

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**254<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**April 4-10, 2020**  
Meeting via Webinar due to the COVID19 Pandemic

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## Meeting Transcript Summary

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

## **A. Call to Order**

### **4. Agenda**

**Phil Anderson** [00:00:00] So let me first ask Chuck if there are any changes to the draft agenda as proposed.

**Chuck Tracy** [00:00:11] Thank you Mr. Chairman. No, we have not had any recommendations for changes nor do we see any need at this point.

**Phil Anderson** [00:00:20] Okay thank you. Then I would entertain a motion to approve our agenda. Marc Gorelnik.

**Marc Gorelnik** [00:00:31] Thank you Chair Anderson, I move that we approve the agenda as set forth an Agenda Item A.4.

**Phil Anderson** [00:00:38] Thank you Marc, and seconded by Pete?

**Pete Hassemer** [00:00:42] Pete Hassemer, I'll second that.

**Phil Anderson** [00:00:44] Thank you Pete. We'll try our first voice vote on using this method. All those in favor say 'Aye'.

**Council** [00:00:53] Aye.

**Phil Anderson** [00:00:53] Opposed no? Abstentions? Motion carries unanimously. We have an agenda for our meeting. Thank you very much.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Phil Anderson** [00:00:00] We're going to go ahead and reconvene our meeting of the Pacific Fishery Management Council. When we took our morning break we had just, we were, excuse me, we were on our open comment period agenda item and we had received reports from management entities as well as we had received public comment and so now we provide an opportunity for the Council to discuss as appropriate any of the testimony that we heard, and so I will go ahead and open the floor up to Council members for any discussion they may wish to engage in based on the testimony that we received and I have Brad Pettinger.

**Brad Pettinger** [00:01:08] Yeah thank you Chair Anderson and I apologize I was looking at these agenda items or some of the materials to be submitted on this agenda item. I couldn't get back to raising my hand at the end of Ryan's report and I would just like to if I could I'd like to ask Ryan if his NMFS report that he described, his NMFS report today describes NMFS status today, or are there changes to policy on this issue in the pipeline coming? It's not implemented yet and I'm referring to the conversation that Ryan and Bob Dooley and I had concerning the Miss Mariah and observers on EM boats and what the status is with that issue and also has there, what has been the response from the fleet to him as far as he was looking for input from the fleet at that time, and that's why they had, nothing had been, no notice had been given at that time and how many exemptions have been given or are in the pipeline at this time?

**Phil Anderson** [00:02:18] Thanks Brad. Ryan.

**Ryan Wulff** [00:02:23] Thank you Mr. Chair. Thanks, Brad, for the question. With that specific situation regarding the individual vessel in the EFP we were able to address that situation without requiring a waiver is .....(garbled).....coverage and we do continue to have dialog with them and are trying to come up with some options that might be able to work for the EFP wide and we continue to work on those. Regarding your second question on overall waivers issued. No, we have we have not currently issued any waivers related to COVID-19 and we have had some very specific vessel situations come up where we've addressed those under existing authorities but as of yet we haven't had any, anything meet the COVID-19 requirements, nor have we actually issued any waivers for COVID-19 related issues.

**Phil Anderson** [00:03:21] Okay thanks Ryan. Brad, a follow up?

**Brad Pettinger** [00:03:28] Yes thank you Mr. Chair. You know listening to this I'll tell you what I was, I'm disappointed in the agency is not moving more aggressively to do things to protect our fleet and our processing plants. I notice that in the public testimony it refers to the CDC talking about 25 percent of the COVID cases are asymptomatic. I think I've read stuff about in Iceland where they've tested a bunch of people, that population and they found up to 50 percent of the people are asymptomatic and I really do appreciate the testimony from Mike Lake for what he's doing. It sounds like he's doing everything he possibly can under the circumstances and that's very appreciated, and I do appreciate what he says that you know, this this will pass, and I get it. I appreciate that, too. I tell you we ought to be, make damn sure that we do everything we can as quickly as possible to get to this issue as quickly as possible, and I thought the testimony today by folks was very compelling. I thought Lori, and Lori's testimony and Heather's had a lot of good points and I think we should heed that. I know we do not have any, there's no agenda item where we can actually take Council action on this issue but I think that we ought to move toward something where, I mean I think the Council or I don't know who works Mr. Chairman

on this issue, but either through the individual Council members to discuss what they want to do, but I think that we ought to make sure that NMFS is aware that we want some action on this to protect the crew and processing plant members per the public comment we heard today. Thank you.

**Phil Anderson** [00:05:26] Thanks Brad. Other Council member comments? Bob Dooley. Brad, you can work on trying to figure out how to take your hand down.

**Bob Dooley** [00:05:44] Thank you Chairman Anderson. I am just, I've been working on this for a bit here the last few weeks and since this started and observing when the notice came out about the exemptions and how different regions had responded to it, and particularly the Northeast on March 20th Michael Pentony issued a waiver for the entire northeast fleet in his region and it extended all the way until April 4th and it was re-extended on April 2nd to go to April 18th and I'm just ,you know amid the rationale they used was this action is consistent with agency authority to grant waivers for observer and at-sea monitoring requirements under certain circumstances. The availability and deployment of observers is becoming increasing challenging. The action is also consistent with current and federal, state health guidance. The health and well-being of fishermen, observers and supporting staff is not only a human health concern, but also essential to securing our nation's seafood production and it seems like, you know this week, as Brad mentioned, we had the conversation with Ryan about this when we had an issue here in Half Moon Bay. One of our vessels that in local community that ended up having to take an observer and it was unfortunate and all of that and it just seems to me we're not being, we're not doing, we're not taking this seriously enough, this pandemic and we need to be more proactive and, you know, I get it but we're putting science and conservation and management of the fisheries ahead of human life, like Heather Mann indicated and I'm, it's really distressing to tell you the truth when we have a national mandate for people to stay at home and I know there's essential services, but I question whether missing a little bit of data for a few months on fishing is going to be totally out of bounds, particularly in light of the fact that we have EM on vessels and we have shoreside monitors. We have all of that but food security, food production right now should end. The well-being of our fishermen and the well-being of their families and the observer program and the observers, it's not lost on me that we're having a webinar for that same reason. We're not out social, we're keeping our social distancing. We're also, it's not lost on me that the agencies have shut their offices down to protect the health of their employees and I would kind of think that the observers, particularly the NMFS deployed observers are actually their employees too, I just it's beyond me to understand how human health and the national directive for everyone to stay home while this epidemic is raging and getting worse every day, particularly when the genesis of this, at least from the, if you believe the news, was in Washington state in our country, that's where it first appeared. Doesn't mean that's where it first was there, but it certainly it hasn't relinquished its hold and in fact, in our neighborhood and around us in the Bay Area it's raging. No sign of relief yet. So I would just I'd put those in there to try to understand how we can justify deploying observers on vessels when we're asking them to sleep in the same state rooms three feet apart from people they don't know. I mean putting it in context, putting it into, you know, in a way that brings it home, it's go find the nearest person on the street, bring them into your one bedroom, one bath apartment and let him sleep with you in your bedroom for two to three days at a time and the next trip go find a new person and have them do the same. It doesn't make sense. It should not be the policy and I don't know what we do to change it, but we need to address it. Thank you.

**Phil Anderson** [00:10:32] Thanks Bob. Other comments? Virgil Moore. Virgil if you are talking we cannot hear you.

**Virgil Moore** [00:10:57] Did that help?

**Phil Anderson** [00:11:00] Yes, I can barely.

**Virgil Moore** [00:11:01] Is it better now?

**Phil Anderson** [00:11:04] There you go. Go ahead.

**Virgil Moore** [00:11:08] Okay just shut me down for now.

**Phil Anderson** [00:11:15] Excuse me?

**Virgil Moore** [00:11:16] Just I'll go offline. I'm having technical problems.

**Phil Anderson** [00:11:22] Okay. All right. Christa Svensson.

**Christa Svensson** [00:11:29] Okay I think I'm off mute now. I, you know this is a sensitive one for me on a personal level just because I've been dealing with COVID-19 since either December, well, I shouldn't say since December through the present, either with the company that I worked at or obviously now with quarantine measures, et cetera and I am in absolute concurrence with both Mr. Dooley and Mr. Pettinger but I did want to talk for a moment about the other items that Heather Mann brought up in terms of supporting our fleet and supporting our processors, which I'll also acknowledge Lori Steele's letter and Mike Okoniewski. You know, we're not quite a month into having had the COVID-19, I'm going to call it crisis really hit our country and our industry and I don't know that we're going to be through it in the next month or two so anything that we can do to support our fishermen, to support our processors, but also moving forward and I do think we need to acknowledge that this is impacting our recreational fishermen and our charter folks, which we did not hear from this morning. So, you know, making sure that we're supportive of that is also important and I just, I don't know if it's a letter or what the path forward is, but I would like to see us do more than just talk about it in public comment in terms of how we handle some of these situations and some of these recommendations. I do think it is important that we can get relief where we can for folks to keep as many people in business and as whole as possible and I will close my comment at this time.

