wait until we get into the further discussion. At least that's my point on that one.

**Chuck Tracy** [00:07:27] Okay, so we've got two suggestions. How would the Council like to resolve this?

**Phil Anderson** [00:07:42] Well I my, I guess my thought given those two perspectives, is we could, I guess it depends on how hard the cement is when you leave the conversation in March because if it's, if it's poured and set up and then we get you know, we finish our management cycle here and we have items that we thought we were going to get to in this cycle but we didn't you know is there, is that a, is it so firmed up that there isn't an opportunity to consider an item that we didn't get to in this round that we were hoping to?

**Chuck Tracy** [00:08:31] Maybe I'll step in here into the breach here again. So, as I understand the process, we have these four meetings a year, one that's the big prioritization and then the others that are updates but still has, you still have the opportunity to reconsider the priorities. I think you know how hard this cement is it's you know, it's kind of when you have that irretrievable commitment of resources, you know so when you've, you know if you've got a project that you've started scoping on, perhaps committed to doing an amendment to address a particular item, I think, I think they're set pretty in stone when you get to that point. Prior to that point I think the Council has some more flexibility.

**Phil Anderson** [00:09:30] Maggie.

**Maggie Sommer** [00:09:32] Thanks. I wonder if we may want to keep the workload and new management measures item in March but consider switching its timing so that it falls after our spex check in and I'm not sure we need to decide that today but I would offer that as a suggestion for Council

staff as they're planning the agenda that, that might give us an opportunity as we do that spex check in and hear back from the team on what they think they have been able to do and we would have the opportunity then to potentially move some items to the new management measures list and then talk about those holistically with the others.

**Chuck Tracy** [00:10:28] It sounds like a good compromise solution. Any objections to that Marci or a comment?

**Marci Yaremko** [00:10:35] Yeah just a comment. I think that's probably a good idea. I was certainly going to support moving the spex item further up earlier in the week. I guess I'm just curious with the check-in. I mean this is scheduled for only two hours and I'm just thinking back historically to March prior cycles and I feel like March was, has traditionally been a heavier spex meeting but maybe my recollection isn't quite right, but I remember us being very, very busy. If we're going to be receiving back some evaluation on what makes a cut and what doesn't make a cut and we're receiving EFP updates, I thought we'd hear that we, I thought that we were expecting to receive EFP's as well as part of this item, it seems awfully ambitious for two hours but I like Maggie's idea of maybe looking toward addressing some of the fallout from that and then new management measures update item.

**Chuck Tracy** [00:11:59] In terms of the heaviness of the March lift, this this is the sort of check-in item, it's not you know, we will and I'm not even sure if we've always scheduled Council action, but probably have that but it's, it's not the, you know the real heavy lift comes in April when you adopt final spex and preliminary preferred PPA's for the management measures so this is a check-in. There should be some opportunity for the Council to give guidance but, and then I guess just in terms of the two hour timing I assume that that's based on what we've spent on that item in the past and, but in terms of moving it earlier in the week, we can, I think we can probably look at that pretty easily. Okay I'm seeing, now I'm seeing head nods without any handwaving so we will keep the workload and new management measure update and prioritization, we will move it later in the week and move fisheries and EFP, the check-in item to earlier in the week so there's a little separation so we can have one discussion and form the other. Okay, so we're still, still on the purgatory box. Ryan did you have something on that?

**Ryan Wulff** [00:13:46] No.

**Chuck Tracy** [00:13:47] ... issue or we... okay well I'm ready to move on unless other people have stuff. Yeah, go ahead Ryan.

**Ryan Wulff** [00:13:54] Are we moving on or.... I didn't have anything to that point.

**Chuck Tracy** [00:13:57] Right so we're still in March but....

**Ryan Wulff** [00:13:59] Yeah okay. So, it's still in March, just a few things to raise. Regarding halibut, I do think we would support having that discussion. I think we might want to consider renaming that now that we're looking at maybe something like area 2A management transition, but we can work on that, but I think we're looking a little bit more potentially beyond just the commercial directed fishery for that scoping but we would support if there's availability for time on that. We like the current three meeting projections, and in the Year- at-a-Glance it starts in March. There is one issue I did want to raise here and I'm not sure, this may have been partly our fault for not checking earlier, but I believe when we asked back in September and raised this issue, we had noted we wanted the ESA ITS for humpbacks to be on the March agenda not the April agenda. That, April is when we're supposed to be, have that consultation complete with the PRD. It would require us getting an extension from them in order to delay that further so I apologize if that was partly us in that hiccup, but it would be really

helpful if that were possible to move forward from the April agenda. Regarding I think Chuck already noted this in his comments before we started on this agenda, but you know I would echo his concerns regarding NMFS staff and resources when it comes to groundfish workload outside of the spex management measure process. I know that GMT has recommended that the non-trawl area management T4 be scoping only if it's put forward. NMFS feels the same way but also we would also support moving, moving that until later as well as we just do not have staff available to even do scoping at that point and we'd like to be a part of it but we won't be able to be if it's continued to be scheduled. And then finally regarding hard caps, let's initiate a box. As I've previously stated on this topic, NMFS lacks the authority to compel the Council to revisit a hard caps proposed rule. We would support the Council if they wanted to continue to discuss this topic and engage in consultation on potential revisions to the proposed regulations but of course you're not required to do so, however so I just wanted to again flag this as consistent with my earlier remarks at previous workload plannings and I'm in the hands of the Council when it comes to that agenda item. And that's NMFS's views on the March shaded agenda items.

**Chuck Tracy** [00:17:01] Any....well let me do the little math catch up here, so we had two hours, we got five hours by delaying gear switching, SaMTAAC business. We've had recommendations to move climate communities initiative up, that's two hours. The FEP vision statement, that's another two hours. Commercial directed fishery transition is one and then the humpback ITS, if we move that from April that would be two, so that's seven hours and that would be the seven hours that we have available so that would leave at this point for a five and a half day meeting that would not leave time for a Willapa coho forecast methodology and it would not leave time for drift gillnet hard caps or HMS Essential Fish Habitat scoping. Ryan.

**Ryan Wulff** [00:18:12] Yeah and just to be clear in case it wasn't and we were also recommending moving non-trawl to June or later and I would also defer to Council, whether you have staff to take that on as well.

**Chuck Tracy** [00:18:30] Again I think anything beyond the spex is going to be challenging for us to do much work on so what's the Council think about moving the non-trawl area management and salmon troll landing limits out? Again, part of that was incorporated into this spex so the question is, is that enough to get by with for now or is it, where does that rank... did that change the priority of that agenda item? Louis.

**Louis Zimm** [00:19:17] Thank you and I am glad that we did keep a little bit of this in the spex. So, my question would be what would be the future time planning to actually get into federal regulations? Any change that we might eventually come up with for RCA or CCA changes?

**Chuck Tracy** [00:19:46] I guess that's up to the Council if they decide to move it out to where they move it to. Maggie.

**Maggie Sommer** [00:19:56] You know this is an item we have heard a very strong and repeated interest in from our non-trawl stakeholders and I don't think the items that we added to spex really encompassed the, the full suite of potential non-trawl RCA modifications that are of interest. I, you know as I'm looking at the GMTs recommendations that the March be initial scoping where Council staff with GMT assistance provides a short summary paper defining the issue including potential goals and objectives and the point being to stimulate discussion between our advisory bodies that that is certainly a start. It doesn't feel to me like a heavy workload probably does set us up potentially for needing some further scoping where we do have some more analysis come back to us but I would be interested in seeing if we can start this process in March.

**Chuck Tracy** [00:21:07] Marci.

**Marci Yaremko** [00:21:08] Thank you Mr. Vice-Chair. Yeah I was going to reference the GMT report as well and I think they are proposing a very low workload introductory framing of the issue type of a discussion that is intended to kind of stimulate additional public comment over the months to follow so I would even go so far as to support reducing the time that is allocated for this agenda item from two hours down to one to call it more of an introduction rather. Initial scoping is fine but I agree with Maggie that I think we will need further scoping and as you noted there are a few pieces to this that remain in the spex and while that's, that is certainly good, I think the bigger issue particularly of discussing the CCA, we've had that on and off of our agenda since about 2007 so it's now part of this area management discussion and I'd like to make sure that it's not lost.

**Phil Anderson** [00:22:30] Corey.

**Corey Niles** [00:22:33] Yeah thanks Mr. Chair and recognizing importance that you both just raised, I'm kind of hearing two things from the GMT and the Council staff that we were going to be asked to prioritize what's part of the management measure and spex package and now we're going to have the GMT spend, even if it's a little bit easier, spend time that they could be spending on that work there scoping this issue there, so maybe we could talk about this if we're going to talk about prioritizing the workload as part of the stuff we passed. I know it seemed to be, I would prefer we work on those things we passed already rather than have team time spent on something we haven't started yet, and we're just talking about a delay until June and as Mr. Wulff noted I think, I think it's better when NMFS is able to be there from the get go, even if it's just very light scoping, it would be better to have NMFS's attention there at the start. So main point I think if, if we're going to talk about priorities within what we already passed I think this should be added to that mix of, of how we're asking our analyst to spend their time.

**Chuck Tracy** [00:24:00] Well, I will say that it's, it's a little bit, it is frustrating from my perspective that we establish this new management measure prioritization process and we set aside time in March to deal with this issue. Now we're going to have to deal with it in two places instead of one and, and it's going to cost us. It's going to cost something. One of those... I don't know that, that the management measures that all those management measures that are in the spex are going to be able to be analyzed. So, I think there is a serious potential for that to you know displace something. So you know if we're going to spend time scoping this issue and I think you could spend an hour on public comment on this, if it's that important, if we're going to spend time scoping it, I would, it would seem logical to me to keep the whole thing intact and consider you know deprioritizing that from the management measures to be considered but that's just, that's my, that's my perspective. I know that I don't get to make those decisions but that's, those are my thoughts about that.

**Phil Anderson** [00:25:47] Marci.

**Marci Yaremko** [00:25:48] Thank you Mr. Chair. Chuck thank you for sharing your feelings on this and I think I'm, I must be missing a few pieces. I hear your passion and your concern on this and I guess I just want to back up a bit and convey kind of what we have been told about spex and what, how we, how that information guided, how we proceeded. We had been told through our GMT channels that there was no consideration of RCA adjustments this cycle any longer. We wouldn't do it this time and yet RCA adjustments have always been a critical component of how we deal with our biennial specifications because they're directly tied to harvest limits. It's a, it's a key management tool. It's something that we have used as an inseason management tool repeatedly, so when we received that information it came somewhat as a surprise. I mean, we do build a lot of our modeling work, projections of impacts and such based on depth constraints so it kind of was difficult for us to wrap our heads

around how we would think about that. Then we heard additional information you know later on in the process, in fact quite later that in fact the routine types of RCA adjustments that we would normally do in the spex process to attain our harvest limits would still be in bounds as part of the spex process. That is what precipitated for us at least the submission of our CDFW Report 1 making recommendations to provide some minor adjustments to RCAs, so if that is the analytical lift that is troubling, then I guess I need to, I need to understand why because again we were kind of just following the advice that we were given through the various channels, so again I'm feeling your frustration and I'm concerned because I don't want you to be frustrated but anyway if there is more light you can shed on this I'd appreciate it.

**Chuck Tracy** [00:00:01] Well you know the salmon yellowtail rockfish aspect of this, it's coming out of this dedicated agenda item and then to the spex I think is one, one example. I don't know I might defer to my groundfish staff if they have some more specific items they want to mention but John you want to come up?

**John DeVore** [00:00:48] Yes thank you. The new management measures in the spex package adopted yesterday that I'm most concerned with and this isn't based on even just workload, although that's a big consideration, but the Amendment 21 pieces that are in there, I know they're important and I know a lot of the industry wants those but I'm concerned that as we go through that analysis, we may discover that the range of alternatives we have for those alternatives are, I mean that are in that package may not unveil all the issues that we really need to discuss. I mean, changing a formal allocation is, it's a big deal. I mean you're going to be making a durable decision and so I'm worried that you may get an analysis that's incomplete because we're having to focus on other issues as a top priority. I think the spex and routine management measures, making sure we have the lights on, on January 1st, 2021, that's all going to work and if you don't have a complete enough analysis or a thorough range of alternatives to explore all these issues, you may not have all the information you're going to really want to make a long standing decision on that, and that's just based on my opinion having worked through the Amendment 21 process and all of that in the past so I've been telling folks that in the background and but that that's a big concern of mine.

**Chuck Tracy** [00:02:33] Is there, John, is there anything else associated with, so that's the Amendment 21 allocations, which is a shaded item in June, part of that's coming into the spex, so I understand that concern but that's not quite what we were talking about. I think we were talking about the non-trawl area management in salmon troll landing limits and what parts of that are coming into the spex and management measures.

**John DeVore** [00:02:58] Well the minor changes to like the 45 fathom line waypoints is not a heavy lift in my opinion. I'm not really certain all of the issues that we're going to have to discuss under the yellowtail option for salmon troll, you know we certainly have that ability in the north and I would kind of defer to folks on the GMT really were involved in that part of the analysis on that, because I, I'm not aware of all the details. I know back in the day we were very much concerned about canary bycatch and yelloweye bycatch and there's still some lingering concerns with yelloweye perhaps, although in midwater salmon troll fisheries they don't catch many yelloweye, so I just don't know all of the particular details we're going to have to deal with but I'm not sure that's a big lift. I don't know. I mean we do have a template in the north to go off of so, so I'm not making a hard judgment on that but there are other parts that I am concerned about.

**Phil Anderson** [00:04:08] Maggie.

**Maggie Sommer** [00:04:12] Thanks. May I ask Mr. DeVore a question? If we, for Amendment 21

allocation changes, that if they are considered under a standalone Amendment 21 agenda item in June, what do you foresee would be the timeline for working through that? I mean at that point I assume there's a connection with an integrated spex analysis and so we're probably looking at the 23-24 spex cycle?

**John DeVore** [00:04:46] Well we'd have to, we'd have to figure that out. It's at least a three meeting process of course and then, you know if, if it becomes very controversial it may take more than that to figure out a perfect situation, but if you began in June with scoping and everybody was in lockstep on that, the fastest you could do it would be June, September, November, and get an FMP amendment through. Obviously it wouldn't happen in 2021 but I don't know if it could happen in 2022, that's really a big question and there's a lot of other moving parts that happen after the Council makes a final decision too that take time so you know that has to be taken into account too. I would suspect that 2022 would be really, really ambitious and maybe hard to do, but by 2023 you might be able to get something in.

**Chuck Tracy** [00:05:47] So I don't want to stifle any long term discussion on that, but we seem like we are wandering a bit of afield from the March issue that started with NMFS's suggestion that we move out the non-trawl area management item because they wouldn't be able to participate in scoping, so let's bring it back around March, decide what we're going to do with that agenda item and how we're going to fill the time that we've, that we have already identified that's available. Corey.

**Corey Niles** [00:06:41] Can I ask a question on that Chuck that maybe, hopefully might be helpful on that one is could I ask your opinion or Ryan's opinion on if that were moved to June, same kind of question Maggie just asked John DeVore but how the implementation time frame would change the non-trawl. Would moving it to June significantly effect when we would expect that to go in place?

**Phil Anderson** [00:07:11] Maggie.

**Maggie Sommer** [00:07:13] Thanks. I guess I'd offer my thoughts in response to that which are that if we are looking at doing what sounds like some preliminary pre-scoping in March and not able to start more analytical scoping in a deeper dive into it until later, not change the overall timeline to wait until June for a start, I know that's contrary to my point earlier in favor of starting in, in March, but I do hear the workload concerns and if we aren't able to make a good start at it earlier, maybe it does make sense to wait. As far as the timeline following that, I would expect this to be a relatively lengthy process. I think it is complex. It will require quite a bit of analysis and public input, development of alternatives and how we want to get at it, so I wouldn't think it would be quick. I do see one difference between that and, and I asked my question about the Amendment 21 changes because I am thinking that allocation changes really have a very close tie with spex as well and might need to go in conjunction with a spex analysis and package and perhaps the RCA changes could be, are more standalone. But back to my original point, I'm not sure delaying a start until June changes the overall timeline.

**Phil Anderson** [00:08:43] So given all that, I would suggest we take it off the March agenda and put it in to June and we'll debate it, the June agenda in April.

**Chuck Tracy** [00:09:00] All right.

**Phil Anderson** [00:09:05] And if I can.

**Chuck Tracy** [00:09:09] Please.

**Phil Anderson** [00:09:09] I'm not sure what the consequences of the Willapa coho forecast

methodology not having the SSCs blessing, but there is going to be work going on by WDFW Staff to bring the information forward for the SSC to take it up and consider it. I am guessing that it would not, it might take 30 minutes but could well take less than that. There will be a conclusion from the SSC as to whether it is or it isn't and if it isn't, then we got to figure out what to do, and if it is, then it's a matter of voting to approve the SSCs recommendation, which is pretty straight forward. So I would suggest that we keep that on. I'm not suggesting that it be agendized for less than 30 minutes, but I would guess that it will take less than 30 minutes.

**Chuck Tracy** [00:10:09] Christa.

**Christa Svensson** [00:10:11] Thank you. I'm agreeable to that. I was going to ask kind of a similar question, which was what was, what would be the ramification if it didn't fit on the schedule of moving that essential fish habitat scoping to June but perhaps we can combine both of those in terms of time slot to an hour and put them on the March.

**Chuck Tracy** [00:10:35] Well if we have moved the non-trawl area management business to June, that frees up another two hours so that would allow, well so I guess the things yet to be scheduled are the Willapa coho, the EFH scoping and the drift gillnet hard caps so we've got two hours, drift gillnet hard caps is four so that didn't seem like a good fit but the other two would fit, would fit in that window fairly easily. On the other hand... go ahead Mike.

**Mike Burner** [00:11:15] Sorry I didn't mean to interrupt, but just on the Willapa coho business, I shaded that as a standalone item, just partly just to keep it you know on the list of things and pointed out as something we needed to schedule. I put it down for 30 minutes. I think Phil's right. It might be something shorter. It's been suggested by staff that that might be able to be something that could be folded into the usual look at stock forecasts and such, essentially one of the annual cycle things that we already have scheduled for March so that would be another option there. It might save us a little bit of time and I do think it could be short. That said I think it's also pretty, was made pretty clear by the SSC that they would need to see that methodology review before they could really make a final recommendation on that forecast for use next year, so I think it's a pretty important matter we take up in March. Whether it's standalone item that we set 30 minutes for is debatable, I think.

**Chuck Tracy** [00:12:10] I guess I would just note that we would probably, well we would want to identify in the Council action that, that is a separate item and that there would be a report from the SSC on that item so, you know, I think all the pieces are still going to be there but you know we might save a little time by including it in the spex, but we would single that topic out for a specific Council action.

**Phil Anderson** [00:12:42] And there isn't, in my view, there isn't anything wrong with coming up short by an hour on our estimates given our propensity to go long on topics and I, when I as far as north of Falcon I haven't, I have no I don't have perspective on south of Falcon relative to salmon, but north of Falcon when I look at what the jack returns are to the Columbia, we're going to have a big challenge ahead of us so our salmon items may be more difficult than they were this year at least north of Falcon when I see what we may be headed for.