**Phil Anderson** [00:13:46] Thanks Christa. Let's go ahead and try Virgil Moore again.

**Virgil Moore** [00:13:49] Sorry about that. Can you hear me now okay?

**Phil Anderson** [00:13:52] Yep sounds good.

**Virgil Moore** [00:13:54] Okay. My question was simply given that this isn't an agenda item kind of going with what Christa just said, what action is appropriate if we desire to take, given the large amount of testimony we heard on this issue and the importance of timing on it. Thanks.

**Phil Anderson** [00:14:22] Thanks Virgil. I'll take a first cut at it. I think there can be opinions expressed around the table in response to the testimony that we heard and that our NMFS representatives, and I see we have a number of them with us listening in including key people in key leadership positions are listening to this and the concerns and response the Council members have to the testimony we have heard and I'm hopeful that they will take that into consideration as they, as they look ahead here relative to these issues and trying to protect our people that are in the fishing industry. I don't know that, and so that's my initial thought, but I will also turn to Chuck Tracy and ask him if he has other thoughts in terms of if we wanted to generate a letter or something like that, something that was more maybe official from the Council as a whole what the appropriate avenue to do that would be?

**Chuck Tracy** [00:15:46] Thanks Phil. So I agree with your initial assessment that the discussion here is appropriate and National Marine Fisheries Service can take it into consideration. On the other

extreme, you know, it would not be appropriate to, for example, to pass a motion here on anything but I think suggestion that perhaps giving some direction to staff under workload planning at the end of the meeting to if a letter is so desired, we could do that. We could utilize the quick response process to get approval of the content of that letter so that, I think that would be a reasonable approach to something more official than just the discussion that's occurring around the table now and letting NMFS take from it what they would like.

**Phil Anderson** [00:16:55] Okay thanks Chuck, and I want to recognize Chris Kern.

**Chris Kern** [00:17:01] Thanks Phil. Can you hear me?

**Phil Anderson** [00:17:03] Yes, I can.

**Chris Kern** [00:17:04] Great. Appreciate the discussion and I think this is an important issue. We heard a lot of testimony this morning so far about it. I think what was said in some of it, I think it might have been Mike Okoniewski who referenced that NOAA has taken some action so far given what they had at the time and it may be time to look at that again. This is, we all know it goes without saying this is highly fluid so much that I'm starting to really dislike that word but it's the best one. Things are changing on this front every day and so I don't know what the right answers are, but I think there's been a number of suggestions proposed for NOAA to look at this morning, and I'd support asking them to do just that. There is an issue here. I share, I understand at least the concerns. I can't say I've experienced it, but there's obvious concerns here with what's going on with the fleet and safety of both the fleet observers, processors and everybody else, as well as some of the financial issues that I think Heather Mann's letter raised, so certainly would support asking for consideration of flexibility on these fronts at this time, whether that's via a letter, further discussion or whether what we've done so far is sufficient to meet that. I want to make sure I'm clear that supporting that discussion needs to occur.

**Phil Anderson** [00:18:42] Okay thanks Chris. Well on this broad, fairly broad topic, one thing that we heard initially from Brent Payne was is it possible to allow Alaska trained observers to work in the West Coast fisheries without additional training? I would like to in a moment pose that to Ryan and see what his thoughts are on that. We also heard from at least three different folks about the importance from their perspective relative to the safety of our fishing industry having NMFS consider in an act suspension of the observer requirements and then there was some folks that were specific to the non-whiting portion of the fleet that that was particularly important, as well as the temporary suspension of the requiring catch monitors and maybe there might be a consideration of one or both of those. There was also some discussion both by at least two people relative to, well actually three people, associated with the cost recovery piece and the loan repayment, if there is any mechanism by which to suspend either one or both of those to ease some of the financial pressures and burdens that are on the fishing industry right now under the current conditions that we have. So those are the items that I wrote down and maybe I could ask, and I'll recognize Marci here in a moment and after Marci speaks then I would like to go back over to Ryan and get some of his thoughts on what he's heard. So, but first let me go to Marci.

**Marci Yaremko** [00:21:08] Yeah thank you Chair Anderson. I just wanted to note that the testimony that we received today from the public, both orally and in writing, did come, I think exclusively from the trawl sector and just wanted to note that the NMFS report does make very clear that the West Coast region is maintaining existing observer coverage for each of the groundfish and HMS fleets that are subject to observer coverage, so I think the remarks that were made around the table and also detailed by Heather in her testimony about the social distancing and the tight quarters at sea, I think those concerns are particularly critical for our smaller fleet that may be participating say in the open access fisheries or in the HMS deep-set buoy gear at EFP. So, I just wanted to flag that and would suggest that

this isn't just a trawl fishery issue. Thank you.

**Phil Anderson** [00:22:22] Good point. Thank you, Marci. So, could I put you on the spot Ryan and ask you to share some of your thoughts in response to hearing some of this testimony and comments from Council members?

**Ryan Wulff** [00:22:38] Yes, thank you Chair. So, a couple of things. I do think this conversation, public comment, as well as Council discussion has been helpful. You know NMFS understands the uniqueness of this situation and the constant fluidity we are dealing with here and we've wanted to hear from everyone here and continue to do so. You know, like we have said, we are looking into this issue, not just the fleet wide sector, but on the vessel-by-vessel basis and this includes using both new, this new emergency waiver authority that I introduced, but also all of our existing ones which have also been raised and some other comment and discussion, so we are very open to that. We are very open to ideas that help us maintain the important function that observers provide as well as keep people fishing. In specifics you mentioned the request by Brent Payne and the kind of idea that he outlined today working with the Alaska Observer Program. This is the exact kind of idea I'm talking about. We are working very closely with the Alaska Observer Program and looking into this and the options and any related options that might work along those lines and I would also say if the Council wants to highlight this or other specific vessel or fleet wide issues like we've heard today, getting specific input as far as exactly why, what do you want us to look at and under which authority or any new authority and what the specific asks are. It is very tough for us to analyze just blanket waiver requests that don't have that specificity and as you've heard here, we've gotten quite a number of different ideas that are not just on the waiver rule, but applied to other things that NMFS can do, and we are taking these into account, but we need a little bit of time to look into that. You know I think in the meantime, well let me back up, I would strongly encourage in addition to word that comes from the Council and if the Council wants to do a letter, that's fine from NMFS perspective, but I would also strongly encourage vessels with specific issues to continue to contact us and to work with us directly as well, and also that in the meantime crews and observers should be working together right now to minimize risk and to do whatever they can. I think we all need to work together to help maintain the industry. Just like grocery store workers and all other essential activities that are still ongoing out there, so are fishing and so are observers. So would like to hear also a little bit more if some of these concerns regarding distancing, size of vessels as it relates to an observer, why that's also not a concern just for the vessels and crews on themselves alone seems like those same concerns would be relevant for the vessel and crew themselves regardless of an observer. So again, I appreciate the dialog that has, that is coming in. We will continue to look into these specific issues that have been raised. I'm more than happy to make myself available also for additional discussions in the margins or outside of the Council meeting over the next coming days and I can assure you that NMFS, both in our regional and at headquarters level, are looking into this and having constant discussions to see what's going on in other regions, what issues are arising as things develop here and we'll continue to make responding to such requests a priority, and I'll stop there.

**Phil Anderson** [00:26:49] Thanks Ryan. In listening to your thoughts there, and I appreciate that, you know in my mind this is about trying to be preemptive. This isn't waiting until an individual vessel has an issue associated with COVID-19 virus, it's about what can we do, given all that's being done across this nation to be as preemptive in our actions to prevent the spread of this virus within in this case, within our fishing industry so, you know, this to me that is how we ought to be approaching this. We ought to be thinking about what can we do to protect our fishing industry, to be preemptive, to take actions that are out in front of having people be infected on a vessel or within our processing plants and I do think there's a big difference between a vessel and its crew and the vessel owner and captain's ability to control and manage the people that are part of, and are processing plant that are part of their crew versus having people come on their vessel that are there as an observer where they don't have that same kind of control over time, and I don't mean to discount or not take into consideration the actions



that we heard today from the observer companies, but having the ability to have control and manage the people that are on your vessel or in your processing plant is a lot different in my mind than bringing new people onto the boat where you don't have that same history and control. I say control, but with their activities leading up to the time that they're getting on your boat or going into a processing plant, so I have been a strong advocate of taking every preemptive measure possible to try to help contain the spread of this virus, flatten the curve, all those terms that we've heard that are within our ability while at the same time not compromising unduly how we manage our fisheries. So, I see Heather Hall has her hand up so let me call on Heather.

**Heather Hall** [00:00:00] Thank you Chair Anderson. I just have a couple of things to add to this discussion. I definitely appreciate it and recognize the concern. I'm just highlighting the comments that we heard today and the need for caution is really similar to what we outlined in our WDFW report and really want to support the process that NMFS has been going about it and thinking about things very carefully, I feel like we heard some, some good ideas that we can dig into deeper, that NMFS can dig into deeper and I also just wanted to mention that going forward and as those discussions take place that we think about including ways to hear from our EC. They haven't been part of this discussion, but I know that they would be, and I know there's a big difference between collecting data and an accountability, but just would speak to including them in the conversation going forward.

**Phil Anderson** [00:01:16] Thank you Heather. Any other comments on this suite of topics? I am going to ask Chuck to address some of the portion of the comments that Geoff Schester made but Virgil Moore, he has a comment.

**Virgil Moore** [00:01:32] Mr. Chairman, and just it's relative to Washington's report that we heard earlier in terms of their closures. As a result of what's going on in adjacent states yesterday the Idaho Fish and Game Commission at the request of the Governor's orders, closed the sale of non-resident licenses from this point forward. We were getting an influx across state boundaries from populated areas that had taken actions relative to fishing and hunting activities so I just wanted to alert the Council members to the fact that there can be a domino effect in terms of how things are done. At the same time in Idaho we haven't had outdoor recreation activities prohibited by the governor's orders to stay home. That is considered to be a healthy activity as long as you maintain social distancing. So there is some variation going on here, but I just want to bring that particular action that the Commission took at the Governor's request forward. Thank you.

**Phil Anderson** [00:03:01] Thank you Virgil. So good discussion and thank you for all of those who brought testimony forward here. Well a portion of Mr. Schester's testimony dealt with the public comment issue that associated with Oceana's public comment and what was included in that public comment. He also brought up a number of other issues, from lack of transparency to confusion for considering best scientific information available and the role of the SSC and I'm not asking Chuck to speak to all of those but I did want him to speak to the one item having to do with the public testimony.

**Chuck Tracy** [00:03:55] Thank you Mr. Chair. So, Oceana submitted a public comment under the sardine agenda item that dealt with the sardine assessment and the use of some of the science there. They included in their testimony you know a write up of their opinion on this particular topic. They cited a number of papers and references in their portion and then at the end they appended a published journal article and we have, I guess we've taken a stance that Council staff does not feel it's appropriate for us to be a repository for journal articles. We think it's appropriate for entities to cite references if they want to provide a link to that in their report. We think that's appropriate but in terms of the Council being, you know, essentially a library for public comments to post the opinions of essentially opinions of others so this is not, I mean Oceana's opinion is they support the research in that paper but that this is not, you know, the comments of the authors of that paper, so we felt that it was appropriate to for

them to keep their comments to themselves and for us not to be again a library. This is also copyrighted material and we prefer not to get into copyright issues, so we didn't think it was appropriate again that the Council broadly distribute an article without advanced notice that, that was acceptable to the publisher. So that was the rationale behind our decision. Our decision was that we took, removed the journal article from the public comment and reposted it. We had a subsequent conversation with several folks from Oceana, I did I should say, yesterday afternoon to kind of go over this. I did suggest that, you know, that they might consider some other options for having that information be made available and including seeking permission from the publisher and providing it on their website as a link and then also talking to National Marine Fisheries Service about distributing their work, so anyway that's our policy. This is not the first time we've done this. We've done this a number of times with other public comments where people have sought to, you know, append journal articles, sometimes quite lengthy documents as well and just the fact that those are not, you know, they were not done by the submitter of the public comment, they're somebody else's works. We just don't think that's appropriate.

**Phil Anderson** [00:07:55] Okay thanks Chuck. I knew some of the Council members.....excuse me, probably weren't aware of some of that interaction that had taken place and may not have totally understood the genesis of at least a portion of the comments from Mr. Schester so wanted to provide that explanation and thank you for that. So that does take us to the end of this agenda item and we will have the opportunity to do some more thinking about this as the week progresses and if there is some action, further action that the Council wishes to take in terms of expressing its views on the matters that we talked about today relative to COVID-19 and the safety of the fishing industry, we will leave open the opportunity to do that under the workload planning piece. So, with that I'm going to go and move on.

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**Phil Anderson** [00:00:00] So we'll go ahead and move to B.1. Which is, which was our open comment period on items that were not on the agenda and as a part of that input that we received, there were concerns brought forward in a discussion that ensued around waivers for observers in I think primarily groundfish fisheries, and there was a report from National Marine Fisheries Service on, that was also provided under B.1. You'll recall that outlined the circumstances under which a waiver might be considered and so let me, I need a little help here from Chuck. I was thinking I would call on Barry next just to give some, remind us of the input that we got from NMFS on that matter, but prior to me doing that is am I forgetting to do something else to set this discussion up?

**Chuck Tracy** [00:01:25] Thanks Mr. Chair. Again I think just to remind folks of what we're looking for is some discussion that will lead to some guidance under workload planning so to the extent that the specific points that people are interested in making and the rationale behind them, that's kind of what we're looking for.

**Phil Anderson** [00:01:50] Okay. Well with that, I'll just then, I'll open it up then to Council discussion and if Barry would like to provide any introductory remarks here on this topic, I'd welcome him to do so. Yeah Barry.

**Barry Thom** [00:02:13] Thank you Mr. Chairman. Can you hear me okay?

**Phil Anderson** [00:02:16] Yes, we can.

**Barry Thom** [00:02:18] All right. This is my first time working in this environment so give me a minute here to pull up my points and thank you for indulging me a little bit this morning as we try to work

through this issue. I know I was able to listen to the entire discussion on Sunday where the issue of observer waivers had come up on the agenda and I wanted to respond to a few points that were made so give me a minute to walk through those. There is three real main areas that I wanted to discuss and bring up for the Council members. One is just a little perspective on dealing with COVID-19 and the virus itself because I think that helps sort of couch how I think the Fisheries Service is thinking about some of these issues. Also I want to just talk a little bit about the importance of observers to the fisheries and to the management structure that we have set in place, especially as it relates to the groundfish fisheries, and then talk a little bit about our priorities and options as we move forward and hope this will be, I think, helpful for the Council. But before I get into the details, just let me reiterate, because I know there's been some discussion out there but all of us do care deeply about life and safety and I think that is always the preeminent concern. It always comes first. It's always been important for the fisheries service, for the Council and for the industry itself and I think that continues to as the heart of how we're looking at this. You know, for those of us that can stay at home and work remotely we're doing, all doing our part to minimize risk to others. We're doing that sort of, that those folks who have been deemed essential are protected better and we are doing our part to flatten to curve, and when I think about the virus and this, you know, what I'd say sort of just initial stage we're in of flattening the curve and slowing the spread of the virus, it's going to take another month or two across the country to work through that. But the reality is that you know along our, at least the West Coast it's working and we're seeing some good signs of progress and lucky for us in many of the coastal communities, that curve is pretty flat and we should all do our part to keep it that way and the prevalence of the virus is low and we need to keep it low, but we're also thinking about the second stage of this virus, of having to live with this virus circulating through society for the next 12 to 18 months, and I know that may scare a lot of people, but the virus will be out there until we actually get a vaccine out there, and we're going to have to learn how to manage through this and minimize the risk, but we can't eliminate the risk of the virus over the next 12 to 18 months and we're going to be in this stage and in order to operate. The industry is going to have to figure out a way to minimize that risk and work through it and it's no different than minimizing and risk management that everybody in the industry has been very capable of doing. Every time somebody steps off a dock, they assume some sort of risk and our job is to minimize that risk and to actually work through those. This isn't a two-week waiver issue. It's a long-term issue and we can't afford to lose 12 to 18 months of catch accounting data and information from the observer program and we can't lose that much fishing. I compare it a little bit, you know, thinking about like a tsunami and we're dealing with this initial tsunami and getting through it over the next couple of months, but instead of the water receding and just going back to normal next month, we're left standing in ankle deep water for the next 12 to 18 months and we wouldn't you know, we don't want to just stay out of that water because all we have is tennis shoes to wear. We need to put on our extra tuffs and we need to get back to work and figure out a way through it and the time is right now for the industry and everyone, the observer providers, to work together to ensure that you can provide the food for today, but that you don't cause challenges for the future and we all want the industry to be able to get back on their feet as soon as possible and move forward because fishing is essential. It's essential to the nation. It's essential to the West Coast. It's essential to our economy, but the observers are essential, too, and like I said, the management frameworks we've established for fisheries on the West Coast and the accountability are based on the observer program being in place, they're a critical part of those successful fisheries that have been established, they're the reason we have been able to open up areas. We do have a successful program. I also think it's unfair to characterize the observers as posing a higher risk than any other critical position in the fishery. You know sometimes the tone of what I hear is that they're almost that people think of observers as second-class citizens. They're professionals. They are employees. They work for someone. We can work with them and they're doing their part to minimize the risk, just like anybody else is out there. You know the trawl rationalization sector, those vessels actually contract directly with providers and just like they are in Alaska, they can work together to implement health and safety measures as appropriate. Under our federal contract for observer providers, we can actually, it covers limited entry and open access, we've been working with those observer