**Chuck Tracy** [00:13:32] Well based on the discussion so far it seems like we've done a good job of filling the available time. I think again, I think we've got about, if we move everything up except hard caps then we've got five and a half days minus one hour so if that's the Council's pleasure, we can do that. Corey's got a comment.

**Corey Niles** [00:13:58] If I do... didn't mean it interrupt you, but I do want to, I've been waiting to talk about the hard caps issue if now is the time.

**Chuck Tracy** [00:14:05] Now is the time.

**Corey Niles** [00:14:06] So we, we would encourage the Council to at least schedule that item. I don't know if, if you offered us the difference between a five and half day meeting and a full day meeting? I don't know, it might be a tough choice, but we're encouraging that to be taken up because we do think there is some confusion among the Council, rightly, understandably so about, about what's going on and what's the process is. I think at the beginning of the meeting you all heard about there's some ongoing, you know and Oceana has announced there's some ongoing activity in the courts regarding of how we have not responded to the, to the disapproval of the hard caps and so I think Mr. Ryan, Mr. Wulff is telling us that it's, it's in our court to schedule it. Oceana has a different view that might prevail in the courts, you never know but I think it would be useful for this, for us to take time to at least understand what our options are. I still think a lot of people don't have a full understanding of what our options are to respond. I understand California and it seems like it has, has been advice we supported to wait till March 2020 to understand better what's happening with the drift gillnet transition plan. But yeah just wanted to bring that up that there are, there are difference in views on how we, how this Council should have responded and it would, if in a minimum if we could spend time and understanding what those options are.

**Phil Anderson** [00:15:57] Marci.

**Marci Yaremko** [00:15:59] Yes thank you Mr. Chair. CDFW's prepared at any time, March, April, June to bring back a CDFW report on status of the new state legislation. Just thinking about Chuck's comments earlier about the information that we expect back as an outcome of yesterday's decision on the longline item, I believe there's some analytical work that we expect to come back to us and possibly it might be useful to schedule a swordfish monitoring and management plan update at some point, maybe June to kind of take a look at that again and look at the reports back from the analysis. With regard to the hard cap item I, I believe our recommendation was that it would be appropriate to take that action up any time, March or later, so I don't know that we have firm feelings one way or other on when.

**Phil Anderson** [00:17:28] Why don't we move.... I am not dismissing the, the suggestion and the perspective, I'm just wondering if we should move to April, kind of keep this and we'll keep that in our mind here as we move forward. Maggie.

**Maggie Sommer** [00:17:47] Thanks. I have a brief comment on a separate March related topic before we move to April. Just a recollection that our Habitat Committee noted that the Klamath Dam Removal Project biologists had offered to meet with the Salmon Technical Team in conjunction with the March meeting to discuss technical and methodological considerations for post dam removal, abundance estimates, et cetera and our Habitat Committee members relayed to me some comments on why March would be good timing for that. In part, it's just to get that involvement as early as possible so that they are able to have more time to develop the new methodologies and it'll be useful to have Salmon Technical Team input early and also that Rohnert Park is an ideal location to make travel easier, so if that's something that would just be best up to the Council Executive Director and staff discretion to work out with the Salmon Technical Team recommend giving that some thought.

**Chuck Tracy** [00:18:55] Yeah thank you for reminding me about that. I think that's something that the team would meet independently and not bring that to the Council in March, but it might be a, it'd

probably be a good idea for them to begin those discussions and March. In April when they talk about methodology reviews, that might be a topic that would you know, if they figure out what they're doing or what they might do, then that might come up as a topic to consider under the methodology review in April and move forward from there.

**Maggie Sommer** [00:19:31] Thanks and I certainly didn't intend to put it on the Council agenda for March, but maybe on the technical team's agenda for an evening session, I know there is an offer of a field trip, et cetera so if there is a way to have that connection great.

**Chuck Tracy** [00:19:47] Okay so we've got a proposal to move to the April Council meeting and then resolve what to do about hard caps before, before we leave, before we conclude our business today. Just, just as we move to April, I will note that the HMS folks are not and will not be able to meet at the March, at the April Council meeting. There's just space limitation there so I think putting hard caps in April just to be proactive is probably not going to be an option. So that being said, for April we've, we've, a couple changes, we've taken the stock assessment methodology review for groundfish off of April and moved that to June based on the SSCs recommendation. We've added a placeholder for the electronic monitoring, this is preliminary regulation changes, implementation delay and EFP extension so we've got a three-hour agenda item that we added in there. Legislative Matters is shaded again based on what happens over the course of the winter. We have now moved G.6, the ESA incidental take statement for humpback whales to March, so there's another two hours there. We've kind of split, split up the fishery management measures PPA into Wednesday afternoon and Thursday afternoon to give a little more separation and time. We had that request that we should've done that at this meeting, so we'll do that for April. And then we've got the salmon Amendment 20 annual management cycle and management lime, line range of alternatives scheduled for April as well, so that's, that's a new item there. In the purgatory box we've got I guess now have eight hours of available floor time and six and a half hours of estimated time for candidate items, so those are EFH scoping for CPS preliminary sardine rebuilding plan. For salmon we have essential fish habitat for overfished species, so again this is sort of the second step in the when a stock is declared overfished the Council's required to develop a rebuilding plan which we did. The Council did complete that, and then this second step was if, if habitat issues were identified as approximate cause of the overfished status as a change in status, the Council could direct its Habitat Committee to work with other agencies to review potential habitat issues, identify those and make recommendations for, for improving, so the Council did show some interest in doing that. During the course of the rebuilding plan business, there were some recommendations so that's a candidate item there. And then we've also put in the box a salmon reintroduction above Grand Coulee Dam. This was a presentation the Habitat Committee received from the members of the Colville tribes and there's some interest in having a presentation on that to the Council. And then the last thing is the groundfish mothership sector utilization. So, you know, at this point there is, there's room for all those if I'm reading that correctly so any thoughts about any of that stuff that you have comments on? Pete.

**Pete Hassemer** [00:24:32] Thanks Chuck. I guess just to kick it off then I'd like to see again the mothership sector utilization moved on to the agenda. We've cleared up a little bit of room. I realize the GMT report says they're fully subscribed. We changed some things; I don't know how that affects their workload but just a refresher when we've put this on there we said this was a good time for a check-in. The 2019 season, whiting season would be complete. We'd have some analysis. I think when we scheduled this, we were optimistic that something was going to change there, relative to mothership availability on the grounds, that didn't happen and not faulting the people involved. You know this fishery is somewhat at the mercy, mercy of the Alaska pollock fishery so I think it's still a good time to get that review. I'd also note that in our Budget Committee Meeting in the NMFS report, we heard from NMFS that under the catch shares grant program, they put in a proposal for some money to do analysis

related to this issue and no guarantees they'll get that, I hope they do. Regardless if they don't get the money it's still a good time to hear an update on this issue. If they do get the money, then it's quite a good time to get an update on the issue so just ask that that be moved in there.

**Chuck Tracy** [00:26:10] I will note you know again, you've heard this from me before, but pretty recently, but you know that the both Council Staff and GMT is pretty fully subscribed with, with the spex and that's a.....you know so this would be the first meeting potentially of a, I'm not sure what, but it would be scoping so I'm not sure how much but I guess we'd have to do an assessment of who's available to do that but you know our participation for analysis is probably pretty limited. Pete.

**Pete Hassemer** [00:00:00] Thanks and yes, I agree with that. Maybe as just some guidance there I'd look to the GMT report, though, on the RCA issue. You know they recognize the same thing workload, but they scaled down the size of the report a little bit and defined what it might be, and I think that could be the same for the mothership issue. Maybe they rely more heavily on the GAP for assistance but the summary paper defining issue include potential goals and objectives and some of those things so it's hard to say how deep it needs to go but you know, relative to what's happening there and the problems that it's an important issue and can't kick it down the road too far.

**Chuck Tracy** [00:00:58] Marci.

**Marci Yaremko** [00:01:00] Thank you Chuck. I'm just thinking about how we placed this item on our Year-at-a-Glance and if I recall the mothership sector utilization, the Emley/ Platt EFP and the non-trawl RCA items were the three top priorities that came out of our initial management or evaluation of groundfish workload items so I think we scheduled those three items kind of randomly March, April and, or what was it, March, June and what have you.

**Chuck Tracy** [00:01:46] ... March, April, June.

**Marci Yaremko** [00:01:46] Just throwing out a possible idea. I think in the discussion we had just a few minutes ago about the spex priorities and the workload and the staffing needs, maybe it would be wise to think about taking these three items and looking toward putting all three on September or some something like that, because I don't think we prioritized within the priorities but I'm thinking that I'm hearing that, you know, I just heard that we didn't have any staff capacity at all to staff non-trawl RCAs and so you know I didn't hear the Council ever decide that mothership utilization was more important than non-trawl RCAs so just some thoughts there.

**Phil Anderson** [00:02:44] You know we're so used to, or I'm so used to I don't know if you are, I'm so used to, you know we hear the workload issues, we forge ahead and somehow the work gets done and I don't think we're in that spot, same position this time around. We we've, we have some rock stars that are still part of our team, but we have, we have lost some rock stars and we haven't been able to replace them yet and I, I think the, I think the workload, the cry or the concerns that we are hearing from everybody this time around about workload they are real. I'm not suggesting they weren't in the past, but I don't think we're in the same kind of situation where they suck it up and get it done despite expressing concerns so I think we have to really take what they're saying seriously, not that we haven't before, but I the, I agree with Marci that we ought to be fine with keeping these on our plate but I really don't think we can take them on, take this on this time.

**Chuck Tracy** [00:04:15] Ryan.

**Ryan Wulff** [00:04:17] I agree with Phil. Everything he just said.

**Chuck Tracy** [00:04:23] Corey.

**Corey Niles** [00:04:26] Yeah I think I would be arguing out both sides of my mouth if I didn't agree with Phil that the.....I do want, I think this is, Michele already spoke to the importance of this and something she would be wanting to work on if we didn't have the SaMTAAC workload, for example, but just with not taking too much time but I think we have this, this will, this is goodwill we want to keep the spex lean and mean and then find another place to do other things and I think we're, and Chuck's frustration I share and, and see it and we're trying to have these workload priority discussions and they're just not, they're hard and it's we have a process but it hasn't gotten easier and we're, so I will just hope we keep having those conversations and find ways to get done but yeah I think that's unfortunately the situation.

**Chuck Tracy** [00:05:20] So we... Maggie.

**Maggie Sommer** [00:05:23] Well I agree with my impression of our current workload challenges. A couple thoughts on the timing of those. I did hear Ryan say earlier that there would not be NMFS staff available to work on the non-trawl RCA modifications along with GMT and Council staff until June. I don't know if that for any reason would be different with the mothership sector utilization issue. I don't know and I guess my, I don't know is if NMFS thinks it would require the same initial involvement of their staff, and I'm not necessarily looking for an answer to that question, I'm just pointing out that while I don't think we prioritized within those top group of issues you pointed out earlier, certainly the non-trawl RCA modifications really rises pretty high to the top for me. I think that we had talked about April. I'm not sure April was random for the mothership. I think sector utilization when I think that timing works well for participation by that sector in a meeting and it might be much more challenging for them. Certainly, that could be overcome but I think that is one thought that went into it. I'll stop there.

**Chuck Tracy** [00:07:00] Corey.

**Corey Niles** [00:07:01] Just thanks and I do want to prolong, but I don't know that the non-trawl RCA would be our top priority so I would agree that we should talk about these given just first impressions. That's a sector that's and not knowing your states as well and there is more opportunity to be had, but largely we're getting full utilization from our non-trawl sectors with the RCAs they have now and you see the utilization in the whiting mothership there are real issues there as well so just not just saying I don't, I don't fully agree or disagree with what I just said there, but I would agree talking with Marci said maybe about talking about the priorities together at once.

**Chuck Tracy** [00:07:44] Well so we're working on April and this is probably our real opportunity to do something for April. You know in April we'll be able to talk a lot about what happens in June so if there is, you know, if all of these things end up in June, then in April we can, you can sort them out but, but April's what's in front of us so the question I think still is what to do about the mothership sector utilization and associated staff workload that that entails at that stage of the spex analysis.

**Phil Anderson** [00:08:40] Pete.

**Pete Hassemer** [00:08:42] Thanks. Well again I can't speak to workload. We made some changes in March that affect the GMTs workload and we don't have a model to crunch that through and see how much time that has saved for them on there in terms of prioritizing and I agree well, I agree with the workload for everybody in terms of getting the work done for the spex and all of those it's tight, but on the other hand, when we looked at those three priority projects that we decided on quite a while ago,

you know, I look at those and it is very difficult to prioritize them and I don't think we did because of that one. You know I view the RCA, the non-trawl RCA modification is an issue of opportunity that things we have done with the RCA and the way the fisheries have or the protections that come out of that, there's an opportunity to make a change that increases the value of the fisheries and we heard monetary values associated with that in the Emley/Platt is an issue that comes out of innovation that people explored and figured out how to catch more fish or increase the catch while reducing bycatch and we reward ourselves with being able to go at those things and on the mothership utilization, it's an issue of something's broke and people aren't able to go out and fish and contribute to value and so which of those do we go after first? I guess as we went into this, when we first put them on the Year-at-a-Glance there was a discussion about when is a good time to address each of those and at that time we had non-trawl in March and mothership in April, can't remember, then look out towards the third one and as we went through March, you know it's very difficult because of the workload so we talk about when can we deal with the non-trawl RCA and it's a big workload and so we have to push that out. Here our discussion is we've got at least six and a half hours in April. We could fit it in. What's the workload and I guess I would still suggest that maybe the workload to explore the issue, to see what we have to do isn't that large at this time to see what the issues are because I don't think it's you know sablefish shares that are limiting it. It's not RCA Boundaries. It's not gear types or anything. There's something else there so what's the issue we have to look at and what would the workload be to get at that and that might help us. So, I'm still going to argue that April is a good time to have that provided you know and hope there's some staff time that can bring something to that meeting for us to look at.

**Chuck Tracy** [00:12:07] Bob and then Ryan.

**Bob Dooley** [00:12:10] Thank you. I tend to agree with Pete here. I think that I haven't heard the fixes for the mothership sector problem and the utilization and all that but I do know we heard some pretty passionate pleas for help here to put this on the agenda and to come up with some solutions but I would expect we would hear hopefully some potential input from the industry of how to, what those fixes might be and what we might analyze. I don't know that, you know we can't, we've got some pretty low attainments in the mothership sector over the last few years and the same guys that came and pleaded their case last time, I think are still pretty much having the same situation so the issue of not having a summer fishery anymore in that sector is a big deal and I think we could probably come up with maybe some potential directions to look as opposed to trying to get staff to provide us things. I don't even know where to start there. I mean I have some ideas but it'd sure be interesting to hear from industry of their proposed solutions and then we could analyze whether they'd work or not. Just a thought.

**Phil Anderson** [00:13:39] Well my, my perspective for what it's worth is I went to the industry meeting. I was and I appreciated being invited and there was a lot of good discussion and there were different ideas thrown out and Heather provided us a report and sent it to us again to remind us of it. There wasn't a consensus around or there were some consensus around some different ideas, but there was lots of discussion after that meeting occurred and even my conversations with you, Bob, there was still additional discussions needed in my mind from the industry to talk about what we could do from a regulatory perspective that would assist them in increasing their utilization. I think that the moving the set asides that is in our package is going to be, going to provide some relief and it is one of the things the GMT is telling us that they're struggling with to try to bring to conclusion, I mean to work through this spex cycle. I would rather see them work on this, bringing this set aside approach forward successfully and let's get that in place than I would have them divert their efforts into other measures that were considered by the industry and discussed and still have merit but I don't think they're, they're if we're going to take away from the GMTs work on the set aside piece, I don't think that's wise and so I would, and I don't think the GMT has any more capacity to bring to this topic and so at, in April so I would hate to see us lose ground on their ability to bring forward the piece of the package that we

identified yesterday when it comes to set asides than I would have them divert into this very, in trying to look at other measures that can help utilization that that I really believe we need some further discussion within the industry to give us some better direction than we've got.

**Phil Anderson** [00:16:41] Bob.

**Bob Dooley** [00:16:41] Thank you Mr. Chairman. Those are, that's really good thoughts, and I appreciate that, and I think I agree with you. I would, I was thinking down the lines of more like a goal for them to shoot for. Right now it's not been defined when this is going to come to us and for them to actually have a goal to come forward with some thought process in this and I do agree that we should stick with the set asides issue and if I may, I would like to you know, echo what Dan Waldeck said and make sure that we in the terms of set asides that we include those, the alternative that would create separate mothership and catcher processor columns, because those are not necessarily big, in my mind big workload, they just give them a placeholder to let their cooperatives work so it's a very, you know, so I'm just throwing that in there because it was brought up in a public comment, but I do agree with you that probably isn't the wise thing to put this on the agenda right away but I think we ought to send a signal that it is coming.

**Phil Anderson** [00:17:58] Ryan then Marc.

**Ryan Wulff** [00:18:02] Thank you. Yeah, I appreciate the discussion. I just wanted to weigh in here. You know when we last discussed this in September, I completely understand that these are all important issues that people want to discuss but I, it's always where we're revisiting those discussions I do want to be quite clear that I was pretty adamant that it was okay to keep them where they were on the Year-at-a-Glance as long as they remained shaded. We don't have the workload from a NMFS perspective. Spex is our priority and I think for those reasons along with everything that Phil has laid out, you know, recognizing these are important issues and we do expect to get to them, we're not really at a point to be able to provide any resources to address this at the April meeting.

**Phil Anderson** [00:18:53] Marc.

**Marc Gorelnik** [00:18:53] Thank you Chair Anderson. I'm going to weigh in carefully and hopefully briefly. I wish we had the resources do everything for everyone but, but we don't and once upon a time the Council was much, our efforts were directed more to rebuilding and now the stocks are rebuilt. Almost everything we're doing probably can be characterized as improving utilization. So whether it's in the trawl sector or the non-trawl sector, we we've spent a fair amount of time over the last year or two reopening a lot of trawl areas which has provided a lot of opportunity and that's a good thing for the fishermen and it's a good thing for our economy. It's a good thing that we did by the Council did well there. I, we've not yet really done that for the non-trawl sector and so I think that the non-trawl sector needs a little bit of love here to increase the utilization. You know a lot of opportunity had been lost both in the trawl and the non-trawl sector and let's try to get it back in the non-trawl sector. I would, I don't want to see that lost. There are probably a lot of things we can do in the trawl sector, particularly in the whiting sector to improve utilization, but we can't do everything and I want to make sure that as we go forward with a unfortunately limited resources we have that we make sure that we look after all the sectors we're responsible for.

**Phil Anderson** [00:20:33] Chuck.

**Chuck Tracy** [00:20:33] All right. I'm going to be brave here. I'm going to suggest that might direct the GAP to work on this independently or perhaps at the March and or April meeting to see if they can

come up with staff assistance, Council staff assistance, a purpose and need statement and some potential action items or, you know, sort of let the GAP do this, this scoping. Let them come up with the purpose and need statement. Let them come up with the issues that they want to identify that might address the problem and give them an opportunity to come back at the March meeting and or maybe the April meeting and give the Council a better idea of what the, you know what the workload is going to be. What the likelihood of finding a good solution is and that would feed into sort of the prioritization of these, these four items for June and beyond.