providers to implement protocols. I know Michael Lake from AOI spoke to those measures on Sunday. We've seen this model work well in Alaska and we're confident that those types of models can work on the West Coast as well. We have been listening. We do understand the concerns out there and we're trying to figure out ways to address those. You know, I get in trouble sometimes with my wife because I probably spend, you know I'm a little too quick to jump into problem solving mode and not listening and I think in this case, we've already jumped into problem solving mode on a lot of these issues as well. Our focus has been on minimizing the risk and keeping the fisheries going. You know, luckily on the West Coast, we do have a well-run program. We were able to conduct training and get that in place so that we have a ready supply of observers through at least May. Those observers are positioned in the ports along the coast to minimize travel and give those observers the lowest risk. Like I said, it's critical those observers are critical, especially as it relates to catch accounting and products under Amendment 20. There are also observers, especially as we go into the month, we might be able to, on the scientific data side, get away with a few months of data without too much impact on stock assessments. But we can't go 12 to 18 months in those other fisheries as well without actually getting observer data and actually managing these fisheries. You know, in the event of an observer shortage, which we haven't seen so far but we will prioritize monitoring on our 100 percent coverage fleets, maintaining the at-sea observers and the shore based catch monitors just like they're doing, trying to do in Alaska. We're currently working through some options that place an emphasis on maintaining those hundred percent coverage fisheries for those boats that don't have EM and for plant monitors that can maintain the social distancing. We're also looking at options that provide further assurances that observers can even have lower risk by minimizing the vessel transfers and ensuring isolation in coastal ports. Now, as discussed in the outlined in the public notice, Mr. Chairman, you mentioned that under the supplemental NMFS report, in the near term if you do have a valid reason for a vessel specific waivers, please submit it to the observer program and we'll review it. We are trying to be as flexible as possible in those waivers. So in closing, I just want to reiterate that we do care deeply about the life and safety and that always comes first, but we can operate these fisheries and continue to provide a food supply while minimizing the risk of COVID-19 in the coastal communities for both the short and the long-term. So, I hope that helps a little bit Mr. Chairman. I would be happy to answer any questions people have.

**Phil Anderson** [00:10:00] Yeah thanks very much for those comments Barry. That was helpful to me I know, so I will ask if there are any questions of Barry from Council members? Okay, I don't see any questions at this moment. Brad Pettinger, though, has his hand up. Go ahead Brad.

**Brad Pettinger** [00:10:34] Thank you Chair Anderson. Barry, I appreciate the long-term view you're taking this and I'm kind of curious, with so many areas of the country have been given waivers, albeit for short periods of time as this thing goes along. It seems to me that you're taking a view that since we have, the curve is pretty flat and therefore the risks are, have been minimized because of that but if, I have kind of a question for you. If that curve would steepen would the agency take a different view?

**Phil Anderson** [00:11:21] Feel free to respond Barry.

**Barry Thom** [00:11:24] Okay, thank you Mr. Chair. Thank you, Mr. Pettinger. In terms of the, we are following guidance up and down the coast and keeping an eye on how that risk, there is a risk now, I think in the industry and others need to be as we work through this management of the risk, people need to be aware that the virus will pop up even at these low levels. We're going to have instances of the virus popping up and we need to have measures in place for how to deal with that both from a vessel perspective and the observer perspective. If there are times when it does pop up over the next several months or so, and I think, yeah, it's hard to speculate in terms of what shape of the curve or the level of instances by which you would start to see, but I think we would see that as part of a national or state perspective in terms of a broader measures taken as well.

**Phil Anderson** [00:12:31] Thanks Barry and Bob Dooley has a question for you.

**Bob Dooley** [00:12:35] Thank you Mr. Chairman. Good morning Barry. Thanks for coming forward with the report. I really appreciate it. I just was curious if you could speak to the, we understand that the trawl surveys have been canceled and because NOAA employees do not want to go to sea on the boats and also that the NOAA core ship, the white ships have been called back to port and I'm curious if you could speak to that.

**Barry Thom** [00:13:04] Yeah, thank you Mr. Chair and thank you Mr. Dooley. So, I am not aware at this time that the trawl surveys have been canceled. I think that is under just active agency discussion at this time and that, you know, when we think about the factors going into that, it's not only people, when I talk about sort of the contract survey vessels, there are different pieces that go into that equation of whether to do that, whether you can actually get the boats outfitted, whether you get a crew on that boat, whether you can get NOAA staff on that boat, whether you can get the state and federal partners and university partners on that boat, so there are a lot of different factors going into the equation about whether or not to conduct that survey and so it's under active discussion. For the NOAA surveys right now and that they are out of my decision making, but NOAA has pulled back all the what we call the white ships into port and to reserve those for emergency purposes only at this point and at some level, and I think it's whether or not those surveys on the white ships were deemed essential, as essential to needing to be conducted in order to put stats into that, whereas we have viewed both observers and fishing as essential and critical moving forward, especially as it relates to the hundred percent coverage fleet.

**Bob Dooley** [00:14:42] Thank you.

**Phil Anderson** [00:14:44] Maggie Sommer.

**Maggie Sommer** [00:14:47] Thank you Chair Anderson and thanks Barry for the information and being here today to talk to us. One thing just caught my attention. If I remember right in your remarks a minute ago, you said you didn't think observers presented any higher risk of transmission than anybody else, and I certainly want to agree wholeheartedly with your statement that observers are professionals. They're well-trained. They are like the rest of us. They also have the health and safety of not just themselves, but everyone they interact with in mind, but it seems to me that just because of their role and what their jobs are, they are a little bit different than the rest of us. They are mobile, you know, between ports, between vessels. They are just moving around and interacting with a lot of different people and potentially in close quarters on vessels and that does put them in a little bit different of a risk category in my mind, particularly given the fact that we know there just isn't a whole lot of testing going on in a lot of our coastal communities and so I think there's quite a bit of uncertainty around how widespread the virus really is, so I'd be interested in your thoughts a little bit more on your perspective about the risk of observers in that context and for observers as well. Thanks.

**Barry Thom** [00:16:13] Yeah correct. Yeah thank you, Miss Sommers. Yeah and I, the only, let me just talk about the risk component. So, we are trying to, we've heard that concern. We are trying to look through some options right now to minimize seeing if we can both through the contract observers and whether those could be shifted around to actually increase, like increase the likelihood or decrease the prevalence of vessel to vessel transfers. I'm trying to figure out if we can get to a one-to-one type scenario in some ways for, for this early period to help minimize any of the switching between vessel component as well as, I mean this is where I think it's a discussion of the observer providers. It might be necessary to actually increase the isolation or quarantining or those other factors similar to some of the Alaska programs to ensure that the observers have not been out and doing other things to minimize that risk as much as possible so that they aren't, you know, traveling and doing things. In most cases the

observers are in the ports and aren't having to move around and so I think that is a good part of keeping them in the coastal communities where the prevalence is very low right now, and minimizing their travel and movement around things is probably the best thing we can do, but I think it is worthy of a discussion and I think could probably be worked out between us and the observer providers in the industry and do some better things there.