**Phil Anderson** [00:22:06] Reactions? Brad.

**Brad Pettinger** [00:22:12] Thank you Chair Anderson. I think that's a heck of an option to move forward with barring a clear, concise path to fix this problem. I think that a little love should be shown to the other, other sectors and get us something from the GAP and they know their problem, at least folks on there, and if they come up with something to give us a pathway, it would certainly help this process.

**Chuck Tracy** [00:22:43] So to maybe just to sort of tier off that and Marc's comments I mean, I don't know how much, I mean the whole GAP isn't all about mothership sector either so maybe that's an exercise that we could consider for some of these other topics as well but anyway.

**Phil Anderson** [00:23:03] So would just if we ask them to look at this issue at their, I mean do they take both meetings for that matter, they'd flush stuff out in March and have another discussion in April. Would we put something on the agenda in April that gives them an opportunity to report back to us in April on their work and then from that point we could decide where, where to go with what they provide us so at least we give them an opportunity to, to come back and talk to us independent of engagement by the GMT or, you know, is that....

**Chuck Tracy** [00:23:52] Yeah and I would suggest the workload and new management measure update and prioritization agenda item, which is currently scheduled for March.

**Phil Anderson** [00:24:03] Louis.

**Louis Zimm** [00:24:04] Thank you Mr. Chair. I just wanted for clarity's sake to understand. Are you referring to the mothership sector utilization or are we referring to the other two items that are at the top of the list... and?

**Chuck Tracy** [00:24:17] My initial thoughts on this were with regard to the mothership utilization but as I mentioned, you know I think the other, the other issues are, you know candidates as well, depending on how much time the GAP has to work with, work on that and how much Council staff time has time to help them, but I guess that's up for Council discussion.

**Phil Anderson** [00:24:51] Marci.

**Marci Yaremko** [00:24:53] I'm a little confused here. I keep hearing that there is no Council staff time available. So either there's Council staff time available or there isn't because I heard there was none for the non-trawl item and now I'm hearing there might be some for mothership so again I don't recall us prioritizing between those top three priorities so I'm just concerned that we're sending a signal by agendizing one in this March through June time period when we hear there's no capacity and think maybe it's appropriate to schedule them all at a later date.

**Phil Anderson** [00:25:35] Go ahead Chuck.

**Chuck Tracy** [00:25:35] Yeah so, and so in regards to the staff time, I was thinking that this would be our staff at the Council meeting helping the GAP do that lifting as opposed to Council staff coming up with the purpose in need and Council staff identifying, you know, issues and writing it all up, so that that was my thought was that to put the burden of doing those, doing that work on the GAP at the meeting when Council staff's in the room, but not to, not to have Council staff be take the lead in developing those products and bringing, bringing them to the GAP for their consideration and then and as I mentioned my thought process got started with the mothership, but I think, I think all of the, all of those four agenda items are you know, are potential candidates for a process like that.

**Phil Anderson** [00:26:47] Louis.

**Louis Zimm** [00:26:49] Could you please name those four for the record.

**Chuck Tracy** [00:26:53] Non-trawl area management and salmon troll incidental landing limits. Mothership Utilization Sector. Emley/Platt EFP into regulations and Trawl non-trawl Amendment 21 allocations.

**Rich Lincoln** [00:27:09] Well five. What difference does it make?

**Chuck Tracy** [00:27:11] The first one is Non-trawl Management and salmon troll incidental landing limits. That's one. Mothership utilization. Emley/Platt into regulations and trawl non-trawl Amendment 21 allocations.

**Phil Anderson** [00:27:32] Rich.

**Rich Lincoln** [00:27:35] I think it's a great idea. In the spirit of a little experimentation too. I was just going to say, though, with respect to the mothership aspect of it, I like the other, bring in the other agenda topics but I also think it would be useful to signal to the mothership folks for that aspect of the problem. This came up in delegation this morning and it wasn't clear. I'm sure there's been some discussion of the issue, but there hasn't been any organized discussion in it from some of the discussion that we would have I would like to make sure that they also understand that we want them to consider solutions that are already within their own kind of industry purview, that it's not just an issue to bring back to the Council and it just strikes me even now we're heading into a new season next year and whether or not they've taken advantage of some of those opportunities, which would be of interest to me.

**Phil Anderson** [00:00:00] I kind of, I like the suggestion or the idea of giving the problem to the GAP and letting them work, work on it. It's appealing and not asking Council staff or other staff to do the workload that's associated with that, but I would, I would do, I think I would pick two things and I would pick the mothership utilization and I would pick the non-trawl management piece and let them ask them to do both, do them both. Report out to us in April on both items. Use some portion of their agenda in March and April to work on them and I would leave the slate pretty open as to here are these two issues, they've been identified as important issues for us to move forward and make progress, we need your assistance in kind of scoping them out within your forum and bring us bringing us your thoughts and if we did, had them do both over the course of those two meetings, but report out on both of them at the April meeting maybe that would then help us think about next steps that utilize Council process and, and our staff resources to advance whatever ideas they may bring to us. Louis.

**Louis Zimm** [00:01:43] And thank you Phil. I fully support that because I think these are two issues that were very clear on, need input from industry and the community. I know that for the non-trawl RCA that the community in Southern California is, is really gearing up to engage in this and pushing off any sort of engagement until June would be discouraging. Also pushing it off until that community is not going to be able to attend, even though it is San Diego, they'll be fully into their season and then, of course, for the mothership sector utilization as you know this has been a very important thing. You may well remember my first meeting here when, when my telephone went off when one of our people talked about mothership, that pulls it all the way back to the year that I've been here on the GAP, that that is very important so those two things and I think keeping it clear. Also, I have to note that without input from the GAP, putting things on them I think we need to be strategic about that. We don't know what the GAP's capacity is for this. I think as a veteran of the GAP that these first two things that you mentioned would be well discussed but the other ones, I'm not so sure. Thank you.

**Phil Anderson** [00:03:19] I'm looking around the table to see if you're giving me the stink eye or whether... we've been at this a little over two and a half hours so I'd like to, I'm suggesting we take a quick break and come back and finish up our conversation but I don't want to cut off anything that needs to be said before we do that. Bob?

**Bob Dooley** [00:03:48] Thank you Mr. Chairman I'm going to make a quick comment. I don't, I don't want my comments to be thought of as I'm not thinking that the non-trawl RCA is important. Our constituents and I've heard loud and clear it's equally as important and I think you came up with a very good idea to support that. Thank you.

**Phil Anderson** [00:04:06] Well it was Chuck's. Pete.

**Pete Hassemer** [00:04:10] Well I need a break... (laughter)... I like your idea and, and very quickly, maybe this is a question for NMFS and Ryan can think over. On the Emley/Platt, the way you framed up the work that needs to be done, what are the issues? What will we need to do? Emley/Platt, the work's been done. It is, and I don't understand the process and maybe that's just the calendar that somebody could lay out and it's a standing calendar and we know, oh this needs to be done, it takes that much time and, and that one's a little easier lift, but it requires somebody to do it. So just that thought.

**Phil Anderson** [00:04:50] Yeah, I do know that the men's restroom is about 10 degrees warmer than it is in this room so I'm going to head there... (laughter)... I'll see some of you there. It's 3:35 let's try to be back at 3:45.....BREAK....I don't want to cut off discussion or end the meeting prematurely, but I know there's at least one Council member that would like to be on the 4:30 shuttle, ten to four so if that helps you manage your discussion, I know that individual would be grateful and that's not me, but it could be. Okay so when we, we were grappling with how to if there was anything we could do in terms of moving forward with at least two of those four items that Chuck mentioned. We were talking about asking the GAP to take those on and, and bring us their thoughts in April, or at least that was the model that was being discussed. They would, could use you know portions of both their March and April meetings to talk about those two issues and synthesizing those and bringing them back to us in April and then from that point we would have something perhaps to work with in terms of identifying you know a timeline and process next steps, those kinds of things based on their input. Louis.

**Louis Zimm** [00:06:37] Thank you Mr. Chairman. I took the opportunity to talk to the two principal GAP members that would have to gather information from their respective industries and they told me they could on those two subjects that the Southern California people committed to trying to gather as much information as possible and I happen to know that there is already a plan sheet for things to do and then Mr. Waldeck would be talking to, to the whiting groups and they have an industry group that

could get together the information. This wouldn't be just dropping it in the lap of the GAP and say now you guys talk about it now, but there actually could be some preparation. Thank you.

**Phil Anderson** [00:07:30] And I do know there is a perspective that in the mothership sector at least, that they've already done this and brought us their ideas and that, you know why, why do we need, why do we, why are we asking the GAP for them to do it again? So, and I understand that perspective. I do think it would be helpful, however, for them to do that even if it doesn't result in any new ideas that they've already provided us but it would help us I think refocus on those potential ideas and lay out a potential timeline for us to further deliberate and potentially take action on regulatory kinds of matters that might help with the utilization issue, so is that a fair, is that okay to proceed? Chuck.

**Chuck Tracy** [00:08:30] Thanks so I guess just one sort of loose end to tie up here is that they will move forward with this plan they will need to report back to the Council under some agenda item and so the question is, do we create an agenda item in April for that to occur? One other suggestion we had back when we were talking about March was to move the, move the workload and new management measure update and prioritization until later in the week. So maybe we could move it, just move it into April and do that exercise after we have an even firmer grasp on the management measures and the title seems to fit the bill pretty well so and that would give us maybe a little bit more buffer in March in terms of time, and I think we could accommodate that in the April schedule.

**Phil Anderson** [00:09:29] Okay I think that's a good idea and it would, would open up a little, sometime in March and I suspect that there may be a Council member who has an idea as to how to fill that new newly created gap in March. Corey.

**Corey Niles** [00:09:48] Yeah thanks Mr. Chair. I would, I would just, that idea has already been spoken to the hard cap issue we just spoke with not too long ago but it feels like a while ago, but just the idea would be to better understand what the Council's options are in responding to that and Marci mentioned that California will be able I think to provide us with an update on what's going on with their DGN transition activities. So I would, and again Mr. Wulff I would, I would, please correct me if I'm wrong but I think in this litigation that's ongoing the government has put forth that we, that the ball is in our hands and that they have asked us a number of times to respond. I think March 2019 and then we said we would delay to March 2020 largely to wait for more information from California's program and so I think it's, it's, point being it's part of their answer to the court of that, yes, they are in compliance with the court order and again I don't think, I've heard various views around the table about what happened and what our options are in responding so I think our agency believes it would be a very good idea to keep that on the schedule and to hear, to hear what our options are moving forward.

**Phil Anderson** [00:11:20] Okay there's a suggestion. First of all I think that I saw general head nods around moving G.2 from the March agenda to April, which is the workload and new management measure update prioritization and now there's a suggestion that to bring the hard cap issue onto the March agenda when we do have HMS folks attending and we have about three hours to work with.

**Chuck Tracy** [00:12:03] I think that's right.

**Phil Anderson** [00:12:07] Okay. Is there objection to doing that? Marci.

**Marci Yaremko** [00:12:12] I'm sorry, how many hours?

**Phil Anderson** [00:12:15] Three.

**Chuck Tracy** [00:12:15] Three in March.

**Marci Yaremko** [00:12:15] Three okay yeah, I was going to say, I mean, what exactly is the item? I'm sorry I'm just not familiar with entirely the, the content. Are we supposed to be scoping hard caps in this agenda item or is this an update item intended to kind of pull together new information? I'm hearing Corey kind of say to talk about court orders. I mean what is the, what would be the actual content?

**Phil Anderson** [00:12:52] Corey? Oh, Chuck sorry.

**Chuck Tracy** [00:12:54] Thank you. So I think it's an opportunity for the Council to look at the hard cap, the action they had they took that was disproved and to see if there's any changes they want to consider taking another run at that and changing any of the actions that are, were associated with, with the original Council action. I think there were some comments I believe I heard from NMFS at some point in the past that, you know, well I think the part of their rationale for, for rejecting that change was the economic cost of closing the entire fishery for the rest of the year, so you know for example, is that something the Council wants to take a look at changing that response to hitting a hard cap. Anyway, I think it's kind of, it's, it's essentially a scoping issue. I think at this point if they're going to take another shot at it they have to decide what their, what their purpose and need is and what issues they want to address so I know you're starting to, hope that's starting to sound familiar to you but that's I think a good way to, to initiate projects, to develop a purpose and need and identify the issues and actions that the Council wants to consider.

**Phil Anderson** [00:14:31] Marc Gorelnik.

**Marc Gorelnik** [00:14:31] Thank you. I was hoping we could ask Counsel to remind us what the Magnuson Act requires when as a consequence of the court's decision that was, causes NMFS to bring the matter back to us.

**Phil Anderson** [00:14:54] Kathryn.

**Marc Gorelnik** [00:14:54] I don't know, it's really, we're really starting from scratch here, I'm not sure where we're starting from? I guess that's my question.

**Kathryn Kempton** [00:15:02] Thank you Mr. Chair. Thank you, Mr. Vice-Chair. The court in this case determined that NMFS had initially made an affirmative determination under 304.B1.a and the consequence of that affirmative determination in this instance was to proceed under a 304.B1, I'm sorry 304.B3 to promulgate final regulations within 30 days and to consult with the Council before making any revisions to proposed regulations, and I'm paraphrasing there, but that's essentially the, the import of this case. So in this instance Mr. Wulff has brought this back as have others to the Council for consultation and the opportunity exists to have this discussion at the March meeting. I can also, if I may assure you that something is going to happen December 5th. We don't know what that something is. That something may provide clarity as to the court's meaning and as to the party's relative positions.

**Marc Gorelnik** [00:16:09] Thank you.

**Phil Anderson** [00:16:11] Okay so with that explanation, is there objection to adding the hard cap, drift gillnet hard cap issue to our March agenda? Marci.

**Marci Yaremko** [00:16:32] Thank you Mr. Chair, just in light of that additional information might it

be more appropriate to relabel this as just a DGN update item or is there, I mean I wouldn't want to preclude thinking about the new information and the discussion in March.

**Phil Anderson** [00:16:55] Well I guess there's two, maybe two perspectives on that or two ways to think about it. NMFS disapproved our action and sent it back to us and they, and they provided us their rationale for doing so. This was after the proposed rule was published and whatever normal is, in normal circumstances they would have, you know it was brought back to us and said we disapprove and this is why and we, we have yet to respond to that in any way, whether we accept their reason for disapproval and therefore choose to not proceed with that or some other decision that we might make and in the midst of all this of course there's the issue has been taken to federal court by Oceana and there is some additional action in that case that was referred to by Ms. Kempton and so that's going on and at the same time, there's been activity going on relative in the State of California as it relates to the drift gillnet fishery that may or may not influence what the Council might want to do in response to this rule being disproved, so I think that's the discussion we need to have. I'm not sure about labeling it in a general way whether that doesn't put, it lacks putting a fine point on just exactly why we are taking this up because we are, I believe we are taking this up because of the disapproval, because of the existing court ruling on it and we need to discuss that and, and decide whether we're going to stand on our previous decision, modify our previous decision, which we have not done yet so.....Corey.

**Corey Niles** [00:19:33] Yeah thanks and just I don't, and again NMFS and NOAA GC can correct me, but I think it's, even I never liked the procedure side of law, but there's even difference in how an opinion in how NMFS and we should have responded because of the fact that the disapproval came and I think Kathryn was saying in the different positions that came after the proposed rule was issued so that, so yes it's even, even a different circumstance that I think this Council could be more educated on this as part of that larger discussion that Mr. Anderson framed up there.

**Phil Anderson** [00:20:15] Okay let me, I'll try one more time, well maybe more than one. Is there objection to putting this item on the March agenda? Marci.

**Marci Yaremko** [00:20:27] Thank you. I'm going to ask for a time out. I apologize, I'm getting Skype messages saying no and I, I'm trying to come up with a reason to state why, so if you'd just give me a minute.

**Phil Anderson** [00:20:41] Okay.

**Marci Yaremko** [00:20:41] I'd appreciate it. Thank you.

**Phil Anderson** [00:20:43] All right. So Ryan.

**Ryan Wulff** [00:20:45] Just not, just since we're taking a break maybe to help Marci, it might fill in some time. I want to talk about the hard cap issue but you kind of wrapped into this was moving that whole workload management measure agenda item, so I just want to be clear that if you're doing that in order to free up space here and moving that to April, that means the Council would not consider any new or urgent issues in March, which is also one of the reasons for that agenda item and as long as you are okay with that and that's understanding that I just wanted that to be clear that, that was something to flag as well.

**Phil Anderson** [00:21:26] Okay. I mean we're, it's a matter of a four-week difference so between the two meetings but Christa.

**Christa Svensson** [00:21:35] Thank you Mr. Chair. I just, I think my brain played a little bit of a game of pong on the groundfish item in terms of April and, and timing, so I don't know how much time we have left in April in terms of what's available to schedule on there but I think that might be helpful for once we get through that and it's not a major discussion item while Marci's doing what she needs to do, so I'm asking for a recap on do we have four and a half hours, do we have six hours in April?

**Phil Anderson** [00:22:12] Oh Okay.

**Christa Svensson** [00:22:12] Just an update of where we are in April for time available?

**Chuck Tracy** [00:22:18] So we started out with six hours of available time. We then, because we moved the ESA incidental take statement for humpback whales to March, we ended up with eight available hours. Since then, we've moved the groundfish workload and management measures in there. That was two hours so we're back to six. We look at what's in the box for, if we move the two salmon items up and the two CPS items up, that's one, two, three, four and a half, so that's, there's an hour and a half remaining. The mothership sector utilization, again I think that the plan was that those would tentatively go in June, so all of those four items would go in June and would make a decision on that in April so at that point we would, I mean there's still an hour and a half in theory.

**Phil Anderson** [00:23:16] ... In April.

**Chuck Tracy** [00:23:17] In April.

**Phil Anderson** [00:23:23] Marci.

**Marci Yaremko** [00:23:24] Thank you. Yes, I have much more clarity now. So we're fine with an agenda item that's, that surrounds DGN hard caps but we do need some clarity in both the Council action item and the situation summary as to what this agenda item entails, what the expectation is of the team, and what the expectation is with regard to public who might be commenting on this item. We want to make sure that I think we're clear in our intentions and what our goal is.

**Phil Anderson** [00:24:03] Corey.

**Corey Niles** [00:24:06] Well from my view I don't think we would, first on one of the things I would say we don't expect anything of the team. It's to hear from NMFS about and then the public as always about what our options are for moving forward so I wouldn't expect any new analysis from, from the team and then I kind of, yeah, how do we set expectations so that people can narrow the public comment and what we find you know most useful? I would hope that Council staff and NMFS could help us there but I don't, I don't know what else to say at this point and if NMFS has more if you could, willing to explain what they've been trying to get us to do, that might be helpful but step number one we need to, we need to revisit what, what's being you know what our options are given what happened.

**Phil Anderson** [00:25:14] Chuck.

**Chuck Tracy** [00:25:14] Yeah so, I think that's, that's right. I think you know the first part is going to be just sort of sketching out the landscape that National Marine Fisheries Service has created and that the courts have you know interpreted and apparently there is going to be something happen on December 5th that might affect this and I'm not sure exactly what Miss Kempton was referring to, if that's some court decision on this, on the litigation for this but in any event, it's kind of scope out the landscape, what the rule was, why it was disapproved, what the options might be for going forward and

then like I stated before I think, you know it'll be incumbent on the Council to decide if they want to further pursue the issue, if they do then they should be prepared to, you know identify what issues they want to move ahead with. Maybe you know identify a purpose and need statement or maybe just make the assignment to do that to the team moving forward but something on the order of a scoping exercise.

**Phil Anderson** [00:26:34] Marc.

**Marc Gorelnik** [00:00:00] Thank you Chair Anderson. I guess I'm not, it's not clear to me that it would require a renewed rulemaking process. Maybe it does but it strikes me that, and I haven't looked at the court's order so I don't know exactly what it says and I'm not that familiar with Magnuson, but here you have the, the Council has taken action what, two, three, four years ago. NMFS disallowed it. The court said NMFS you didn't follow the Magnuson in doing it so NMFS comes back to the Council and so is one option simply to reaffirm our decision and not revisit rulemaking and or I guess if we want to change our decision, that would initiate rulemaking.

**Chuck Tracy** [00:00:46] That was my guess, but I don't know.

**Phil Anderson** [00:00:52] And that's the purpose of having the discussion is to make sure we're clear on what our options are. Okay so with that bit of clarification I'm haven't heard additional objections to having this agendized for March so I'm going to close out the discussion on that one, turn back to Chuck. Are you giving me the? No....turn, turn back to Chuck and see what additional things we need to discuss to wrap this up.

**Chuck Tracy** [00:01:34] Thank you Mr. Chairman. Well I think in my mind we've reached a satisfactory conclusion for both March and April in terms of utilizing our floor time so if there's anything further out that we can deal with, June and beyond, that would be next. I see Mr. Wulff has his hand up so maybe he's got something that will help us or...

**Ryan Wulff** [00:02:01] Yeah, I'll be quick, really quick before you close April and there's only two points I wanted to make. One we'll go throughout but you did, you addressed this by moving forward the sardine rebuilding plan. Just a reminder that's important for that schedule to stay on track from the 15 months that we need the Council's action on that so glad that's moved forward. Really this is a minor but important change that NMFS would like in the April agenda in the way that the EM issue is titled. As we discussed there is no agreement from NMFS perspective right now for a delay. That is something that we will see based on discussions. If there was an implementation delay that would be wrapped into the preliminary reg changes anyway so I think it would be, I don't have as much heartburn with writing EFP extension for now for the purpose of noticing this but I would rather that say electronic monitoring preliminary reg changes and EFP extension without the mention of the delay in implementation.

**Chuck Tracy** [00:03:17] Is, is it worthwhile just mentioning implementation without the word delay? I mean is there, will there be any updates to that or is it just reg changes and...

**Ryan Wulff** [00:03:27] All of that could be covered under reg changes if there was one.

**Phil Anderson** [00:03:30] All right. Okay Corey.

**Corey Niles** [00:03:34] That was one thought, I didn't want to respond before the hard caps but I think in response to Ryan's point and I really do, I'm a big fan of trying to keep this GMT workload planning working but if, if there is a urgent response, I mean, the need to schedule something, I would, this this is the, the place that we can, we can still do that so I just want to make that observation. If there are

issues meeting planning is still available for that and working out, I think Chuck's frustration is part of we talk about these things in various places, but just want to make that, that observation.

**Phil Anderson** [00:04:10] Christa.

**Christa Svensson** [00:04:11] Thank you. I am just confirming we're moving forward both the CPS and both the salmon issues, correct?

**Phil Anderson** [00:04:18] Yes.

**Christa Svensson** [00:04:18] For the April... okay and workload is not in any way shape or form. I know it's really heavy for salmon folks in March and April and that is not an impact on that one just because we've gone through that with groundfish is my only reason for asking because I'm definitely in favor of both of those.

**Chuck Tracy** [00:04:33] Yeah, the, so just to speak a little bit to the salmon essential fish habitat for overfished species. The way the FMP is, the language in the FMP without having it right in front of me, I believe the assignment goes to the Habitat Committee to coordinate that so that shouldn't be too heavy of a lift for the Salmon Technical Team at the April meeting.

**Phil Anderson** [00:05:03] Okay.

**Chuck Tracy** [00:05:07] All right so just to look a little bit further out to June, just to confirm we've got the, the four management groundfish issues, Emley/Platt EFP, trawl non-trawl, mothership sector and non-trawl in June that we will get some more input on in April for prioritization. For the EM business we've got that in April and right now we've got, got the final consideration in June for those issues. I think that's really just, if there's any concern with that just make sure that we're clear that, that's, that's what we're doing and then the only other thing just to mention I think is the, you know September and November we've got some groundfish strategic planning identified shaded there and the limited entry fixed gear sablefish catch share review scoping, again shaded so I think we'll probably have some more input on those items in June once we're done with this, at least Council staff's done with the spex. I guess I would note that the second half of the year is still a probably even bigger workload or possibly certainly big workload for NMFS staff as they do the rulemaking for the spex and get that in place so, but I think that's all I've got. If there's any other thoughts people have about June, September or November?

**Phil Anderson** [00:07:07] I think you've burned us out. All right.

**Chuck Tracy** [00:07:12] Well, uh, well I guess that concludes this agenda item.

**Phil Anderson** [00:07:18] Okay.

**Chuck Tracy** [00:07:19] Before we finish off, I know this has been a very difficult meeting and a lot of long nights and now six full days but I'm afraid the meeting's about to get a little bit more difficult.

**Phil Anderson** [00:07:42] So this is Don Hansen's last meeting with us. I don't I, I wish I had the words that adequately express both my feelings for Don as a friend as well as the contribution that he's made to the Pacific Fishery Management Council and the management of the West Coast Fisheries. I don't, other than to say I, I don't know of any other person who has done more to advance the conservation of marine resources on the West Coast of the United States than Don Hansen has. I, I remember, I

remember the first meeting of the Council at the Holiday Inn on the SeaTac strip and Charlie Fullerton was the first Chair and Don Hansen was the first, I believe the first chair of the Groundfish Advisory Panel back then and he has been a champion of the Council over all these years and has brought dignity, recognition to this Council like no other person I can think of and so it is, I'm, I'm happy for Don and I'm sad for us but I just thank you for all you've done. I don't know what else to say Don. (APPLAUSE)

**Donald Hansen** [00:09:49] Let me make one comment if you don't mind please sir. I'm very closely eighty-six years old. I have been here since the Council started. I was looking back the other day and I think I missed maybe ten meetings in that period of time but the only thing, oh my God I got one of these too?

**Chuck Tracy** [00:10:10] For the record.

**Donald Hansen** [00:10:11] For the record. I can go around the table and starting with Sandra and thank you for everybody. Everybody here I say thank you to because I worked with almost everybody here. I worked with four or five executive directors. I worked with many, many chairmen like Mr. Anderson said Charlie Fullerton was the first and if everybody knew Charlie then he left after he got everything screwed up in the State of California he went to NMFS... never mind I shouldn't say that but he sent all the sea lions over to NMFS and that's what happened to him now. Anyway, thank you very much for the kind remarks Mr. Anderson. It took me many, many years to realize that you really knew what you're talking about, but I've known that forever and he's a hell of a birdwatcher if you guys want to go on a trip to watch birds. He can't catch fish, but you can look at birds. Anyway, thanks again and, and I, and I will probably keep calling Chuck on Monday because I've been doing it for so many years just to find out if he's still alive but many, many friends in the Council. Many, many friends that have come through the Council process and I've learned a lot and I think California and the states out here are all better for what this Pacific Fishery Management Council does. Let me tell you real quick one thing that Rollie Schmitten and Dr. Hogarth let me do is go around to all the other Councils in the United States, which all you guys could do it and see how they work and how this Council works. There's no comparison at all in the world. This is probably, I'm not going to say it because I'm prejudice, but it is the best Council going, period and a lot of you had a chance to go around and look at it but Dr. Hogarth gave me the opportunity to go visit every one of them and I did and I don't, they don't, they don't do anything, I mean Ryan, is that true? But anyway, thanks again folks very much. (APPLAUSE)... don't come over here to hit me.

**Phil Anderson** [00:12:21] I would like you to make the motion to adjourn.

**Donald Hansen** [00:12:28] No, no, no. We've got about four more hours of this work here so... (LAUGHTER)... Okay It's time, gentlemen, ladies and gentlemen, to adjourn this meeting so let's adjourn. Have fun.

**Phil Anderson** [00:12:45] Safe travels everybody. Happy Thanksgiving holiday.

## J. Highly Migratory Species Management

### 1. National Marine Fisheries Service Report

**Phil Anderson** [00:00:00] That concludes public comment on this agenda item. We've heard the report from National Marine Fisheries Service as well as the HMSAS and our public comment. Any discussion that the Council wishes to have on those reports, now is the time. Corey.

**Corey Niles** [00:00:25] Yeah thank you Mr. Anderson. A question for Mr. Wulff. I don't think this affects any people in my state directly but we heard two concerns from the advisory subpanel, which I might get wrong, but about finding some documentation in time to comply with the IMO and then the frivolous request issue. What is their recourse if any people want to make comments on those?

**Phil Anderson** [00:00:51] Ryan.

**Ryan Wulff** [00:00:53] Thank you Chair and thank you Corey for the question. We have been looking into the HMSAS concerns. So, regarding the first one regarding the IMO numbers, IHS is the company providing those and they've indicated to NMFS that they are going to work with individuals and placing those applications. We also anticipate there will be a probably a 30 day delay in effectiveness intended to give time for the public to come into compliance and so I would suggest that operators can first continue to make all attempts to work with IHS first, but then to be in contact with us and, if you know, if approved, the final rule does include prior provisions whereby a vessel owner may request an exemption from the IMO requirement if they're unable to obtain a number after working with IHS. So, I think that would be the procedure on that front. Regarding the frivolous requests provisions, you know if there are extraordinary circumstances such as those described in the HMSAS report that could be considered by the NMFS Regional Administrator to also provide an exemption if possible, but I just note, you know, some of those reasons are in part why the proposed rule considered a two year requirement for one year landing of tuna. It also doesn't specify species and the requirement for specific amounts. We tried to be flexible on this and it also treats the small purse seine vessels now with similar rules to the large purse seine vessels, but there is still a mechanism there if there is some sort of extraordinary circumstances such as they described, and we would be happy to work with them and they could provide a comment through NMFS and to the Regional Administrator if it required such level as an exemption.

**Phil Anderson** [00:02:56] Other discussion on the matters under this agenda item? Okay? Caren.

**Caren Braby** [00:02:59] Thanks. I, I would just express my interest in exploring that extraordinary circumstance exemption for years where we don't have tunas in accessible areas and that's a subjective perspective in some cases, but I think that it's, it gives me comfort that you have that laid out for years where it's obvious that a number of vessels are running into problems in making landing limits.

**Phil Anderson** [00:03:34] Thanks Caren. Any other comments? Corey.

**Corey Niles** [00:03:42] Thank Mr. Chair. Just briefly on the matter that Oceana brought forward. I think I just flag it as something I think we should discuss under the workload planning at the end of the, at the end of the meeting. I get kind of confused about the process and the difference in views, but there's, there's some chance we might have a court tell us what our process should be, so I think just flagging it is something we should talk about under workload planning and scheduling, potentially the hard caps item.

**Phil Anderson** [00:04:17] Okay. John Ugoretz.

**John Ugoretz** [00:04:18] Thank you Mr. Chair. On Mr. Niles point, I just would clarify that the court ruling applies to National Marine Fisheries Service. There is no obligation for the Council to do anything based on that court ruling. It would be only if National Marine Fisheries Service brought us something to consider, so I don't think I would necessarily consider that as having effect on our workload planning.

**Phil Anderson** [00:04:52] Corey.

**Corey Niles** [00:04:55] I don't want to get into the discussion here and I wasn't being precise my terms, but I think what a court does to NMFS will affect this Council's workload planning and that, and regardless of all that, I think the hard cap item is on our schedule and will come up under the future meeting planning.

**Phil Anderson** [00:05:13] Other comments? Okay I'm going to close this agenda item out.

## 2. Recommend International Management Activities Including the U.S./Canada Albacore Treaty

**Phil Anderson** [00:00:00] Takes us to our Council action. We have some recommendations that have been provided to us from our HMSAS as well as our Enforcement Consultants along with our public comment. So now is the time for the Council to discuss those and provide any recommendations relative to the U.S. positions at the upcoming meetings as appropriate. Rich Lincoln.

**Rich Lincoln** [00:00:35] Thanks Chair. Perhaps I can start the discussion with suggesting that we find an appropriate mechanism to forward the recommendations of the Enforcement Consultants that they provided us. I mean, there's are some recommendations in this area of issues that we don't normally, that don't normally get a lot of airtime here at the Council but are important to us, and I know speaking from personal experiences, the Council's representative on the North Pacific Fisheries Commission that having the Council express some interest in an area provides a little bit better foundation for working with the U.S. delegation. And I'd just like to mention specifically the little bit of discussion earlier on the, on the garbage issue. There are international, there is an international convention under MARPOL Annex V that most of the countries have signed on to so there's a nice, solid foundation there, and it also, I think, provides maybe a bit of a springboard not only to talk about garbage as we might normally consider it, but there are other issues in the, especially in the tuna RFMOs with respect to things like drifting FADs that are deployed by fishing fleets with not always with an intent that they will be retrieved, so there's a lot of, already a lot of discussion in the tuna RFMOs about FAD issues and I think there are some steps being taken to collect information that could get us to that point, but having the Council express some support and interest I think would be, would be quite helpful.

**Phil Anderson** [00:02:14] Thanks Rich. John Ugoretz.

**John Ugoretz** [00:02:20] Thank you Mr. Chair. Yeah, I agree with Mr. Lincoln regarding the Enforcement Consultants advice forwarding that along. I think also the advisory subpanel has provided some good food for thought and I know Mr. Wulff you've heard it and you've got it but if we can endorse that to be considered when talking to Department Of State that would be great.

**Phil Anderson** [00:02:52] Caren.

**Caren Braby** [00:02:55] Thank you. I, I also appreciate the comments from Rich and agree with John. I don't know what else to add to help the U.S. delegation in these negotiations. I know this is tricky and our work as a regional Council and our influence on international negotiations and treaties and, and so on is, is a strange business. You know it's not, it's not clear cut but there are a number of issues that were brought up in the AS and are forwarded again in the PAC recommendations that have been there for a long time, and it's not really clear what happens with those or why they haven't gotten traction and I would like to know that our recommendations here are going somewhere without breaching security issues for the country or something like that, and so I'll just ask Ryan, how can we more effectively weigh in on these international issues and emphasize that these are important to us and help the U.S. delegation succeed?

**Phil Anderson** [00:04:27] Ryan.

**Ryan Wulff** [00:04:29] Thank you Chair Anderson. Thank you Dr. Braby for the question. I mean, that's a big question with a lot of things that come to mind and obviously it depends on the fora that you're talking about. I think with respect to the various issues we're discussing now, I think we've heard some, like let's start with U.S. Canada albacore, I think we've heard some points come here. You have

a very direct way to engage on that as the State Department representative will be here in March. I think you could encourage, and I think I heard that from John by endorsing the AS Report, some discussions even before March between State Department and those associations and stakeholders. When it comes to other organizations outside like MARPOL or other things, I mean I think the best we could do is ensure that you're, any recommendations here are forwarded to the appropriate U.S. lead to those delegations, but you know as a NMFS agent or even State Department, if they were here, there's no reason why we couldn't provide you feedback that your message, your recommendations or any input was delivered, any response that might come. It's a lot easier, obviously, on the tuna RFMO front as there's a lot more direct engagement. So at least when it comes to the WCPFC issues, I will be communicating with the head of delegation post this Council meeting so I can, that's one way I can ensure your recommendations along those lines are delivered. We will be able to give a report out in March on how those were taken or what the reaction of some of these initiatives, not just from the Council, but from the PAC that you have here and their recommendations and how the U.S. engaged at that forum. That's something that we can continue to add to our reports, not just soliciting information, but providing you feedback on how that was delivered and or potentially used. And then when it comes to the, you know, even more relevant, IATTC on the Eastern Pacific side, I think you're going to see a number of opportunities. You're not just starting now all the way up through the meeting, including our advisory committee meetings, where there will be additional engagement and the ability to give you kind of direct responses and then even translate that into potential U.S. positions and or proposals, and we continue to have discussions even starting this far in advance now. So any input you've been provided now in November will still be taken into account by our delegations and what we might be starting to put together and to propose both to our advisory committees but also to our heads of delegation as we lead up to the upcoming July meeting in that for. I don't know if that's helpful.

**Phil Anderson** [00:07:20] Caren.

**Caren Braby** [00:07:23] It is, and I know I'm putting you in a little bit of a tough position. It's not, it's not intended to be a tough position, but you can only represent yourself and your agency and not the other entities and I acknowledge that. It feels a little bit rote to put forward the recommendations to the PAC that have essentially been the same for some time and so I am just looking for that traction. I'm looking for a value added here. So, I appreciate your answer and I think just as a single Council member, I do support forwarding the, the comments from the AS and getting feedback to this Council specifically on those issues as progress is made. So, thanks.

**Phil Anderson** [00:08:18] Okay we've had a couple of folks around the table express support for having the, both the Coastal Pelagic Species Advisory Subpanel's recommendations as well as those that were contained in the Enforcement Consultants report be provided to our representatives in these forums. So, I will look around the table and ask if there are any objections to us doing that? Okay. Regarding the, the, maybe specifically there's two of them and the Enforcement Consultants that are, you know, not fishery related, I mean directly, the garbage plan and storage and the boarding ladder. I guess I'm just I don't know if there's, how or what the most effective place to bring those issues up is in the international forums. I'm assuming that Ryan and perhaps others do know how and where and what, what place. I just don't want to lose, I don't want to lose those in terms of the Council's interest and would hope that those two concerns could, could be vetted at the appropriate places in the international forum. Ryan.

**Ryan Wulff** [00:09:55] Yeah thank you Chair and looking at the EC Report, you know I think, I don't know the proposal deadline off the top of my head obviously to submit a formal proposal to amend a conservation and management measure. The WCPFC, most RFMOs require some level of advance or deadline before any kind of proposal and I'm not sure if that's passed, but that said there already is to some extent a measure on the WCPFC book's related to that so as part of the Council's wishes, if you

were to note that this be raised, for example, in the appropriate compliance committee there, that would be one way to at least have it immediately discussed and then, of course, for the other four is recognized. We still have time to get that input on both fronts to the appropriate delegations.

**Phil Anderson** [00:10:48] Okay. Thank you. Any other recommendations the Council wishes to make on these international issues? Okay. Kit is there anything else we need to do to complete this agenda item?

**Kit Dahl** [00:11:11] Thank you Mr. Chair. No, I don't think so. I just want to be clear or in my own mind at least that you're not expecting, for example, us to send a letter to the head, head of delegation or heads of delegation or for that matter, the undersecretary. Mr. Drew Lawler, who is the undersecretary that handles, I don't know his formal title, but handles all the RFMO negotiations so and that it's sufficient that Mr. Wulff is here to communicate with the appropriate people.