**Maggie Sommer** [00:17:56] Thank you.

**Phil Anderson** [00:17:58] Let me go to Christa next.

**Christa Svensson** [00:18:04] Thank you and good morning. You know I'm very appreciative of hearing the keeping folks hopefully in their same communities. I've thought a lot about this, and I had some very different comments earlier this morning because I do have a lot of concern about folks that are self-quarantining in many cases getting ready to go fishing. I know plants in general have been running through scenarios in terms of how to keep their folks safe. To kind of back this up, you know, when I was at Jessie's, we were talking about how do we do social distancing and all of that in January. I don't know that a lot of people recognize that we had a substantial customer base in Wuhan, have been working through this since December but it's something that I know that plants up and down the coast are worried about and I think it really does extend more to the communities than just the plants. I realize that we've got a pretty flat response out there. Part of that is, is a function of having a wave of tourism hit us at the beginning of March where we had tens of thousands, if not hundreds of thousands of people coming into our communities out here. I'm pretty sure that happened up and down the coast. I know what happened in Clatsop County. I know it happened in Pacific County and where I worry, I worry for two reasons. One, we just really don't have the medical supplies. So Pacific County has eight hospital beds and one ventilator and Clatsop County has forty nine beds, usually about half of those are full and so I worry not just for fishermen or for plant folks, but also for observers and I think your point, Barry really is well-taken that we are dealing with professionals. That nobody wants to be ill. That it is a bit of a tsunami right now and that we are going to have to come to terms with this in the next 12 months but what I, what I worry about because of the migratory nature of the observer job, so it's not the observer, the person themselves, but the nature of that job moving between vessels, so I am encouraging if you have any way of making this happen, of not transferring between boats or amongst plants, is that that migratory movement somehow manages to get multiple people sick, particularly through unloaders who quite often go into the plants and start propagating things, because if the average groundfish plant has maybe a hundred, a hundred and fifty people, if something happens during whiting season it's, you're looking at in a lot of cases, maybe somewhere between two hundred to five hundred employees. I mean we just we don't have the capacity out here for anybody and so it becomes a, it becomes a safety issue I think, not just for lives at sea or lives onshore, but also just the stigma issue around somebody from outside and whether that's, you know, somebody coming on to a boat, somebody coming into a plant, and it's not even about the observer, it's just the, anybody that is different in that situation, people putting that stigma of, they brought it whether they did or not and I do have some concerns around that because it's a small community and news tends to travel very quickly. With that I will close my comments.

**Phil Anderson** [00:22:11] Thanks Christa and I'll go to Bob Dooley.

**Bob Dooley** [00:22:21] Thank you Mr. Chairman. Thanks Barry. I just had another question for you. It's probably going to be a little long winded. I hope it's not too long. This, at our last Council meeting in Rohnert Park, that's when we kind of first got the hint that this virus is around and it was becoming an epidemic in Washington State and that's, that was the time when we, it was brought up to the national attention pretty much. On March 20 there was a decision by National, NOAA to grant waivers, and that's when the policy came out. On that same day, the Northeast New England region gave a waiver, a

blanket waiver to their, to that coast. It was extended again. That waiver started, was in effect until April 7th. It was extended again on the 4th to go all the way until the 18th. At the same time we had this, you know, the same potential for a waiver, but we didn't grant that waiver on this coast and still have yet to grant a blanket waiver, just the policy to my knowledge. Since then Alaska has given waivers to the Gulf of Alaska fleet. Since then we've gotten a notice that the waiver was granted again, was to the, I've got to find the paper, to the Southeast region and the Gulf of Mexico and we've heard of international, that the international fisheries, the tuna and such, they've got waivers and I'm just curious in that this has been a problem on this coast and heightened and I think that the gist here is that we're trying to protect the spread of this virus. There's national policies that are tightening every day. The President has said that we have not seen the worst of this. The worst is yet to come and it to me, it's a, definitely just a health issue, human life issue, not about observers, not about accountability, not about any of that, this is about human life in my opinion, and it seems like a lot of other regions agree with that, and I'm just curious why our region has been so slow to realize this and to take action, and realizing it would be in increments until something changes but it seems like the path right now is to, is to isolate and to stay home and there's all, you know, wear masks in public and all of those things and why are we, since we were the genesis of this, this coast, particularly the actual state where the region is headquartered, is really baffling to me and I just wondered if you would address that. Thank you, Barry.

**Barry Thom** [00:25:59] Yeah thanks Mr. Dooley for that question. I'll try to answer a few of those in general, there's a lot in there. Just let me just talk about the observer waivers that have been granted to date. When I talk about the U.S. domestic fisheries, all of the, especially the blanket waivers that have been issued to date on U.S. fisheries, have all entailed partial coverage fisheries. There have been no 100 percent coverage fisheries waived and those exist in Alaska and on the West Coast. The northeast waiver was not granted under the emergency rule, that was granted under their existing program in a partial waiver case. They did actually have a case of the observer contracting COVID-19, and it was in the fleet. They also had severe travel restrictions put in place in the northeast where the observers actually could not get to the boats, and cross state lines to get to the boats. Every waiver that has been issued and granted so far across the country has been because of travel restrictions, which are a component of the emergency rule, that we could not get observers to the locations and to those boats. We have not received a request on the West Coast for a waiver that notices any availability issue or any travel restriction that prevents a waiver from getting to a boat. So in terms of the West Coast, we haven't had those issues and it's, if we had the same set of circumstances we may have reacted in the same way, but we have not had those same set of circumstances on the West Coast, and ping me if there is another part of your question that I just missed.

**Bob Dooley** [00:28:06] No. Thank you Barry.

**Phil Anderson** [00:00:01] Thanks Barry. Other questions or comments on this topic? Requests for action? Lieutenant Commander Scott McGrew.

**Scott McGrew** [00:00:18] Good Morning. Thanks Mr. Chairman and I just wanted to quickly speak about kind of the steps the Coast Guard has taken and some things that are ongoing with regards to the same topic. So much like Barry mentioned, we're planning long-term with regards to COVID-19 and don't see a real end to this for 12 months and beyond so that's kind of considering all of everything that we're doing is with that timeline, the same timeline so kind of some uniformity there amongst the federal government, but I just want to speak briefly. We've been dealing with this as a Coast Guard since, since late December. So obviously we don't just work with fishing vessels, we work with vessels arriving from around the world and we've been screening boats for some time now, so I would speaking about a Marine Safety Information Bulletin and this is the third update. It came out on March 16th of 2020 and I would just note that an outbreak of respiratory illness caused by the Coronavirus affects mariners and maritime commerce and illness of a person on board any vessel that may adversely affect the safety

of the vessel, port facility is a hazardous condition under 33 CFR 160 decimal 216 and these must be reported immediately to the Coast Guard Captain of the Port. So this is typically applied and we've been screening foreign arrivals but the actual requirements to report any cases of COVID-19 applies to all commercial vessels, so that includes commercial fishing vessels, so the Coast Guard considers it a hazardous condition regardless if they have been or interacted with someone who has, if they've been somewhere on the list of countries or interacted with someone, anyone with flu like symptoms or COVID-19 symptoms required to notify their closest Captain of the Port, and I just want to let everyone know that, you know, the Coast Guard is encouraging vessel operators and mariners to exercise their due diligence during the daily operations. Highly encouraged to follow the CDC's guidelines but would also note that this isn't suspending the Coast Guard's interactions with vessels. We're continuing to conduct at-sea boardings. Mariners will expect some increased questions from the Coast Guard. Before we come on board, we're going to ask about any health conditions, flu like symptoms, those types of things but the Coast Guard operations continue to move forward, and we still expect to gain access to vessels. So that's kind of just our perspective on the COVID-19 issue, maybe not specific to observers, but to fishing vessels and obviously the health of observers would apply when dealing with sickness on board vessels.

**Phil Anderson** [00:03:38] Thanks very much for that Scott. I just had a question. So if a vessel reports an illness that's suspected to be associated with the virus, what is the response and what would be the response from the Coast Guard in terms of any particular direction or orders they might give to that vessel?

**Scott McGrew** [00:04:06] Right. So I think that I would say we've yet to encounter an issue from a domestic vessel, so a passenger vessel or a commercial fishing vessel, so that we would consult with local health departments and the CDC on what actions to take. We have had several foreign vessels, and in those cases, we've kept them at anchorage for, you know, 14 days before they could go discharge cargo or that type of thing. I don't anticipate anything like that with what would be the scenario for a domestic vessel. These were foreign arrivals so they had to go through the quarantine period before they could carry out the rest of their voyage, but I think it would just be consulting with the local health departments and CDC.