**Phil Anderson** [00:11:57] Probably not a great one to answer that question, but my assumption was that by conveying these to Ryan and him having those, that he will take those and ensure that those are addressed in the appropriate forums as they, as those forums meet in the, in the near future. Ryan.

**Ryan Wulff** [00:12:27] That's correct. I'm happy to do that and then I think I also think it would be important for me to also report back at the next meeting on how those were taken and any, any follow up that happened post that.

**Phil Anderson** [00:12:39] That'd be great. So, no letter is needed.

**Ryan Wulff** [00:12:43] Correct.

**Phil Anderson** [00:12:43] Unless someone else around the table suggests that it is. Okay. All right so we've concluded that Highly Migratory Species Management item.

### 3. Scoping an Amendment Authorizing Shallow-set Longline Gear Outside of the Exclusive Economic Zone

**Phil Anderson** [00:00:00] That completes our public comment on this agenda item. I want to express my appreciation to everyone for honoring my requests to be respectful of one another and but most of all, I want to thank you for being here and providing us a lot of good input to us that will help us make our decisions as we move forward, so thank you very much. So, I'm going to turn back to Brett and ask him just to review our, the considerations that we need to make as part of our action on this agenda item.

**Brett Weidoff** [00:00:45] Thank you Chair. You have on the screen the Council action, which is to consider issues to be addressed in a potential fishery management plan amendment to authorize shallow-set longline gear in West Coast highly migratory species fisheries outside of the Exclusive Economic Zone. I spoke in the overview and in the scoping document about sort of the process here and, and to just think about what you need to address in considering these things as you move forward and think about the timeline and the things I laid out as far as Council process and where you are at this stage, I note that it said this is a scoping, however, we're not under a true amendment process just yet so it's part of that discussion and decision making about scheduling maybe more or making a decision here to that you have enough information.

**Phil Anderson** [00:01:42] Okay thanks Brett. So, I'll open it up to discussion Council? Silence never really bothered me. Christa.

**Christa Svensson** [00:02:15] All right. Thank you, Mr. Chairman and I guess I will start the discussion going. Firstly, I want to thank everyone. You know we as a Council have certainly wrestled with do we want to open discussion on this topic? I want to say thank you to each and every one of you in the public who showed up today. I know it's been a long day for all of us. I think all of us are wondering where we will go from here and I do want to reflect on why I have advocated for having this discussion because I've heard a lot about, hey, this is a large cost. We have brought this topic up at every single meeting for the last five years, and that has been a tremendous amount of time and cost as well so getting some resolution in terms of where we as a Council would like to go moving forward, I think is critical. A lot of the discussion even before this was in terms of if we do move forward with scoping of pelagic longline gear, being very, very conscious of environmental concerns and conservation concerns and I really appreciated the folks from our conservation community today who came forward and talked about the EFP process and you know maybe, maybe we're putting the, I always get this wrong but, cart in front of the horse, to talk through what type of gear we want to work with and maybe we want to continue talking about scoping, but not necessarily specific to pelagic longline in terms of we've had a lot of questions thrown out today and really what is our strategy in terms of what we're doing? You know, I do hesitate to say let's take longline off the table, not as it was in 2009, not as it is today, but in terms of what if we tie our hands in the future. You know what if we decide we don't want a 60 mile longline but we decide we want a 20 mile longline with a lot of mitigation tools that we have yet to create, that we do create through the EFP process but we are unable to do it because we make a decision today to say, no, we will never talk about any type of line gear on the water. So that's, that's what's circling around in my mind is how do we continue to have a discussion around what a successful swordfish fishery, both for commercial folks and for recreational folks and I will say I'm very concerned hearing about some of the rec numbers that are coming out of the water from a conservation standpoint, mostly, you know, how do we get a handle on all of these components and that would not have come to light if we had not taken the time today to talk about what do we want our future to look like.

**Phil Anderson** [00:05:28] Thanks Christa. John Ugoretz.

**John Ugoretz** [00:05:39] Thank you Mr. Chair and thanks Christa for getting us started on the discussion. I think you raise some important points about both where we are and where we might go. I think it's worth looking at the abundance of information in our briefing book, things we've discussed in the past. The Council's stated intent for swordfish fisheries that our goal is to reduce and minimize protected species bycatch to the extent practical and that would be through mitigation, gear innovation and individual accountability. That's, that's what we had in our draft swordfish plan that is still awaiting further action. I think we've heard a lot of information today. I unfortunately feel that there is still quite a bit of confusion about the status of current fisheries that are landing fish on the West Coast. I think there's a lot of work to be done and I'm honestly not certain we have what we need in front of us to make an informed decision right at this moment.

**Phil Anderson** [00:07:10] Other thoughts? Caren.

**Caren Braby** [00:07:14] Thanks. I also want to express appreciation for all of the comments that have been made today. It's hard to come to a meeting like this. It's hard to take the time and have the courage to speak to a group like us so I appreciate that and I have asked at least one question, maybe more today about how the, the longline fishery that we have currently as a model in the Pacific, which is the Hawaii longline fishery, how that compares to international sources of swordfish and I've been asking about that because of this really just kind of troubling perspective that I have that we are, are a Council that has a very strong sustainability ethic, we talk about the U.S. as being a model for the world yet we import fish that we don't really understand where it comes from, how it's caught, what those impacts are, and I do appreciate the comments. You know we're not these other places. We are who we are and we should stand up for what we believe, but part of what you believe is looking at the balance of what your actions are and part of that is that we import seafood and we don't fully understand what those impacts are. I don't want to see us importing fish that has a worse ecological footprint than our own fisheries and tell our own fishermen that they can't fish, and so to John's point and to a lot of the comments we've heard today, even though it's unbelievable, we don't have the answers to those questions yet. I think we have some information available to us that our team can acquire and can analyze for us and give us a better idea of where we are in terms of domestic fisheries, including the Hawaii fishery, but also how that compares to sources coming from outside the country. And just to share a little bit of my scientific perspective, which I share with you guys every once and awhile, you know I think that there are a lot of ways that we can look at this data set to learn a lot about some of our questions that haven't been done in a way that, that can make a huge difference, and one of the things that's been successful for bird mitigation on the West Coast has been tori lines and streamer lines and that's not something that's common practice with the Hawaii fishery. Does that make enough difference to say we could do something better on the West Coast? I don't know. I don't know the answer, and if it's better, would it be better enough for us as a Council to adopt it? I don't know, but I'd like to know more about that and have those questions answered rather than just absolutely saying, no way I'm not even going to look at the data. I'm not even going to look at the analysis. So I'm wanting information that is, that I trust is analyzed in a way that I understand how those data were acquired, how they were analyzed, what questions they answer, what questions they don't answer, what the assumptions were that went into them, and we don't have those in front of us right now.

**Phil Anderson** [00:11:26] Thank you Caren. Rich Lincoln.

**Rich Lincoln** [00:11:33] Thanks Chair. Yeah I mean I would have a hard time saying that there aren't lots of questions that we haven't answered but I'd also have a hard time saying that those questions are likely to be answered through an amendment process to authorize gear the way we've been discussing it. So, I mean, I think for me the discussion in terms of the likelihood that we have any idea what kind of gear configuration we think we might seek to authorize through an amendment process and have any

confidence that it would perform in some way that we seem to be suggesting that we would like to see as an outcome, I don't see that as a likely pathway to even consider whether some different configuration of what's been described as the current use of this gear outside the EEZ as currently practiced either through the, through permits in Hawaii fishery, those kind of questions aren't going to be answered through an authorization process, so to keep a discussion going in that context to me just seems totally illogical and not that, that doesn't mean that there's some other pathway that we might seek to think about what kind of gear is it that we might seek to provide a better supply of swordfish into the U.S. market from fisheries that the Council manages. I think I probably have a little bit different perspective of what our responsibility is in terms of trying to solve an import problem, but I think on the other hand, I think the Council always does have a vested interest in trying to think about providing harvest opportunity in U.S. fisheries that makes sense from, you know, the Magnuson Act standards that we have been duly kind of sworn to implement and uphold, so I think for me if there is some next steps in terms of answering questions, we should be seriously thinking about reframing what the pathway is because I honestly, if I can't imagine anything in terms of answering those questions that would lead me to want to initiate authori....or an amendment process to think about authorizing this gear right now or anytime soon.

**Phil Anderson** [00:14:17] Pete Hassemer.

**Pete Hassemer** [00:14:20] Thank you Mr. Chair. Share similar thoughts that have been expressed here. Really appreciate all the people who testified. I think I learned a lot from that. One thing I heard was there is a lot of support for the commercial fisheries and the commercial fishing industry and not just from the industry itself. You know the discussion is about getting, getting responsible fisheries on the water that are sustainable and minimizing bycatch. As my colleague here was just saying, it's a path forward on how you find that gear that allows us to do that. There was discussion about mitigation measures, investigating mitigation measures and, and that might be a big piece of it. In my mind we heard about circle hooks and types of baits and length of lines and IBQ and, and a number of different things and how they would play into this fishery is unknown. It's also unknown because of a lot of the data or all the data we comes, we have comes from the Hawaiian fishery that's operating just outside of our EEZ and what are some of the longitudinal differences and impacts to various species and targeting of those, so there's a lot of questions that need to be answered there. I was thinking it would be nice if our actions here reduce the impacts of foreign fisheries, reduce their bycatch, but that's not an expectation of mine. I certainly hope that would be an outcome, but I'd look specifically at our fisheries and maybe the last point is I did hear in the public comment that under the Marine Mammal Protection Act and the MSA, there are import provisions from these various foreign fisheries and maybe at least as part of our information gathering, if it could be an informational report or something from NMFS at a future meeting, what's going on, on that front? I don't know anything about the amount of work being done there so bottom line, there, there's a lot of unknown unanswered questions here. A lot of work to be done and I agree, it's probably not the amendment process because we just don't know what it should look like but we need to better inform our process as we move forward. Thanks.

**Phil Anderson** [00:17:20] Mark Gorelnik.

**Marc Gorelnik** [00:17:20] Thank you Chair Anderson. I'm going to join the chorus here that we simply don't have, or at least I personally would not be comfortable moving forward with an amendment process based on the information we have before us. We've got different numbers in terms of bycatch in the Hawaii shallow-set longline fishery and I'm going to point to one set of numbers from the GMT Report, Table 3. We know that some of the Hawaii longline boats land in California and some land in Hawaii. We know that striped marlin can be landed in Hawaii. We know that they cannot be landed here in California. So I would presume that when you look at the striped marlin catch, you would see

some percentage retained, those going to Hawaii and some percentage discarded but when I look at table 3, I see essentially zero discards so either that data is flawed or somehow the boats that are landing in California somehow manage to avoid the striped marlin. That's just one piece of information that I'm curious about. There may be, may very well be a good explanation there. On the other hand, I'm very sympathetic to the need to harvest more domestic seafood. You know to the extent we can displace the, the dirty foreign fleets, it's better for American fishermen and it's better for the environment, but again as others have said here, I'm not sure that we are prepared to move forward with an amendment process. On the other hand, I did hear mention during public comment the suggestion of an EFP, and that might be a more sensible way to proceed here to allow the demonstration of gear that would be authorized in the EFP by this Council to demonstrate how clean the fishery can be prosecuted.

**Phil Anderson** [00:19:40] Louis Zimm.

**Louis Zimm** [00:19:43] Thank you Mr. Chair. I've only seen a leatherback turtle one time and I've followed it in my rowboat for about 10 minutes and then it disappeared. It just gave me an indication of what we don't know about the ocean. It really gave me a clue. I was 14 years old. I have to say that the body of knowledge that exists about this subject is only coming to the surface at this time, like that turtle signaled to me what was actually there. Understanding the impacts of imported fish is something that I have very little information about, however it seems to be very important to this subject. There are just so many questions that need to be answered and not the least as you see I pointed out, the effect of recreational fisheries on the swordfish stock and conversely, the value of those very same recreational fisheries to the nation economically. So, there are a lot of really big questions that have just barely surfaced today. This idea about an EFP, I have no idea. I know what an EFP is. I think we've forwarded on seven of them. I have no idea what form of EFP it would take. So, I really need to be informed on this matter and I really feel inadequate at this time to make a strong decision either way on this issue. Thank you.

**Phil Anderson** [00:21:35] Let me look for folks that haven't spoken yet. Bob Dooley.

**Bob Dooley** [00:21:42] Thank you Mr. Chairman. I agree with a lot of the comments around the table about not having enough information and I do appreciate all the testimony today that came forward. It's all really helps me get my head around this. The thing that I do or that I do believe is it's been that this Council that we need, we need a sustainable fishery. We need to eliminate bycatch in this fishery, and we need to augment the U.S., our, our production in this fishery and input into this market. We've also heard from our fishermen that they believe they can do this sustainably. They can come up with a program to eliminate or reduce, not eliminate, but reduce bycatch. I think that we need to give the innovation to come up with this. It doesn't come from this Council. It doesn't come from our management committees. They don't, it doesn't come from there. It comes from the fishery. It comes from the fishermen that innovate. This Council in many, many of our plans has been by far ahead of the nation in innovation towards sustainability. If you were looking at this 15 years ago, you'd swear that trawlers would be the scourge of the earth. Look at the, look at the bycatch of minimization in that industry through innovation, through leadership from the Council and the agency, but mostly the fishermen give them the right goal, they came up with answers. I believe that we need to do that. We need to, we need to not abandon this fishery because by doing that we're sending a message that it's okay for the rest of the world to do what they're doing and it's okay for Hawaii to continue not dealing with their issues. We need to be the leaders and I think coming down that path, I think an EFP would be in order, but I don't want to lose the scoping part of this that an EFP may feed into. I think we need to stay on a path to get this fishery if it can be proved to be sustainable, eliminate bycatch to all, and address everyone's concerns. I'm not suggesting that we, you know, damn the torpedoes go full speed ahead but I think industry in conjunction with our management team, the Council's guidance can come

up with a plan and we can prove it, and if we prove it and it's successful, we're leading the way. We're showing the way again, once again, and this Council has a long, long record of doing that. Thank you.

**Phil Anderson** [00:24:48] Thanks Bob. Brad Pettinger.

**Brad Pettinger** [00:24:51] Thank you Mr. Chairman. I have no background in this fishery, but I've learned a lot the last couple of years I've been on the Council about it. I've learned a lot today from the testimony and I'm, I think there's some things we need to clarify or get some confusion out. I think when I hear bycatch, the bycatch numbers, it seems like the numbers are all over the place. Take, it is take, take and released alive? Is it mortality? It's hard to kind of put... there's very little apples to apples in this discussion today which is confusing to me. I'm a little bit concerned that we just authorized a deep-set buoy gear fishery and now we have, it sounds like the recreational fleet has figured out they could use that gear to catch swordfish and they're going to be competing directly with a fishery that's designed to kind of fill the void of American seafood into the marketplace. I really don't want the American consumer to have to know a recreational fisherman to access swordfish. So how do we get the fish into the, into the marketplace? I do know that the, we just got testimony earlier this meeting that they're talking about the MSE certification, doing a preassessment of these fisheries to basically to kind of have a scorecard to see, to assess the fishery where it's at. What needs to be done to get it up to speed. The MSE began the gold standard, the international gold standard for fisheries. From that preassessment I think there needs to be a fishery improvement plan. What they need to do to get them up to speed. I think maybe, maybe we could utilize that process to help guide us in moving forward slowly and diligently to try to get, find some way to harvest these fish commercially so they can, the American consumer could access a fish they really, really like obviously, they voted with their pocketbook that they want to, they like to eat this fish. It's great fish but I think that we're not ready today, not be ready tomorrow but I think we are being very slow, diligently and try to get this right. I know when I was in the trawl fishery it took us a number of years to get to where it is today. So, I think that we ought to give every chance to succeed at some, in some form or another. Thank you.

**Phil Anderson** [00:27:47] Thanks Brad. Corey Niles.

**Corey Niles** [00:00:00] Thanks Mr. Chair. I'll try to keep it brief here. I'm agreeing with a lot that has been said and I think I take, I take pride and with this Council's done and how the, how the fishing industry we regulate has innovated. I would think that if someone were to give us the authority to influence, regulate the imports of swordfish, I think we would take that offer up and schedule it for the next meeting if we could because I do, I do think we could do better. That said, I think I'm listening to the questions around here and I'm feeling like this is 2009. I was around the last time we took this up and we spent a long time talking about this and asking the team and analysts to do things and we, when we got to final action, it was 10 years ago so my memory is fuzzy, but it sounded just like this, you know, we don't know what to do. So, I don't know where the answers are going to come from. I'm also a little bit skeptical, I'm wondering, have you heard me ask twice why, and in this, there are answers to this I'm sure, but why if there's such a demand for swordfish and why there's 110 some permits that could be doing it aren't doing it? We've also tried hard to schedule this a number of times to be in Southern California because we heard that we were going to hear from people who wanted to participate loudly and maybe I wasn't listening closely enough, but I didn't hear or see from people that that I thought we would hear more from so I'm a little bit, you know, maybe a little more skeptical than people that haven't been through this one, one time before, but that said, you know more information on that spirit of what, what I want to hear or see happen to do better and I'm not going to, maybe some people articulate this better than I can right now but is, there's a lot of things to consider, a lot of species to think about but I have, I've, as we've said a number of times it's going to, one of the main factors is going to be the effects of recovery or extinction risk on leatherback sea turtles and one thing we get into

when we have, when we deal with Endangered Species Act consultation is in my mind, it works backwards to how we, how we do it as fishery managers or as, a lot of the innovation Bob and Brad knows and have spoken to is we have a conservation goal, conservation risk, and then we structure the fishery around that risk with individual accountability so on, so forth. The way the Endangered Species Act works is they want you to tell you what your fishery looks like first, what's you're actually going to be before they tell you what you're acceptable conservation risk is going to be and we spend, it seems like sometimes we if we don't do that right, we spend a lot of time doing things on our own that then go to a separate process and come back and I think I'm going to get this wrong but we might have had one leatherback take per some timeframe the last time we did this, which, which was much lower than, than the Hawaii fleet was allowed to take and again, I'm probably getting this this wrong, but it, so if we were to do this again, I would be interested in hearing how and this would, relying on our, our NMFS folks, how we could look Pacific wide at swordfish long lining and how we could look at that leatherback risk holistically in an integrated fashion with bringing in a protected species into our process so we are starting talking about acceptable risk to leatherbacks from the go, from the get go and how we would, if we were to do a fishery, how we would do this so we could be at least neutral if not you know positive to, to leatherback recovery.

**Phil Anderson** [00:03:51] Other initial comments? So, I'll offer a few initial comments and then we can circle back to those who have already provided comments. From a broad Council perspective, one of my concerns is the Council's capacity to take on a new fishery. We're, we are struggling to work through and manage the current fisheries that we have. We're taking on a halibut fishery and our, our meetings are, are becoming much, more and more difficult in terms of trying to get through our agenda items without spending ten or eleven hours in these seats. Council staff is stressed out, is stressed I think, they're keeping up with things, but so is NMFS staff, so are the state staff. At least I can speak for the, on the Washington side and the staff piece. We've lost some key folks in some key places, that we're trying to figure out how to fill that hole and so just from a broader Council perspective and our capacity to takes, takes a new fishery on that is going to be difficult to develop, controversial, I have concerns about it from that perspective. When I look at the number of active vessels landing, shallow-set longline boats landing fish into Hawaii and I see the number 11 for 2018. 20 for 17. 13 for 16, I started thinking about what, what are we, what kind of a fishery can we build and that in part is dependent on bycatch and bycatch of listed species and I've, I've had a leatherback turtle swim up to my boat. I've seen short-tailed albatross and laysan albatross and black-footed albatross and I've seen, I have not seen but I've, I've watched documentaries about the plight of particularly laysan and blackfoots associated with plastic ingestion in their breeding areas and so I'm concerned about moving forward with authorizing a gear that has bycatch issues associated with those and other, other species and I'm not sure how we fit in additional participants given that the fishery, the Hawaiian fishery has been shut down for reaching its take limits I believe in at least the last two years, so where do we, where are we going to fit something in there? I support discontinuing the scoping effort of the amendment. I am open to talking about looking at the proposed analysis that is in the team's report in terms of vetting out some more information that might inform a future decision or it might inform what we may want to do in terms of an experimental fishing permit, but in terms of moving down the road and scoping, authorizing the new gear type for landing fish into the, into the West Coast, I do not think that is a wise course for us to go down. Okay, so I had Marc Gorelnik's hand up.

**Marc Gorelnik** [00:08:21] And you basically covered the point I was going to make. We've see, if anything, a shrinking Hawaii fishery because of the constraints by protected, on protected species and if that's shrinking and presumably the limits are based on not the number of boats that want to fish, but the amount of take the species can sustain without jeopardy I just, it seems like a zero sum game and I'm not sure where we fit in.

**Phil Anderson** [00:08:53] Christa, you had your hand up a bit ago.

**Christa Svensson** [00:08:56] Well I did have because in mulling this overall week it really has been, in my mind a lot about is it possible to decouple scoping from the amendment process? Meaning I'm very much interested in having the conversation of how do we do better, both from environmental standpoints and from fisheries standpoints, and I do think that this type of conversation will help guide us in terms of future EFPs if we do wish to develop a fishery around a higher level of catch for swordfish or other HMS species if we choose to go that route. But I do think the amendment authorizing, I mean it just lends that air of urgency that this is going to be rolling down the road in a year or two years when we've, we've heard from pretty much everybody, including our commercial folks, we need to do this right and doing this right involves having conversations like today, but it also involves getting the science and the research and everything there including, you know, we've heard a lot about ESA-listed species and I don't know, Ryan, if you're willing to talk about that or not, but you know getting all of those pieces so that we can make an informed decision of how we want to move forward I think would be very helpful, whether we choose to move forward, which it sounds like we don't have the appetite for a variety of reasons on the actual amendment authorizing shallow set longline at this point in time.

**Phil Anderson** [00:10:43] John Ugoretz.

**John Ugoretz** [00:10:45] Thank you Mr. Chair. I have to agree with that sentiment. I think if the narrow question in front of us right now is, should we continue scoping or pursue a shallow-set longline EFP amendment, California's response is no, and it's no unless or until some of these very important questions about bycatch are much more concretely answered. Our major concern is that the status quo, which is a Hawaii-based fishery landing in California with known bycatch is not improved, so if the California fishery were somehow additive to that level of bycatch, we will not support it. If California does not have a say in a new permit such that, that permit is what is required to land on the West Coast, we couldn't support it. In other words, if you have a California permit, you couldn't have a Hawaii permit landing here. There are other important questions that have been raised and so while, while I'm okay with the Council continuing to pursue some answers, I would certainly say that our answer might still be no in the future once we have answers to some of these questions, and, and I think that's not saying that we shouldn't gather information and we shouldn't continue to discuss swordfish fisheries, which we have to and, and need to. Thanks.

**Phil Anderson** [00:12:36] Ryan.

**Ryan Wulff** [00:12:39] Thank you Chair. I've been, I really wanted to hear the discussion unfold before intervening as of course the purpose here is scoping, its discussion, it's really in the Council's hands if you want to pursue an FMP amendment, you know my role would be to advise you, whether that's consistent with MSA and your, in your duties as noted by Rich and others, but there are a few points that I do want to make. I do think it would be helpful to continue the discussion based on a lot of the things we heard today from another, a number of the points that have been raised by everyone here, but it is clear there is also a lot of confusion. You know there is some additional information that could be provided. I think the MT laid out some very specific analyses they could provide. I think if we, if the Council does move forward with this or probably with any other aspect of discussing the swordfish fishery, it's clear there is some confusion around the Endangered Species Act and at least in this action regarding the Hawaii fleet, so, for example, there's repeated reference to Hawaii exceeding their, their limits and the fishery being closed because of it. I mean just to be clear there, over the last 15 years, the take of turtles by the Hawaii fleet has not been driven by ESA restrictions. This isn't, they have not exceeded any ESA standards, in fact all biological opinions have been not likely to jeopardize and I think there's a big misunderstanding between what the Council added as hard caps, which were identical

to the incidental take statement in what is in an Endangered Species Act consultation. You know, the purpose of the ESA, and I think Corey lay this out is very correctly, I mean it's not to guarantee that no more than X number of takes can happen, it's to ensure that the extent of anticipated take, looking at that take of this proposed action, if it were a West Coast shallow-set longline fishery outside the EEZ, we would look at that coupled with the effects from other Federal actions existing and ongoing, such as the Hawaii permits and that would be an environmental baseline of that consultation and then we would have an anticipated take in our incidental take statement assuming there was no jeopardy in this biological opinion, just playing that out, but they are two different documents. It is not unusual to have multiple ESA consultations and incidental take statements. I think this Council is very familiar with that when it comes to salmon. We have it here in the deep-set longline fishery like I noted, there is a West Coast buy-op and there is a Hawaii buy-op each with different incidental take statements. So this is something that if the Council continues to go forward, it's clear that we would need to be, we would need to be able to present a little bit more clearly some information on this so that we can have a discussion without this level of confusion and I would be happy to do that when it comes to future discussions. I understand, Phil, your concerns regarding the broader Council staff and the broader Council agenda. I definitely see that as, as we've got a full week here, but at least from my staff's perspective, I've got a whole branch on HMS and we seem to talk one gear at a time so we actually have available resources should the Council want to move forward. In addition, two other points I wanted to make based on discussions. There's been a number of comments regarding imports, provisions, whether it be MMPA or there's actually a couple other import provisions that are relevant, I think an MSA and otherwise, we don't have that information for this discussion but that's something we could easily prepare and have a presentation on should that factor in to any future discussions, whether it's this gear type or otherwise. And then finally, I would say just to note on EFPs. Just a reminder, of course you know EFPs in general, we just, we had that on the Year-at-a-Glance already for June and September. We have some EFPs ongoing. We'll have data from longline in, at the June meeting when we discuss EFPs or if this process was continued, but I would probably urge you to kind of keep that separate or just to remind that EFPs are designed to test new gear or potentially new bycatch mitigation methods and they're usually, well, they're for activities that are already prohibited and so if you're just talking about an EFP for a shallow-set longline fishery outside the EEZ, well that fishery already exists so it might be challenging to do an EFP on that unless there's something very specific the Council wants to put in the record that they are trying to test with such an EFP. So that could be done in this process or of course, it could be done through the existing EFP agenda item that we already have scheduled and maybe I'll leave it there for now and see if there's any questions or a follow up.

**Phil Anderson** [00:18:18] Rich Lincoln.

**Rich Lincoln** [00:18:21] Thanks Chair. I guess just want to follow up on the last point that Ryan that you made and the same thought had occurred to me, there's really nothing to prevent research on shore set longline boats that are fishing in the area that we've been talking about if fishers involved wanted to test and demonstrate some of the mitigation measures that we have, so I'm not, it hasn't been clear to me either that we would need an EFP to do that if the industry wanted to take some initiative and I think the Council would be probably supportive and consulting with folks in terms of helping with design or whatever so I think there's certainly some opportunities there to answer some of the questions that we've had. I guess maybe in terms of trying to figure out how we kind of move the discussion that we've had so far, a little bit forward. I, so if, and I think you do this well Chair, that I haven't heard that there is a desire at this point to continue a scoping discussion of a potential fishery management plan amendment for short set longline in any kind of near or mid-term that there are questions there that need to be answered but there's an interest in keeping some kind of discussion going on about maybe some of those issues and the some of the broader questions that we've dealt with in the past on the swordfish management and monitoring plan. So to me, the question that we, maybe the most immediate question

that we have in front of us is what might make sense in terms of trying to facilitate those kinds of discussions and what kind of context or what period of time and I'm not sure that we need to conclude that right now, but certainly in terms of looking, looking forward to next year, if there's some interest in keeping some discussion open we're going to have to try to define what that might look like.

**Phil Anderson** [00:20:25] Louis Zimm.

**Louis Zimm** [00:20:28] Thank you very much. Thank you, Mr. Chair. I thank you very much for that train of thought Rich. It would seem to me that upon receiving the information, interim information from the EFPs that we could discuss this a bit more. So, I think we've already talked about September that we're going to receive information on these EFPs. Is that correct?

**Phil Anderson** [00:20:58] Ryan is that something you could respond to?

**Ryan Wulff** [00:21:01] Are you talking about the existing longline EFPs and the data available? That we would actually have that available by June, so anytime from June on, we would be able to at least report on 2019, the first year. Yeah.

**Phil Anderson** [00:21:20] So I have a couple, maybe a couple of questions Ryan in response to some of the remarks that you made. So I thought I heard you say that the Western Pacific Council had established certain hard caps for the fishery and that one or more of those hard caps had been hit and that was the reason for the closure of the fishery, is that correct?

**Ryan Wulff** [00:21:51] Thank you Chair. Yes, that's correct. So, 2018 it was a court settlement issue. 2019 it was a Council established hard cap. It was, which happened to be at that time consistent with the expected take number in the ITS, I think that's the confusion. If you set a number in a biological opinion that is your anticipated take in the incidental take statement, that does not mean if you go over that take that you are jeopardizing the existence of the species. That means you are going outside of the bounds of the analysis and it's a reinitiation trigger. It does not mean you've immediately stepped into jeopardy, but the Council wanted to be precautionary, utilize that number as a hard cap, so it was a Council action that shut down the fishery, not an ESA concern.

**Phil Anderson** [00:22:35] Okay. Well I applaud them for that. And in, did I also understand take, we take either short-tailed albatross or leatherback turtle that the service wouldn't be doing a consultation on a proposed fishery that would be authorized under the Pacific Council's action in a holistic manner, rather you would simply be looking at the potential impacts on those listed species associated with the Pacific Council's fishery?

**Ryan Wulff** [00:23:10] Yeah thank you Chair. So, I've got my trusty attorney to tell me if I'm wrong here, so let me try and put it more simply. So you would take both into account, but you would analyze the proposed action and in this case, let's run that, just say you're Fish and Wildlife Service, who's not here, but we did talk to them before, is it's the same, so you would analyze the effect of this proposed fishery and on top of wrap that in with the environmental baseline, which would be other federal actions as well as cumulative effects, other state actions or other private actions anticipated, so you would still look at the effects and see whether this new action was going to add on to that and thus further increase the risk of jeopardizing the species. So, you will still look at both, but it's not like an overall number for the whole Pacific Ocean, if you will. I mean consultations are focused on the action that you're analyzed, where that action is localized and whether that take is expected to increase the risk of jeopardizing as the existence of a species or adversely modifying critical habitat. Am I correct?

**Kathryn Kempton** [00:24:22] Yeah, I'd say result in jeopardy rather than increase the risk of jeopardy.

**Phil Anderson** [00:24:27] But at the end of the day you've got to look at the sum of the parts and determine whether the sum of the parts are going to potent.....cause jeopardy to the listed population or are you doing it independently and never looking at the sum of the parts?

**Ryan Wulff** [00:24:49] Chair, I think I'm confused on your question. I think this gets at Corey's point of why it works backwards from what you might be thinking. So, let's, I'm just going to throw out arbitrary numbers here. I don't have the final, but I think that's what maybe at least 21 I think was the ITS for leatherbacks. You know, if we came up with an ITS in this you know hypothetical fishery, let's say that was 10 and that's 31 combined, that that's just anticipated take in each opinion and if both fisheries are not likely to jeopardize you're not ident....while you're looking at the cumulative effects, you're not coming up with the overall threshold of the entire Pacific Ocean that you have to stay under, you're analyzing each action individually.

**Phil Anderson** [00:25:35] I understand that but if you're doing a responsible job and analyzing the effects on the population, you need to look at the total effects of the different consultations that you're doing.

**Ryan Wulff** [00:25:47] Of course.

**Phil Anderson** [00:25:48] Don't you?

**Ryan Wulff** [00:25:48] Of course.

**Phil Anderson** [00:25:49] Okay just want to make sure we were, I wasn't missing what you were saying. And if I could just on EFP part, you think, the, the point you made that EFPs are put in place where the activity of the EFP is, at least one or more of those activities is outside the scope of what is contained in a regulation, so an unauthorized.....so if we were, if we had, if we were doing an experiment, forget the FP part of it, or at least forget about the P part of it, that could be something that we would, we could do and experiment with potential other gear types, modifications to what is being traditionally used. It may not require a permit because it may not be utili... or have an activity that's prohibited by regulation but it still could be very informative if we were going to move down the road and authorize some sort of a gear that looks different than what is currently authorized in the Hawaii fishery. Is that fair?

**Ryan Wulff** [00:27:11] Yes that's fair. Whether it's a key type or even a device or a specific mitigation device or approach to reduce bycatch, yeah, that would be okay.

**Phil Anderson** [00:27:19] Okay thank you. Corey?

**Corey Niles** [00:00:00] So thanks Mr. Chair and Mr. Wulff. On the, before the EFP the exchange we were having is I think it's endlessly confusing, but I think it gets back to what Mr. Ugoretz said, excuse me, John, if I got your name wrong tonight, but is California is saying that if we want to know, please don't let me put words in your mouth, whether the effect on leatherbacks would be additive to what already exists from the Hawaii fleet, and I think if you were to do this, I think that the global look you're talking about, about jeopardy happens at the protected species level within your agency but if there's a way to bring it more out into the, into this to this process so we could understand that in a way that's not confusing and like what would be, would what we did here be additive to the risk that already exists

in Hawaii or not? And I'm not saying this as well as John did, but I think that would be a question we would want to think about and how do we do that in a way that doesn't get really confusing.

**Phil Anderson** [00:01:05] Okay. Caren.

**Caren Braby** [00:01:12] I'm going to change gears just for a second, just a brief second, minute. I just wanted to state perhaps the obvious, but I think that the part of the reason why we're struggling today with the impacts and where we want to go moving forward is that there's general discomfort with thinking about deep-set buoy gear as being the fishery to provide swordfish to the West Coast, and I just, I want to say that that's something that's going through my mind. That is not the volume that the American public is demanding. It's not what the West Coast is demanding and we as a Council want to do something about that and we don't have a good option in front of us and so I just, I just want to just say that because I think that there have been some representations that there are alternatives that are available that can replace drift gillnet and I would argue that we don't and that's okay and we can spend some time looking for the right thing, whether it's some more of longline or some other completely different gear but the way that it is right now, we don't have that alternative in hand and that's part of our problem. If we had a good alternative that had the volume, we probably wouldn't be having this discussion today, and in our management plan we have these currently conflicting goals of reducing bycatch and providing economic opportunity and viability of the swordfish fishery and we don't have that right now. So just feel like I need to say that. I know a lot of you are thinking it so now I've said it and I'm done.

**Phil Anderson** [00:03:25] At least in part of my, my thinking that I wrote down but I didn't say is we are in a transition period within California and the drift gillnet fishery and the deep-set buoy gear and there are, I mean there are reports and concerns that have been expressed by commercial fishermen that the deep-set buoy gear does not result in the catching and the quantity of swordfish that drift gillnet gear does or perhaps shallow-set longline but, well I don't know about but, and or still, I mean there's a, there's a process there's a going on within the state of California that is in part linked to what we are doing and in part not that I'm, at least I'm interested in seeing play out and see kind of where we end up too so we're still in the developmental stages of the deep-set buoy gear from my perspective but I acknowledge that we've received a number of comments from commercial fishers that have indicated that it will not produce the same volume of fish that the drift gillnet gear has. So, I need a little help with, I need a little help a lot of things, but the way that, and this is directed maybe at Chuck. So, we, this agenda item was termed as a scoping and amendment authorizing shallow-set longline gear outside of the EEZ. If we were going to, we've heard, we've gone through this discussion today and heard from the public and our team and our advisors. We've had some discussion around the table. If we were not going to proceed with the amendment authorizing the gear, would that, does taking no action result in the termination of that and it may be replaced with something else. It may be replaced with an analysis, a series of analyses that we still want to get from the team. It may include gathering information that comes out of our EFP in June, so it may lead somewhere else but in terms of from a process perspective, that would it take a motion to discontinue the scoping of an amendment or is no action have that same result.

**Chuck Tracy** [00:06:25] Thank you Mr. Chair. Well I think, you know, given our discussion in September about what this agenda item was about and whether this was the formal scoping step for a plan amendment for the three meeting minimum process, I think it was pretty clear that this was not intended to be that step, that this was a, more of a public scoping session to gather information so, so I guess I would say at this point the Council has not decided to initiate a FMP amendment so, or they, yeah maybe I'll just stop there.

**Phil Anderson** [00:07:19] So you know we have several choices. We could, someone could propose that we do proceed with a plan amendment process, which would include a scoping session at some point in the future, or someone could propose that given this conversation, here's some additional things that I would like to see done, be they playing off the team's recommendations and in addition to getting some information coming out of the EFPs or whatever that might look like. So, if there is, if there is that desire to do that then we need to express that. John.

**John Ugoretz** [00:08:06] I have a motion that may help and some discussion, I think, to follow.

**Phil Anderson** [00:08:13] Okay.

**John Ugoretz** [00:08:16] If I could have number two Sandra. Thank you. I move that the Council not proceed with scoping or consideration of an FMP amendment to establish a West Coast permit for shallow-set longline fishing outside the United States Exclusive Economic Zone.

**Phil Anderson** [00:08:53] And the language on the screen accurately reflects your motion?

**John Ugoretz** [00:08:56] It does.

**Phil Anderson** [00:08:58] Is there a second? Seconded by Rich Lincoln. Go ahead and speak to your motion.

**John Ugoretz** [00:09:04] Thank you Mr. Chair. This has been a multiyear, decade lengthy process. I think the discussion around the table is fairly clear, and it appears to have some level of agreement that we aren't ready to move forward. I do think that, as you just said, there are some other things going on that we could get updates on moving forward and part of this transition of the draft gillnet fishery is changing the playing field for swordfish fisheries off our coast. I would like to be able to provide the Council with an update on the status of that after the first of the year when we know how many participants there will be and whether or not we have the funds available to proceed. I think that we have a few EFPs that are critical to the discussion of how people are catching swordfish off this coast. We recently approved a, a short deep-set EFP that could, could prove very useful. That is very different than what we've been talking about today. I think Mr. Wulff has stated that they could provide updates on status of EFPs this year and where we are with our understanding of that. In addition, we have our draft swordfish monitoring and management plan that I personally asked that we set aside until some of these ongoing events had completed. I think after we receive those updates and after we know the status of the California driftnet fishery, that we could definitely look at that plan, revise it, update it and provide a lot more detail on other things as that plan is currently very focused on drift gillnet. So, with that, I think we could move forward from today in a cautious and considerational manner that looks at information as it comes to us. Thank you.