**Phil Anderson** [00:05:02] Okay thanks Scott. Barry Thom.

**Barry Thom** [00:05:06] Thank you Mr. Chairman. Yeah just a couple of things that just occurred to me that had come up I wanted to address. One is the issue of a waiver and the fact that, so right now most of the waivers that have been granted have been for a two week period, and maybe a question for the Council for discussion is if waivers are granted how do we get out of it? What are the criteria we would use by which observers would get back on to vessels and go back into service once that waiver is lifted? Because my general impression right now is that there's somehow we could issue two-week waivers, and then by the end of a month or a month and a half the waivers lifted and we all go back to normal and, and everything's fine and I guess my comments that I was pointing out this morning is that this isn't going to be a month or two and everything's fine. It's a month or two to get over the first wave and then we have to operate and figure out a way to operate moving forward, because the waivers we can't extend, we couldn't do two-week waivers for the next 12 to 18 months with any level of success moving forward. And the other is on the risk management...and so I've heard that sort of health and safety that in terms of the observer component of it being a health and safety issue, and I think Miss Svensson's comments are accurate and good, and I think that is the kind of thing we're working on to isolate folks and figure out ways to keep those imports and getting to minimize some of these transfers. But the reality is that the fishing industry, by going fishing, you have taken that risk to avoid the social distancing and that can't be overcome and it's been deemed essential, and that is whether the observer is there or not that is happening, and that is increasing that risk, and so the observer's just one component



of the overall risk management that goes forward. The health and safety of everyone involved is important and needs to be managed accordingly. Thank you.

**Phil Anderson** [00:07:18] Thanks Barry. You've mentioned a couple of times now about the potential of minimizing the movements of observers, you know between communities, between boats, those kinds of things. Is that an effort or are those kinds of communications going on between NMFS and observer providers to have discussions about how to make potential changes in their operations to minimize those kinds of risks associated with people moving from community to community and even from boat to boat?

**Barry Thom** [00:08:04] Yeah thank you Mr. Chairman for the, and I would say we are exploring those types of issues and trying to figure out how, what are some options for trying to do that. I would just highlight there's some challenges and then it's really sort of a cost and employment factor, and so for to pay an observer to isolate for 14 days, someone needs to pay that bill and it becomes cost prohibitive for a single vessel to pay for 14 days of an observer if they're only going to be using that observer for a trip and those kinds of factors, and so I think we're trying to explore is there some balancing act we can do to help subsidize some of that component and the balancing between the contract observers versus the vessel provided observer. So those are some ideas we're exploring but right now and we'll be talking over the next few days with the providers and with the Science Center and the contractors to figure out what some options might be to minimize the transfers as much as possible and to keep folks in port.

**Phil Anderson** [00:09:14] Yeah thanks for that. You know I am aware of situations of recently where, you know, you've had an observer be on three different boats over a four-week period even in recent times, and so I, you know to the extent that that kind of issue can be addressed so that and minimize, you know to me that's an example of not taking action to minimize risk, and so but I'm not sure how to get, you know, how to get those conversations and more importantly, actions to try to take some of these steps in this unusual environment that we're in so other questions or comments or proposals for Council action? Bob Dooley.

**Bob Dooley** [00:10:18] Sorry Mr. Chair. Thank you. I seem to be taking a lot of bites at the apple here. I'd like to ask Commander McGrew a question if I could? I understand if we're doing that, if he's doing at-sea boardings, it is, where does the, can a skipper, can a captain say test the boarding party or to see their temperatures and such, and actually have any meaningful way to say, "No, I don't want you on my boat". Is there a way, is there a process for that? I'm curious in that I would assume when you're on a cruise that you board multiple vessels and the boarding crew at least in my experience has been the same boarding crew that goes from vessel to vessel, at least in part, and I'm curious if they've been on one vessel and been exposed by that crew and now come on to a different vessel over time that is there, what's the mechanism for a skipper to say, "No, I do not want you on my boat" and what is, what's the repercussions from that? Thank you.

**Phil Anderson** [00:11:34] Scott.

**Scott McGrew** [00:11:36] Thanks Mr. Chairman. Thanks for the question Mr. Dooley. Short answer is no. A vessel can't refuse to have a Coast Guard boarding team on board. To answer the broader question, the, I mean like the idea of taking a temperature if we boarded a different boat earlier in the morning, we're obviously not going to be sick yet. That said, our crews are taking I would argue probably greater care than the average citizen. So I can speak at least here in the 13th Coast Guard District, Washington and Oregon in addition to following the local stay home orders that are put in place by the state and local government authorities, the district Commander here has ordered that all Coast Guard members when they're off duty are required to stay at home or if they must travel for essentials to remain within their local municipality and this is an actual lawful order that, if broke, could be held accountable for.

So I would say, I would argue that we probably have stricter guidelines than the captain of the fishing vessel is able to apply to his own crew in that there's legal repercussion for us going to the town next to us. So, you know nothing is a guarantee, but our crews are taking a lot of care to stay healthy themselves. In addition to that are, we've adjusted our patrol boat schedules so that the crew is staying together and you know, there are small patrol boats with 11 people onboard, so they're patrol length of their status periods have been extended so that they're kind of together for an extended period of time so they're only interacting with each other. Our cutters when they're pulling into port, aren't granting liberty so they're not allowed to leave the ship. Not that there would be anywhere for them to go but for instance, if they pulled into, we have someone tied up in Astoria today and they're not leaving the boat, taking care to only fuel at our own units where we have fuel. If we have to fuel or take on provisions commercially, we're doing it with PPE on, personal protective equipment, and that's the last point that I would make, is that our boarding teams, all of our crews on board our cutters, they can't social distance. You can't obviously be six feet away from each other on ships. They're all wearing cloth face coverings currently and when we are interacting operationally, we're wearing higher level personal protective equipment, so we've had a couple of medical evacuations off of fishing vessels over the last couple weeks. We've treated those, although they weren't COVID-19 related you could of, you know you could, there's so many other symptoms can be, so there's things that are, there was heart attacks or other medical emergencies, but you know, shortness of breath, that type of thing, so we executed those medical evacuations wearing full personal protective equipment, Tyvek suits, gloves, respirators, so our boarding teams would be wearing gloves that obviously they would change out between vessels that they're boarding and they're also wearing respirator type masks when we're conducting law enforcement boardings. So maybe a long winded way of saying that we're taking every precaution possible and we're monitoring our crews to ensure their health but yeah, the short answer is you know, whether we, I don't think we would catch something in the morning and transmit it in the afternoon, but it's not impossible to think that something could be on someone's surface and carried but, and then to again just reiterate, there is no, you know, a vessel master can articulate the concerns that they have and there may be issues with the health onboard the vessel that would, that we would choose not to come on board but if we are, if we want to conduct the boarding there's no option to refuse it.

**Phil Anderson** [00:16:36] Okay. Thanks, Scott, for that response.

**Bob Dooley** [00:16:42] Just a little bit of a follow up.

**Phil Anderson** [00:16:43] Yeah go ahead.

**Bob Dooley** [00:16:43] Thank you Scott. I really do appreciate it. That explanation makes me have a little comfort. You know obviously I spent the majority of my life floating around the ocean and depending on the Coast Guard in many, many ways and appreciate the efforts that they do. I just, I think that these are extraordinary times. I would hope that we're not just doing boardings in the normal course, that we're actually looking at, you know, minimizing that interaction to the extent we can and I appreciate your comments and I would not suggest that the Coast Guard is being less than totally reactive to this, so I appreciate it. Thank you.

**Phil Anderson** [00:17:44] Okay. Well we've had a pretty good discussion and had some further exploration of the current situation. Some good I think, at least for me, informative information provided by both Barry and Scott, so just would open it up for any further Council discussion or if there's any kind of action to be proposed now would be the time. Okay then I, absent seeing anyone raise their hand, I'm going to conclude that we have had a thorough discussion of this issue. That we're not proposing taking any action in the way of letters or other guidance beyond what we've kind of some of the concerns that have been expressed here and some discussion around urging measures be taken in terms of deployment of observers that minimize to the maximum extent possible the risks associated

with the processing plants, fishing crews, as well as the observers themselves, so with that, that'll conclude our discussion and our revisitation of Agenda Item B.1.c.

## D. Coastal Pelagic Species Management

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

**Marc Gorelnik** [00:00:00] 10:15 so why don't we refocus on our task at hand here, which is Council discussion and action on Agenda Item D.3, the Pacific Sardine Assessment Harvest Spex and Management Measures. We have recommendations from our management and advisory bodies. We've received public comment both written and during the course of the meeting so let me see who wants to get us started. I see Briana has her hand up. Please go ahead.

**Briana Brady** [00:00:48] Thank you Mr. Vice Chair. I would like to start off by saying thank you to the STAT for all their hard work on the sardine stock assessment and to say that, as usual, Dr. Andre Punt did an excellent job running the Star Panel and to thank the rest of the Star Panel and all of the public who attended the meeting to show up to participate in public comment. Also, to thank Kirkland from the CDFW and his team, along with CWPA including Diane Pleschner-Steele and the Observer Devon Reed. And also thank you Emmanis Dorval from the Southwest Fisheries Science Center to help get the aerial survey data included into this stock assessment. Additionally, I would also say that although the EFP agenda item was removed from this meeting due to COVID along with the other CPS agenda items but I support the EFP request to help fill the data gaps in the sardine stock assessment and that I have a motion when you need one, Mr. Vice Chair.

**Marc Gorelnik** [00:02:02] All right. I guess I was muted here, so thanks for that Briana. I don't want to preempt any Council discussion by a premature motion. So, we've received a lot of thoughtful comments so I'm going to pause here for a moment and see if anyone would like to offer any additional discussion before I turn back to Briana with a motion. Maybe we'll have our discussion there. All right Briana, why don't you go ahead with your motion. I'm not seeing any hands raised.

**Briana Brady** [00:02:49] Thank you Mr. Vice Chair. Sandra may I please see the motion. Thank you. I move the Council adopt the Pacific sardine assessment and OFL of 5,525 metric tons for the 2020-2021 season. A P Star .4. An ABC of 4,288. Sandra could you please add 'MT' after that number, 4,288 metric tons? Thank you, and an ACL equal to ABC and an ACT of 4,000 metric tons as listed in Agenda Item D.3.a, Supplemental CPSMT Report 1, Table 2. A 20 percent incidental catch allowance for commercial CPS fisheries except live bait and minor directed. Directed take to be allowed for the live bait fishery without incidental limits with a per trip limit of 1 metric ton of Pacific sardine if the live bait fishery attains 2,500 metric tons. If the ACT of 4,000 metric tons is attained, a 1 metric ton per trip limit of Pacific sardine would be, would apply to live bait and a 1 metric ton per trip limit of incidentally caught Pacific sardine would apply to commercial CPS fisheries and an incidental per trip allowance of 2 metric tons of Pacific sardine in non-CPS fisheries. In addition, I recommend the Council advise NMFS that we support issuance of the exempted fishing permit request as submitted in B.3.b, Public Comment by CWPA and by WCPCG from their November 29 Attachment 2, 2019, Attachment 2.

**Marc Gorelnik** [00:05:02] Briana is the language on the screen accurately reflect your motion?

**Briana Brady** [00:05:08] Yes it does thank you.

**Marc Gorelnik** [00:05:10] Before I ask for a second. I don't know if our parliamentarian is with us, but we did not have on the agenda the EFP's so I'm wondering if that's a proper subject for this motion? Maybe Chuck or Dr. Hanson can speak to that.

**Dave Hanson** [00:05:34] That's really a question for NOAA GC. Its Administrative Procedures Act, not parliamentary.

**Marc Gorelnik** [00:05:42] Okay well Chuck do you have something?

**Chuck Tracy** [00:05:47] Yeah let me chime in here real quickly. I think to the extent.....so the EFP's themselves actually are under the authority of National Marine Fisheries Service, so the idea here is to accommodate the necessary set asides for those and I believe those come in terms of under the guise of harvest specifications and management measures.

**Marc Gorelnik** [00:06:13] Okay thanks. I just wanted to be clear on that. So, do I have a second for this motion? Seconded by Bob Dooley. Briana please speak to your motion.

**Briana Brady** [00:06:28] Thank you Mr. Vice Chair. A stock assessment review was held in February for this benchmark stock assessment and they brought in two Center for Independent experts in addition to the members of our SSC and then the full SSC reviewed the stock assessment during this meeting and the benchmark assessment was found to be within the terms of reference and was also accepted as best available information for management. The SSC discussed the various forms of uncertainties associated with sigma and provided us with a range of P star and ABC values under the Tier 2 category. While I see various reasons to consider a P star .45 that I believe may warrant future discussion as the Council has used the P star of .4 previously, I am comfortable not changing it at this time. And setting the ACL equal to the ABC that will avoid prohibiting incidental take in fisheries if that tonnage ends up being needed and a 288 ton reduction from the ACL and ACT of 4,000 tons will allow for a sufficient catch should it be needed for small allowances if directed take of live bait or incidental take in other fisheries, I'm sorry undirected take of live bait or incidental take in other fisheries to minimize disruption to various economically important fisheries while avoiding overfishing. So, with sardine being declared overfished, the CPS FMP allows for a 20 percent by weight of incidental catch in other CPS directed fisheries. And additionally, as the MT and AS statements outline accountability measures to account for live bait and incidental take and small scale directed and exempted fishing permits, I think it's important to continue to provide the biological data for the stock assessment and the proposed EFP's from CWPA and from the Pacific Northwest are designed to fill such data gaps. Thanks Marc.

**Marc Gorelnik** [00:08:56] All right Briana. Thanks very much. Are there questions for Briana on the motion? Looking for hands. And I see no questions. Is there discussion on this motion? Looking for hands. Maggie Sommer.

**Maggie Sommer** [00:09:17] Thanks Vice Chair Gorelnik and thank you Briana for the motion, I intend to support it. I just wanted to make a few comments on that. First, I want to acknowledge the SSC's endorsement of the assessment as the best available science. I do appreciate the discussion on EMSY and the information that was brought to our attention on the potential for it to overestimate sardine productivity. I certainly think this is worth consideration in the future, although I do not mean by that that I'm making any specific recommendation on it at this time. I am comfortable at this time with the precaution in the P star value of .4, the sigma used, and the use of an ACT and the recommended management measure. I also appreciate the information the team provided on recent sardine catches and I think that's good context for us to have in mind. As the advisory subpanel noted referencing the 2018 AT methodology review report, they said that AT estimates should be considered relative rather than absolute indices of abundance and I certainly agree with the logic in that. And then finally, I do support the portion of the motion advising NMFS that we support the EFP's. I agree they can be very valuable in providing information that will be essential to improving our ability to understand and assess the status and dynamics of the stock. Thank you.

**Marc Gorelnik** [00:11:03] Thank you Maggie. Is there a further discussion on the motion? Corey Niles.

**Corey Niles** [00:11:13] Yeah thank you Mr. Vice Chair and thank you Briana for the motion. I think I can almost, I would echo Maggie's sentiments there. I see a lot of questions that have been raised on the science, but for now, for this approach for this season I mean I think this is a very sensible approach and that hopefully we can maybe have some discussion subsequent to this on how we maybe understand some of those questions that have been raised during the rebuilding plan development and some other efforts, but sorry Briana maybe a minor question just to make sure I'm understanding on your number 3, is that, the 20 percent incidental catch allowance, is that, my understanding is, is that just, is that what the FMP says now and you're just stating it to be explicit and it's consistent with the FMP and recent changes to it, or am I missing that it's making a change to what the FMP says? I can restate that if helpful.

**Marc Gorelnik** [00:12:27] Briana.

**Briana Brady** [00:12:29] Thank you Mr. Vice Chair. Thank you, Corey for the question. This is consistent with the FMP and, no, changes haven't been made.

**Marc Gorelnik** [00:12:43] Did you have a follow up Corey or can I move to Louis?

**Corey Niles** [00:12:47] No I just thank Briana and thank you for answering that and I will lower my hand. Thanks Mr. Vice Chair.

**Marc Gorelnik** [00:12:52] Okay. Mr. Zimm.

**Louis Zimm** [00:12:55] Thank you Mr. Vice Chair. I, too, will be supporting this motion and one of the reasons why I am supporting it is after extensive discussions with all parties, I want to stress that this is a, it is a precautionary motion. The discussions in the CPSMT originally were proposing a .45 level there and after they discussed with the actual advisory subpanel, the advisory subpanel wanted to be more precautionary and proposed .40 instead. Also because of some of the doubts in the assessment itself and in the science, the SSC put it as a Tier 2 assessment. So, this does seem like it has a lot of precautionary things in it. I also appreciate that there is a twenty five hundred metric ton limit as to on the live bait fishery but if something changes and we have a huge albacore run off San Diego and demand increases and we do go over twenty five hundred tons, I think it's really a good idea that we have this one metric ton limit and then also I think it's a very good idea to keep that incidental per trip allowance of two metric tons in non-CPS fisheries. We need that limit because I was looking at some of the reports of the whiting fishery and their encounters with large amounts of jack mackerel and up to this point small amounts of sardine. However, if the sardines do expand up into the Northwest again, we may be seeing problems with encounters with sardines. So, all in all, I think it's just precautionary and very thoughtful. Thank you.

**Marc Gorelnik** [00:15:07] Thank you Louis. Is there further discussion on the motion? Looking for hands? I'm not seeing any further discussion sought on this motion. So why don't you unmute your microphones and I will call the question on the motion. All those in favor say 'Aye'.