**Phil Anderson** [00:11:41] Thanks John. Discussion on the motion? Ryan.

**Ryan Wulff** [00:11:45] Yeah, I have a question. So, I understand the discussion and the motion, but you also talked about in your explanation having further information and discussion. So this is very confusing to me because the way this is worded seems to be quite permanent and so it would be helpful to know if the intention is to never proceed with scoping and if that's the request then why are we bringing back additional information as noted in your explanation of the motion or is this more a 'at this time' motion because I'm confused.

**John Ugoretz** [00:12:24] Thank you Mr. Chair and thank you Mr. Wulff for the question. I think

everything is 'at this time', however in this particular case I didn't put any other specifics on there. I'm not necessarily saying that the additional information would lead to a discussion of scoping of a shallow-set longline fishery. In fact, I think, and I think as, as Christa had pointed out, what we're looking at is swordfish fishing. We're looking at providing methods to increase sustainable production of fishes and what that looks like I don't know, but as I mentioned we have some EFPs out there that are doing something different than shallow-set longline fishing.

**Phil Anderson** [00:13:23] Further discussion on the motion? Caren.

**Caren Braby** [00:13:27] I think I have a different clarifying question for the maker of the motion and it has to do with if, if the intent is to include exploration of those alternatives, what is your vision or intent with this motion on what that would look like? So we had some discussion earlier about scoping being a chance to kind of look at options, analyze options, so if we were to analyze potential options for the future discussion for the Council around the swordfish management plan, what would that look like? Is it just pause until the California process is over and then, you know, I'm not sure how that, how that would go forward with your intent with this motion.

**Phil Anderson** [00:14:21] John.

**John Ugoretz** [00:14:21] Thank you Mr. Chair. I think my intent at this point would be to get information from the EFPs and information from California in June and have a discussion at that point about whether or how to change the swordfish monitoring and management plan that then provides us a path forward into the future. I honestly do not have a timeline, process or desired result after that.

**Phil Anderson** [00:14:56] Go ahead Caren.

**Caren Braby** [00:14:57] So then would the team's suggestions around analysis on the shallow-set longline be inconsistent with your motion?

**John Ugoretz** [00:15:08] Could you, I'm sorry could you repeat that?

**Caren Braby** [00:15:11] Sure.

**John Ugoretz** [00:15:12] Thank you.

**Caren Braby** [00:15:13] The team, the management team provided us with four specific analyses in their report, supplemental report today around looking at catch and bycatch and foreign sources of swordfish and so on. They were centered around shallow-set longline. Would them proceeding with that analysis be inconsistent with your motion? Would your motion prevent that from happening?

**John Ugoretz** [00:15:52] Thank you Mr. Chair and thank you I think Miss Braby for the question. I, information is what will allow this Council to manage our fisheries appropriately and we want to look at sustainable production of fish off the West Coast, in particular swordfish in this case. We, I think, do have concerns about bycatch in foreign fisheries and I think consideration of what that means for local production is, is a worthwhile endeavor. I'm not certain that all of the things in the team's report are necessary if we are not engaging in an FMP amendment process. That does not mean that some of the things in the team report might not provide useful to our management decisions. I honestly would prefer to think about that. I don't think there is a rush here. I do not think we have to give the team direction at this meeting to further an, conduct further analyses, but I do think we could dig through that plan, have them dig through that and decide which are still appropriate.

**Phil Anderson** [00:17:31] Chuck.

**Chuck Tracy** [00:17:31] Thank you. I guess just to that question. You know the team conducts its business and does its investigations relative to the Council direction. The Council's direction was to look at these things, not neces.... I guess you'd have to identify the purpose for it, or you might want to change the purpose for it. If this is to inform an EFP, this was to inform development of the swordfish monitoring and management plan I think that's, and the Council's free to direct the HMS team to conduct whatever analysis they would like.

**Phil Anderson** [00:18:15] It seems to me there's, listening to the conversation in the, around the motion that if there's really, there could be two steps here. There could be an amendment that expresses that it's not at this time to this motion, so there's, I mean although nothing's forever, I mean, let's you know be serious, I mean, we can always come back and change a prior decision, but that's it. If there was more comfort around adding the words 'at this time', and then we could follow that up either with a motion or direction that plays, that works from the four points that were in the team's report relative to analysis and data and then that could feed into a future discussion in our swordfish management plan. So that would give us a path forward, bring the EFP information in, in June, bring the information in that comes from California, get this information from the analysis and data, and then look at our draft swordfish management plan and see where we go from there. That might be a way out of the, if we are in a box, and I don't know that we are, I feel like we are, that might be a way through the various perspectives that have been put on the table during the discussion of the motion. Dave Hanson.

**Dave Hanson** [00:20:01] Mr. Chairman the way it's written I think is a very strong statement that's going to be confusing to some and some people are going to be ecstatic thinking it's dead and others are going to wonder what it means. Seems to me that not proceed with, with the development of an FMP is the message. We're not going ahead with the development of an FMP at this time, but to leave in the scoping aspects, as far as I know scoping can go on for years. It's not a one shot you're done as far as I know and that would then help the argument of bringing other things in later on or at some subsequent meeting in the next year. It seems to me that's the message then this states it fairly strongly and I don't think quite what people are talking about.

**Phil Anderson** [00:20:52] Rich Lincoln and then Caren.

**Rich Lincoln** [00:20:54] Thanks Chair. I think I mean, I think Dave makes a point with respect to being clear, but I mean, I think the discussion was pretty clear about not continuing scoping in the context of a FMP amendment, so I have no problem with stating that but and I was, I think, perfect....and to the extent that we need to clarify in some folks minds that, that doesn't necessarily mean the Council would never entertain something with respect to that gear, I mean that, I don't have a problem with that. That's always, I mean that prerogative's always there. I, in the discussion that started from Caren's question about what about guidance to the team? My sense was there is a kind of an intent here expressed by the Council and then the discussion that you offered Phil with respect to so what's the guidance of the kind of information or analysis that we would like to come back to us in June to frame a decision about where we go with a swordfish monitoring and management plan. That all sounded just fine to me. We can be as clear about that kind of information that we want if people have some specific thoughts about what that means in addition to where John started out and some of Caren's things, I mean, I think we could do that with a closing out that discussion once we take action on the, on the motion.

**Phil Anderson** [00:22:20] Thanks Rich. Caren.

**Caren Braby** [00:22:23] Yeah thank you. I agree that this is a very strong statement. I'm fine supporting

it as long as we can move forward with what I think is our responsibility, which is moving forward with a swordfish monitoring and management plan and our stated goals of trying to reduce bycatch and to identify economically viable options for that and three of the team's analysis suggestions are informative to any swordfish gear that we might consider, so they're not specific to shallow-set longline. I just wanted to make sure that if I support this motion, that I am not signaling to the Council that I don't want to have those analyses done. I do want to have this analysis done. It doesn't have to be done by March, but next year sometime would be great and so I think that I'm hearing some consensus around additional information sometime mid to late next year and so I'm comfortable supporting this motion.

**Phil Anderson** [00:23:36] Christa.

**Christa Svensson** [00:23:37] Thank you Mr. Chairman. I will admit I'm not as comfortable supporting this motion. I think this is very strong language. I think that it really does set a tone for you voted again, you voted again, I think we have a lot of questions that we want answered and it's very easy to say, well, you've put this motion forward five times in a row as opposed to at this time we don't have enough information. I would like to see the analysis done. I think that would be very useful for any future fishery we were looking at for at least three of them, if not all four. Personally I would like to see that in June because we're going to be hearing reports on EFPs from it sounds like NOAA and others and I really question the ability to move forward with that if we're saying, hey, we're not ready to take on a swordfish management plan at this time and we're going to use very strong language saying we don't want to do this. So, you know, I don't know how others feel about the 'at this time' clause at the end. I'm a little hesitant to throw it out there as an amendment, not even knowing if I have a second, but I will say that it is very, very concerning to me that we're going to potentially move down a path where we're, we are kind of boxing ourselves in based upon the fact that we've said we don't want to talk about this four times in a row and are using very strong language a fifth.

**Phil Anderson** [00:25:27] Caren.

**Caren Braby** [00:00:00] Quick point. I would just point out that our swordfish monitoring and management plan has language in it saying that we will consider shallow-set longline gear and so that is not out of the question in the future based on that plan in my mind. This is just for this meeting. We're not proceeding with the amendment as noticed. That's you know.....

**Phil Anderson** [00:00:27] Just as a side note, as someone who has made a motion before and not received a second life goes on... (laughter)... Christa.

**Christa Svensson** [00:00:40] All right. Well I guess I'm going to roll the dice and say that I would like to add as an amendment to John's motion, just adding 'at this time'.

**Phil Anderson** [00:00:51] So the motion is to amend by adding the words 'at this time' at the end of the, after the word 'zone'.

**Christa Svensson** [00:01:00] Correct.

**Phil Anderson** [00:01:09] And the amendment on the screen accurately reflects your motion to amend?

**Christa Svensson** [00:01:16] That is correct.

**Phil Anderson** [00:01:18] Is there a second? Look at those seconds, they're all over the place... (laughter)... gosh who do I pick? How about Bob Dooley seconds? Yeah, that's a record for seconds by

the way... (laughter)....

**Christa Svensson** [00:01:29] Golly I guess maybe I should feel better that I was willing to express my nervousness. I will speak very briefly because I think I highlighted why I feel so strongly about this. I really value the input of Council members today. I value members from the past advice and I really do not want to tie the hands of future Council members and public members in the event that we do develop gear by setting a precedent of we don't want to talk about this in the future, potentially, depending on written record and how people perceive it.

**Phil Anderson** [00:02:13] Thank you. Is there discussion on the amendment? Bob Dooley.

**Bob Dooley** [00:02:19] Thank you Mr. Chair. No, I agree with Christa's comments totally and I think that it sends a bad signal that it, the way it was. It was very affirmative that it was off the table and I don't think that was consistent with the discussion around the table. So, I think this kind of more accurately reflects what was discussed.

**Phil Anderson** [00:02:42] Thank you. John Ugoretz.

**John Ugoretz** [00:02:45] Thank you Mr. Chair and I do appreciate that the effort that Miss Svensson made to adjust my initial motion. I will not be supporting the amendment as written. I feel strongly that it sends the converse wrong message that we will continue to discuss this issue ad nauseum without additional information that we need in order to proceed, and we being the State of California. I spoke to some of those points. Once we finish with this motion, if it passes, I would have some additional changes to make in order to at that point be supportive.

**Phil Anderson** [00:03:40] Other comment on the amendment? Ryan Wulff.

**Ryan Wulff** [00:03:48] Thank you Chair. I just want to note I'll be supporting the amendment as it's reflective of the questions and clarifications that I had based on the discussion earlier. Thank you.

**Phil Anderson** [00:03:58] Rich.

**Rich Lincoln** [00:04:01] I also will be supporting this amendment reluctantly, because I think the only reason those words are here is because we haven't developed enough trust with each other to feel confident that we had kind of met that condition that Bob noted that we all had this, we're talking about the same thing and I think that same thing is what John just described, that until we get some really good information about what a fishery might look like for this gear that would meet our objectives, that there, I didn't hear anyone support the idea that we would want to take it up until that, until, if and until that happens, so I still think that intents pretty clear from our discussion so I'm going to support it just so that we don't get wrapped around the axle any further.

**Phil Anderson** [00:04:57] Corey.

**Corey Niles** [00:04:58] Thanks Mr. Chair and I almost, this is a serious agenda item so that didn't want to lead off with a joke, but I was going to ask John if he meant to imply that we would start scoping because we know what his feelings are longline inside the EEZ because you could read, read this motion that way, but so I think that I'm not a fan of how we do this sometimes and I hope, and we don't, this motion should not be the full expression to the public of what our discussion was and I hope we have the full meeting record, which we'll be taking up next, the Council Newsletter, everything and I've heard John speak and I think people are pretty much on the same page, it's a question of when and when we

get the right information and worrying so much about the wording, I've never been a big fan of, it's hard for the public to follow along and so I'll support this motion but I am looking more towards the other materials we'll leave on the record for, for people to understand and ourselves to understand what we we're saying here.

**Phil Anderson** [00:06:01] Further discussion on the amendment? Okay we'll call for the question. All those in favor say 'aye'.

**Council** [00:06:07] Aye.

**Phil Anderson** [00:06:09] Opposed no?

**John Ugoretz** [00:06:09] No.

**Phil Anderson** [00:06:11] Abstentions? Motion carries with Mr. Ugoretz voting no. Chuck.

**Chuck Tracy** [00:06:21] Thank you. I guess before the Council proceeds, which I gather they're going to do, I just wanted to maybe just make a couple process points. One is that amendment, that a motion can only be amended twice I believe, and the other is that if there is another, some consideration of further qualifying the intent of the Council here that if there is another amendment to this motion that it just focus on fairly narrowly and I guess remind the Council that there is an opportunity to do other motions on other areas of interest after this motion has been dealt with.

**Phil Anderson** [00:07:13] Okay so we have the main motion as amended back in front of us. Further discussion on the main motion as amended? John Ugoretz.

**John Ugoretz** [00:07:23] Now I'm now lost in Robert's rules.

**Phil Anderson** [00:07:29] I don't, well if we take action on this motion, it does not preclude another motion being made as long as it's not in conflict with this one.

**John Ugoretz** [00:07:41] And am I able to withdraw at this point?

**Phil Anderson** [00:07:46] I'm sorry?

**John Ugoretz** [00:07:47] Am I able to withdraw a motion with approval of my second after it's been amended?

**Chuck Tracy** [00:07:52] Yes.

**Phil Anderson** [00:07:53] Yes.

**John Ugoretz** [00:07:54] Move to withdraw.

**Rich Lincoln** [00:07:59] Got nothing else to do.

**Phil Anderson** [00:08:04] Okay the maker of the motion has withdrawn the motion as amended and the second has agreed.

**John Ugoretz** [00:08:15] I have an alternate motion.

**Phil Anderson** [00:08:23] All right. John.

**John Ugoretz** [00:08:25] Sandra could you pull up number one please? I'm going to pull it up on my screen.

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

**John Ugoretz** [00:08:49] I move that the Council not proceed with scoping or consideration of an FMP amendment to establish a West Coast permit for shallow-set longline fishing outside the United States Exclusive Economic Zone unless and until the following are confirmed by the National Marine Fisheries Service. One, National Marine Service, Fisheries Service has the authority and ability to prohibit landing in California and other West Coast states without a West Coast shallow-set longline permit. Two, current incidental take allowance and annual interaction limits for protected resources in the Hawaii-based high seas shallow-set longline fishery will not be increased by the new allowed takes from a West Coast permitted fishery. Three, 100 percent observer coverage and a West Coast permitted shallow-set longline fishery will be required and this will not detract from observer coverage in other West Coast fisheries or exempted fisheries permits. Four, a description of the process and timeline needed to coordinate a potential West Coast permit with the Pacific Islands Region and Western Pacific Fishery Management Council.

**Phil Anderson** [00:09:56] And the language on the screen accurately reflects your motion?

**John Ugoretz** [00:10:00] It does.

**Phil Anderson** [00:10:01] Is there a second? Seconded by Marc Gorelnik. Please speak to your motion.

**John Ugoretz** [00:10:12] This is an unusual experience. California initially opposed National Marine Fisheries Services push to initiate scoping in 2018 for the shallow-set longline fishery prior to completion of discussions about deep-set buoy gear. In fact, we had to revisit a motion that I made during HMS discussions when that issue was raised again in agenda and work on planning in 2018. We were then confused at the last meeting that this discussion was still being conflated with potential consideration of longline fishing inside the U.S. EEZ. While at this point, we seem to have moved past those issues. As demonstrated by the comments today, there are still significant questions and issues in regard to a potential West Coast shallow-set longline permit. As I stated earlier, if the narrow question on the floor is should we continue scoping and or pursue a longline FMP amendment, California's response is no, we should not continue unless National Marine Fisheries Service can clearly answer the key questions in my motion. Once the information requested in the motion is provided, the Council can determine if and how it wants to proceed, including increasing the timeline currently envisioned in the Year-at-a-Glance to allow sufficient time to answer the host of questions posed today prior to any decision by the Pacific Fishery Management Council. We have recent experience with other dynamics where the Council felt it had reached agreement, but those agreements were not implemented. So, we are seeking a more concrete agreement prior to engaging significant, significant Council time and effort in this case. If National Marine Fisheries Service answers these questions, we could support continued discussions but we need to be clear that this support does not preclude a final State of California position to oppose an FMP amendment to develop and implement a West Coast permit once the process has concluded. I had hoped to have a simple decision and not resort to such a high bar to move forward. I would much prefer to spend Council time talking about other issues on our plate, however, if these four points can be responded to in a concrete manner, then it is possible that a shallow-set longline fishery could reduce bycatch over the status quo and so I present it with that as the basis.

**Phil Anderson** [00:13:12] Thank you. Que....or discussion on the motion? Ryan.

**Ryan Wulff** [00:13:22] Well I guess I'll start. I mean I don't really know where to go here. I don't see any way NMFS can support this language as it's written, but confirmed, I mean first of all, one and three I could answer right now if you wanted to have a discussion on, I mean that's more in the Council's purview, whether, and we would need to be at a range of alternatives and much further down the scoping process but if the question is, can they be addressed or answered by the National Marine Fisheries Service? Maybe. Number four, yeah, again what is confirmed mean and now do we confirm a description of a process and timeline? I mean, could we address that? Could we answer it? Yes. And then number two would require significant other consideration. I mean this is nowhere close to correct when it comes to the Endangered Species Act. I mean there's no way NMFS could confirm. I mean that's not how the Endangered Species Act works as written and it would take a lot more time for me to actually get more specific on that as this is the first time we're seeing such language. And I'll just leave it there. I mean that's just the start of, of NMFS concerns with this motion.

**Phil Anderson** [00:14:41] Thank you Ryan. Rich Lincoln.

**Rich Lincoln** [00:14:46] Chair, I was wondering if we might just take like a five or 10 minute break to, before we, I don't know, I mean it's totally up to you, but I just think it might assist.

**Phil Anderson** [00:14:59] I'm fine with that. We have a motion in front of us with the second. We're going to take a brief break and we'll be back at 5:15.

**Phil Anderson** [00:00:00] Okay we're going to come back in the session. I would ask if you're in the back of the room and you need to have a conversation to please go outside, not necessarily all the way outside, but outside the room. So, when we took our break, we had a motion that had been made by John Ugoretz. It had been seconded by Marc Gorelnik. Mr. Ugoretz had spoke to his motion and so that's where we are. Council discussion. Caren.

**Caren Braby** [00:00:35] Thank you Mr. Chair. I have a substitute motion to offer for the Council. I move that the Council not proceed with scoping or consideration of an FMP amendment to establish a West Coast permit for shallow-set longline fishing outside the U.S. EEZ at this time.

**Phil Anderson** [00:00:59] Language on the screen accurately reflects your motion?

**Caren Braby** [00:01:04] It does.

**Phil Anderson** [00:01:05] Seconded by Christa Svensson. Speak to your motion as needed.

**Caren Braby** [00:01:10] We heard significant concerns from NMFS about the specifics of the previous motion and I think we had a good Council agreement around this previously considered motion, so I am substituting the more complex and problematic motion with this previously discussed motion.

**Phil Anderson** [00:01:41] Thank you. Further discussion on the substitute motion? John.

**John Ugoretz** [00:01:48] Thank you Mr. Chair. I think the State of California's view of this is clear. I have grave concern that at this time is not concrete enough to show that the information required to ever proceed with such a discussion needs to be at a very high bar.

**Phil Anderson** [00:02:13] Thank you John. Further discussion? Rich Lincoln.

**Rich Lincoln** [00:02:18] Just briefly, I'm going to support the motion. I do appreciate the discussion that we have had, including other comments John made earlier and just now about a number of very specific things the Council's discussed that they would need to see to initiate an amendment process, so I think the discussion and record is pretty, is clear enough about that and I'm supportive of those ideas that I'm going to support the motion.

**Phil Anderson** [00:02:49] Thank you. Christa.

**Christa Svensson** [00:02:53] Thank you Mr. Chairman. I will also be supporting the motion. I do want to comment and reflect a little bit on Rich's comments for my initial amendment. I do agree with you. I think that this is a process where we are all working to trust more and set out what we're, our intent is and my intent was definitely not to just say, hey, let's go right now. I agree with both you and Mr. Ugoretz that whenever we decide, if we ever do decide to take this up, that there does need to be some rigorous thought that goes into that so that we're not just hap dash taking this up anytime in the future, but that the thought and the analysis and the data through the EFP process and other scientific methodology does, in fact, substantiate the need for potentially scoping an amendment.

**Phil Anderson** [00:04:03] Thank you. Further discussion? Corey Niles.

**Corey Niles** [00:04:08] Thank you Mr. Chair. I would briefly try to say that, you know, this is, this is an issue that I perceive is most directly, it would most directly affect the communities of California and, you know, in the broader scheme, scheme of things as we have in the past, we would, we would be looking, you know, to our sister agency in California to lead. At this stage I am also recognizing the discomfort that the National Marine Fisheries Service has expressed and can support the substitute motion. As I said before, I don't think the phrase 'at this time' really, really reflects the differences in views of people that are on similar pages but of different views, so I'm not, I'm not objecting to that but I also just want to say that those questions I think that were raised in the motion that this would substitute are not, are good ones and they're not going away. I think they're going to be questions we want to know the answers to them. Some of them might not be answerable with any kind of certainty, but and I don't know if we would share the same level of the bar of even taking it up but I'm not, I think those are really good questions and those are at least four, I think there were four of the, four of the questions that we, we should be thinking about as, as we decide what to do with the swordfish, the swordfish plan generally.

**Phil Anderson** [00:05:43] Other discussion on the motion? Caren.

**Caren Braby** [00:05:46] Thank you Mr. Chair. Just one final thought is that I just appreciated the, the answer of the intent of the maker of this original motion on the fact this does not preclude analysis as laid out in the management teams report and it's with that, that I provided this as a, with that understanding that I provided this as a substitute motion.

**Phil Anderson** [00:06:15] Thanks Caren. Ryan.

**Ryan Wulff** [00:06:17] Yeah thank you Chair. I appreciate that. That last clarification and that was going to be my questions and she raised that earlier, so regardless of what happens with the motion here, it would be helpful before we close the agenda I had to get some direction or understanding clearly where the Council is on that. Thanks.

**Phil Anderson** [00:06:35] Further discussion on this motion? I'll call for the question. All those in favor say 'aye'.

**Council** [00:06:41] Aye.

**Phil Anderson** [00:06:43] Opposed no?

**John Ugoretz** [00:06:44] No.

**Phil Anderson** [00:06:45] Abstentions? Motion carries with which Mr. Ugoretz voting no. Okay I think the next question before us is we, is based on our previous discussion prior to these motions. We had talked about the potential of considering the proposed analyses or at least the first three that were in the team's report. We had discussed the desire to have National Marine Fisheries Service come back with some information on the EFP. I think we were looking at June for that. I'm not sure if there were, and we were also discussing the potential of having that information help us in taking next steps in our draft swordfish management and monitoring plan. So if, is that a fair representation of the Council's wishes on those pieces? Christa.

**Christa Svensson** [00:07:58] Yes, I am potentially going to put forward a motion, but if we don't need a motion specifically addressing just that issue, I will admit I didn't put a date on it, figuring we could hash that out in future workload planning if we needed to but I do think it is important to get some analysis on swordfish in general from, from those questions that were raised for analysis that would help guide us for any future fishery that we were thinking about in terms of swordfish.

**Phil Anderson** [00:08:33] Caren.

**Caren Braby** [00:08:38] Thank you Mr. Chair. I would, if we don't need a motion then I would like to make a couple of comments, but I agree with, with what you said at meeting my intent in terms of giving guidance to the team for analysis.

**Phil Anderson** [00:08:51] I'm happy to have a motion just to make sure we're clear on expectations, so if there is one....

**John Ugoretz** [00:08:58] Maybe before that.

**Phil Anderson** [00:09:00] Yes.

**John Ugoretz** [00:09:00] So we don't get wrapped.

**Phil Anderson** [00:09:01] Go ahead John.

**John Ugoretz** [00:09:02] Thank you. I just, before we direct the team specifically to do all of the four or some of the four of their analyses, I, at least if I'm looking at the right part of their report, it looks to me like the first and fourth of their analyses are fairly specific to a shallow-set longline FMP amendment, which if we are not considering, maybe those aren't the right analyses. The second and third I think definitely apply to the swordfish monitoring and management plan.

**Phil Anderson** [00:09:42] Thanks John. Caren.

**Caren Braby** [00:09:46] Thank you. I agree with number four, but number one I think is relevant to any action that we would take to consider swordfish fisheries. So I think that there are a number of different ways that those data have been represented and some gaps in information in terms of landings into California versus landings in Hawaii and so I think it's worth kind of just having a common set of data and an understanding of what that fishery is or isn't as one of the examples of swordfish fisheries.

**Phil Anderson** [00:10:21] You could remove the reference to shallow-set longline and get, and have the, analyze the effort catch and bycatch on the observer data.

**Caren Braby** [00:10:31] That's fine.

**Phil Anderson** [00:10:33] I'm sorry, John.

**John Ugoretz** [00:10:34] I'm sorry Mr. Chair. Perhaps just it's the potential action area delineation that is giving me pause, because if we don't have an action, why would we have an action area? So I agree that analyzing effort, catch and bycatch data is, is very important.

**Phil Anderson** [00:10:57] Okay. Caren.

**Caren Braby** [00:11:01] Can we clarify if we need a motion? Did you ask for a motion?

**Phil Anderson** [00:11:04] Given the confusion that I have right now I would like a motion.

**Caren Braby** [00:11:09] I will offer a motion which I have not sent to Sandra. I move that the Council direct the HMS Management Team to analyze items 1, 2 and 3 from the Supplemental HMSMT Report 1 as described on page 3. Period, yes, actually comma, for future council consideration. Period. Additionally, comma, the management team should make suggestions on how to refine number three. Period. Thank you.

**Phil Anderson** [00:12:50] The language on the screen accurately reflects your motion?

**Caren Braby** [00:12:53] Not eloquent, but it, it reflects the intent.

**Phil Anderson** [00:12:59] Before I ask for a second. Chuck Tracy.

**Chuck Tracy** [00:13:02] Thank you. Just to be clear, page 3 has two sets of numbered items.

**Caren Braby** [00:13:10] One of them is analysis and one of them as recommendations and I put analyze. So, I was referring to the upper three, not the lower three on that page.

**Phil Anderson** [00:13:21] Is there a second? Seconded by Christa. Caren?

**Caren Braby** [00:13:28] The intent of this motion is to move forward with asking the team for additional information as we've discussed as a Council. I wanted to say for future Council consideration instead of choosing a specific date for that consideration on purpose. That was intentional. Leaving the Council workload discussion tomorrow to specify when this would come back to the Council and that would ideally from my intent and my perspective be at a time when the EFPs are being discussed but I also didn't want to specifically require that it was done at that time but I think that, that makes sense. And then I added the second sentence specifically because I questioned the expansiveness of that analysis proposal and I think there are opportunities to trim that down or do that in a strategic way and so I just wanted to express to the team that, that should be a consideration as they take that on and just to remind the Council that number three is the conservation impacts to characterize the relationship between domestic and foreign sources of swordfish supply, et cetera, and so it's a very big topic that I think could use some additional consideration before launching into a full blown analysis.

**Phil Anderson** [00:15:01] That clarification of the word, what you meant by refine was very helpful, similar to our discussion about flesh and flush.

**Caren Braby** [00:15:10] Exactly. Thank you.

**Phil Anderson** [00:15:14] Corey.

**Corey Niles** [00:15:16] Yeah thanks Mr. Chair and I can support the motion. I didn't ask the team out of respect for the time and the fact that I, I thought we'd be doing this actually even later than we are now, but I, number three, I don't know that the, this goes far enough for what I would prefer if it was all the time in the world to deal with this, because it sounds like the transfer effect again and we've, and I don't know we heard a number of times which I'll go back and read the latest biological opinion myself, but they have determined that it is not something we should expect, I think as we characterized, given many factors, so I'm not interested in hearing another discussion of the transfer effect. I would like to hear, I would look, what I saw, what I'm hoping it will be in, and I wish we had the questions that John's second motion laid out because I think it more directly asked, and I'm not sure how to phrase this, but what I'm more interested in is understanding and this is, this is also said with some levity, but almost a management strategy evaluation for leatherback turtles is not what I'm, but what, what is the, how to, how does NMFS the scientist, what is the effect of adding incidental takes to the, to the, the risk of extinction and recovery and so is that, going on longer than I meant to here, but is, is that with all, it all within the realm of what you're thinking a refinement of that question three might involve? It is, it is kind of a big question, as you said and is it, does that extinction risk I tried to articulate all within that.

**Phil Anderson** [00:17:07] Caren.

**Caren Braby** [00:17:08] I think that falls within potentially the intent, but your question is, is a demonstration of my desire to have the team refine that topic. So to that end, it may be that a friendly amendment to this proposal might be to talk about how that refinement might happen and bring to the Council for consideration, but that may be too much process so...

**Phil Anderson** [00:17:41] There is no such thing as a friendly amendment.

**Caren Braby** [00:17:43] I know.

**Phil Anderson** [00:17:43] Are we?

**John Ugoretz** [00:17:51] Just one question.

**Phil Anderson** [00:17:53] John.

**John Ugoretz** [00:17:54] Thank you Mr. Chair and thank you Dr. Braby. Just a question regarding for future consideration. We seemed to be discussing informing the swordfish monitoring and management plan. Is that what you're thinking there or something different or that and more?

**Caren Braby** [00:18:18] Thank you for the question. I think it would be for the management plan. I think it would be for providing input on the EFPs that are already in the water for anything that is, that is Council discussion related to making progress on the swordfish fishery generally.

**John Ugoretz** [00:18:42] Thank you.

**Phil Anderson** [00:18:47] Further discussion on the motion? Corey.

**Corey Niles** [00:18:55] Just, I don't think, I'm, it's worth making an amendment, friendly or otherwise, but you just, you said the question though of you didn't have a specifics in mind about how the refinement will happen, so how, how will we, how will that refinement happen in your mind if we leave it like this?

**Caren Braby** [00:19:17] Thanks for the question. I think that either we either give them direction to refine it and come back to us with something that is less than three PhD's worth of analysis or we give them more prescriptive guidance and that might be to bring us alternatives for that analysis and bring it back. So, I think either one of those paths is consistent with my intent.

**Phil Anderson** [00:19:52] Okay. Is there clarity? We're essentially, in terms of number three, we're giving it to the team and let them use their wisdom as to how they could refine the scope of the verbiage in number three. Right?

**Caren Braby** [00:20:11] I'm not, I think that it's up to Council discussion to describe if you have specifics as you did Corey. I think it's up to us to give them any additional guidance or amend the motion.

**Phil Anderson** [00:20:33] Corey.

**Corey Niles** [00:20:34] I would just, I think they've heard what I've asked, what the questions that have been asked and I have a lot of respect and trust in this team and I think, I think I'm happy to leave it to them if ever, if others are.

**Phil Anderson** [00:20:55] Brett, if you were to convey to the team the discussion, the guidance that's occurred here in the last few minutes around this motion, do you feel like you have clarity?

**Brett Weidoff** [00:21:09] Yes, I do. I think you're basically directing the team to analyze items one through three, leave it up to them to decide how to refine that analysis. You know, for number three as appropriate, that's how I was reading this, will take into consideration the discussion about transfer effects and that modeling type effort and whether they should include that in the analysis, I think? I think that's what I've been hearing and seeing head nods it seems that's the case.

**Phil Anderson** [00:21:38] Okay. Further discussion on this motion? All those in favor say 'aye'.

**Council** [00:21:44] Aye.

**Phil Anderson** [00:21:45] Opposed no? Abstentions? Motion carries unanimously. Okay let me turn to Brett and ask him if there is other, unless there's other matters that a Council member may bring forward on this agenda item. Before I ask him that. John.

**John Ugoretz** [00:22:14] Thank you. Just I, hopefully this will get in the wrap up, but I wanted to clarify that based on the first motion that the Year-at-a-Glance would be modified to remove the scoping items and, and consideration of an FMP amendment.

**Phil Anderson** [00:22:34] Chuck.

**Chuck Tracy** [00:22:34] Thank you Mr. Chair I, I believe the documents have already been submitted

so you won't, I don't believe you'll see that in tomorrow's version but that's something we can certainly deal with on the floor and we would expect to make that change as we go forward.

**Phil Anderson** [00:22:55] Okay. Anything else from the Council on this item before I ask Brett if there are things that we missed? Brett.

**Brett Weidoff** [00:23:05] No I think you've considered the issues to be addressed. You decided to hold off on scoping or considering an FMP amendment and think about that at some future time. You want the team to analyze some information, items one through three and as appropriate, they can decide on item number three and how to proceed with that. It's not scheduled yet about when that information will come back, so it sounds like you'll talk about some of that tomorrow. We will modify that Year-at-a-Glance to remove scoping from, from the two dates I think we had scheduled for it was March and June. You do want to see some information on EFPs in June under the item, under the EFP action item under, in June. I did hear that Mr. Ugoretz was interested in getting some deep-set buoy gear information too if possible, at some future time? So I don't know if he's still interested in that, but that was part of the initial discussion, so I just, you know if, if it's of interest, you know, we can have the team do that and bring that forward as well, along with this package of one through three year, I just wanted to clarify that if I could.

**Phil Anderson** [00:24:19] John.

**John Ugoretz** [00:24:21] Thank you Mr. Chair and thank you Brett. No, I think I was asking about the, the longline EFP data, not buoy gear.

**Brett Weidoff** [00:24:31] Okay. Okay thank you.

**John Ugoretz** [00:24:34] But buoy gear data doesn't hurt.

**Phil Anderson** [00:24:39] Ryan.

**Ryan Wulff** [00:24:40] Yeah really quickly following up on that, I did want to ask one clarification and thank you John for, that was one of my points. I thought I heard for NMFS to strive to bring that data in June on the specific existing EFPs. I thought I also heard a number of Council discussion open to interest in EFPs in general based on some of the broader discussions that could also be brought under those existing agenda items should there be any additional applications before that time?

**Phil Anderson** [00:25:15] Could you say that again? About the yet to be submitted EFPs?

**Ryan Wulff** [00:25:20] Just we had in discussion around the table earlier about potential EFPs and I just wanted to make sure it was clear that part of that discussion was NMFS giving data on the existing ones. The other part was the Council potentially wanting or should there be other EFPs presented that, that would follow in the existing EFP agenda items that are scheduled for June and September, not that I have any at the moment.

**Phil Anderson** [00:25:50] I think, yeah, I think that's fine.

**Ryan Wulff** [00:25:51] Yeah.

**Phil Anderson** [00:25:55] Okay Brett.

**Brett Weidoff** [00:25:55] Not to prolong this any longer but....

**Phil Anderson** [00:25:58] I wouldn't want you to do that.

**Brett Weidoff** [00:25:59] I know you don't, but I did want to just kind of note that the information that was being asked of by the MT. Mr. Ugoretz discussed about looking that information in the light of the swordfish management monitoring plan and maybe looking at that at some point and revising that, so it seems to be appropriate to bring that in under the light of that and so I just thinking about workload planning and things like that if the Council wants to look at the swordfish management plan it would be nice to know that. I just throw that out there as the connectivity of this information under the swordfish management plan, so decisions about revising that or finalizing that so not to prolong it, sorry, but I did want to kind of come back to John's suggestion and thought on that and where it fits in.

**Phil Anderson** [00:26:52] What I thought was that we were going to get the analysis that we just described. Get the information from the EFPs. We'll get that and as part of that conversation, then would be mapping out next steps relative to the swordfish management and monitoring plan but, so sequential was what I thought the plan was. Caren.

**Caren Braby** [00:27:27] Thank you. I think it, it just raises that question in my mind. Does, is the analysis appropriate under the EFPs or is it appropriate, as, as Brett pointed out, under the management plan or some other titled agenda item, and it seems like it's not really part of the EFP discussion as a single agenda item, but I don't know what else to call it. So, that was part of that discussion that we had earlier about how does this move forward if this is not scoping anymore? What is it? And the thing that we have left is the management plan.

**Phil Anderson** [00:28:06] Rich.

**Rich Lincoln** [00:28:08] You may be right Caren, but I think the specific question that Brett was asking is whether we wanted the team to perhaps revise the swordfish management plan and I think Phil correctly clarified that no, not until we have a discussion of what we want to do with it. Maybe under workload planning we can, we can have a discussion about the structural stuff with the agenda. I don't think we need to do that now.

**Phil Anderson** [00:28:38] The way we're going, the workload planning agenda item is going to take two days. Brett.

**Brett Weidoff** [00:28:45] Just, just to clarify, thank you Chair. I wasn't suggesting that the team modify the swordfish management plan. It's just for you to look at that plan in light of the new information that the team provides. That's all.

**Phil Anderson** [00:29:00] Okay. We can talk about how we would want to characterize that agenda item for, but if it's June or it's.....and if you give it, we will have an opportunity to talk about that in April, when we look at the June agenda so we have some time to figure out how, what, how we entitle it. Okay unless you want to try to wrestle that to the ground tonight? Oh, okay. So, I'm looking for a 'you're done' response from you Brett on this one so how, can you give that to me?

**Brett Weidoff** [00:29:46] Thank you Chair. I think we're done wrestling.

**Phil Anderson** [00:29:48] Okay.

**Brett Weidoff** [00:29:48] Yeah, I think this closes out this agenda item. Thanks for the good discussion, the clarification. I appreciate it.