**Council** [00:15:29] Aye.

**Marc Gorelnik** [00:15:29] Opposed no? Abstentions? Motion passes unanimously. Let me ask the Council, does anyone else have a motion to offer on this agenda item? Further discussion or any further action of any kind on this agenda item? Frank Lockhart.

**Frank Lockhart** [00:16:03] Just on the topic of the EFP and I think most people throughout the course of the conversations over the last couple of days have received this but just to make it clear, yes, we do have the ability to approve an EFP that's outside the Council process, however we're going to go ahead and review the application and we, you know, with the goal of, you know, if it passes approval we would try to get it in place as anticipated, but I just wanted to let people know that, yes, we have the ability to approve the EFP and we will begin review very soon, and that's it. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:16:50] Thank you, Frank. Let me see if anyone else has anything further on this agenda item? Corey Niles.

**Corey Niles** [00:17:04] Thanks Mr. Vice Chair. I'm wondering if we might just have some discussion or at least voice some of what, and Maggie in speaking to Briana's in support of the motion and I echoed somewhat and Briana spoke to herself, but there are a lot of questions bouncing around in my mind in particular about the EMSY, about the Mexican catches, how we're working with Mexico, the two stock issue. I can't even list all the issues that have been raised and we have a rebuilding plan coming up, which we had hoped to get underway at this meeting but will hopefully get there in June. Just maybe some discussion or some thoughts from Council staff and others about how we start to serve these questions up. On the EMSY question, for example, it was the SSC we heard it wasn't ripe. They weren't presented with the question. Didn't come up at the Star Panel, and it sounds like we can take some time and ask people to have at least a scoping discussion on these questions and see which ones rise the top and whether it's a methodology review or I'm going to guess we might even get to a management strategy evaluation at some point here, but just wondering if we can have some discussion on how we next serve that up and how we organize and just queue up any discussions in the future here.

**Marc Gorelnik** [00:18:45] Thanks for that Corey. I think that's a good idea because it seems if there's anything everyone can agree on is that we need to improve the assessment, whether you're on the, whether you fish for CPS or whether you're with an NGO, no one seems to be entirely happy with the way things are being done. I'm not sure of the best method to go forward here, whether it is a methodology review or an MSE or a scoping discussion. I'm going to ask Chuck what he suggests as a mechanism for the Council to address some of the concerns that have been raised.

**Chuck Tracy** [00:19:38] Thanks Mr. Vice Chair. Well I think this is as good an opportunity as any to sort of have some of these discussions. We don't have to make any decisions now, but we will have an opportunity under workload planning but I think you know there's not going to be many days at Council meetings when you've got not a full day schedule. This happens to be one of them. So I think taking some time now to work through some of this, get some discussion going, some ideas going that perhaps could be formalized under workload planning, I think this would be a good opportunity to do that.

**Marc Gorelnik** [00:20:32] All right. Well, then let me open the floor. I think maybe the best way to proceed, and I'll call on Frank here in a second, is to perhaps make a list of the issues that the Council would like to see examined and then we'll see how we can fit it into the Council's workload. Frank.

**Frank Lockhart** [00:21:01] Oh sorry, I pressed the wrong button twice so but got there eventually. Thank you. You pretty much stated my comment there and I'm wondering if maybe what we can do is we can have this discussion and then maybe task the MT or Council staff to kind of put those list of questions, you know, in some sort of document for review on the last day and we can try to figure out how to proceed on that, but I like the idea of just having the discussion here without necessarily coming to any conclusions about, you know, how to proceed, because I think a lot of them the process on proceeding is kind of complicated and involves resources from various agencies so I don't think we can actually commit to anything at this point right now, but that was it. Thank you.

**Marc Gorelnik** [00:22:02] It seems we're always going to be resource limited and if it isn't the government shutdown that throws a wrench in the works it's a pandemic so.....all right. So, Corey you had mentioned the EMSY issue that I think was also raised by Oceana, which seems to be something that we might want to consider looking at. Briana? Briana you need to unmute your microphone.

**Briana Brady** [00:22:46] Thanks Mr. Vice Chair. Thank you, Corey, for starting this discussion and thank you, Frank, for jumping in. I guess I'm feeling a little caught off guard and I'm unsure about how to move forward with this. Mentioning that there are various issues with the ATM, you can just look at the April 2019 review, 2018 review report from that panel to see all the things that need to be improved for the ATM, but putting that aside, I just I feel like this is something that should actually be tabled and put on the agenda and brought forth by one of our advisory bodies with more detail on background.

**Marc Gorelnik** [00:23:48] Thank you Briana. Well, let's consider that approach. We can certainly task the management team and the advisory subpanel, which has been with us throughout this agenda item and have raised some of their own concerns and have listened to concerns of others. I would want to make sure that all the concerns raised, even if by folks who are not on those bodies, would be considered, which I guess is one reason why I thought that.....or I kind of liked Chuck's idea of having some discussion here about it, but our discussion here could be abbreviated by simply tasking the management team and advisory subpanel but I still think that giving them a little bit of direction in terms of the scope of the things we want them to consider would be helpful. Corey.

**Corey Niles** [00:24:59] Thanks Mr. Vice Chair, and yeah thanks everyone, Briana and Chuck and Frank. I didn't mean to put anyone off guard here. I was, and I was, you know the discussion is great to have. I wasn't sure how far we could get today, but just wanting to know maybe along the lines of what people are suggesting, how we can best tee those up and so I don't know along, along, excuse me, along the lines of what Frank's suggestion was and I'm thinking the same as similar to Briana as maybe having the, even as a first cut, having, if they're able to, having the management team put some thoughts into the future meeting planning statement on how they might meet with the SSC or whoever and the AP and scope some of these out. I guess thinking on the fly here where we have a, we have issues with the survey, there's issues with the control rule, potentially issues with catch accounting and in terms of stock definitions so there is quite a diversity of issues. Which ones rise to the level of highest priority I couldn't tell you so I would look to our, our management team or SSC and the STAT and Science Center folks and NMFS, you know, to help us scope those out. So, suggestion that maybe if they're still able to collaborate on a statement for future meeting planning and we could ask the management team for some ideas there.

**Marc Gorelnik** [00:26:41] Kerry.

**Kerry Griffin** [00:00:02] Yeah thank you Mr. Vice Chair and Corey. The management team I'm sure would be willing to do the Council's bidding. They are already adjourned at this meeting and so I, and they do have a future agenda planning statement potentially in the works but it doesn't include this sort of thing, so I'd be hesitant to ask them to reconvene not in a public forum to discuss some of these very important issues at this meeting. So, I guess my advice would be if the Council wants to hear recommendations or options from the team, I think would need to be at a future meeting. Chuck, if you agree or disagree, well let me know.

**Marc Gorelnik** [00:00:57] Well, I think that's a fair point if they're not here anymore we can't really ask them to do something for future meeting planning. Chuck, do you have a comment on that yet?

**Chuck Tracy** [00:01:06] Well I would...yes, I think you're right, you can't really ask him to do that. So if you want that to, if the Council wanted to discuss, and I think this is kind of what we're doing, we're



kind of discussing this maybe a strategic approach to addressing these issues, so all those things come into play. When are they going to meet? We have Council agenda time. What are the issues you want them to tackle? What are the priorities of those issues? All those things, so, yeah, I mean I'd be pretty tough for them to come back on Thursday with anything at this point.

**Marc Gorelnik** [00:01:48] Well could we perhaps, I'm just spit balling here, but could we ask there to be a, to convene a joint webinar between now and the June meeting to take up this topic that would involve both the AS, the management team, SSC as required, the public could participate and then set some time aside on the June agenda to take up the results of that webinar rather than trying to get something done during this meeting, which doesn't really seem possible. Briana.

**Briana Brady** [00:02:33] Thank you Mr. Vice Chair. Thank you for putting forth this effort and showing concern to help make sure these issues are discussed and addressed. This is April and June's around the corner and we're not even sure yet if we're having a webinar and there are various agenda items for CPS that have been taken off the agenda. Without having checked with the management team, I just am very concerned about everything that they need to do and this is a new item. I think it warrants discussion by them. I just think that at this point we can note it. Kerry brought up some very good points and he can communicate this back to the management team and see where it fits in for their Year-at-a-Glance, and then in the bigger picture of all the priorities for the Council.

**Marc Gorelnik** [00:03:44] Yeah, I think you're right, anything they do would not come into play until the next stock assessment anyway, so there's probably no reason to rush this for June. So perhaps we could discuss this during workload planning when we might fit it in and then subsequently discuss perhaps having a webinar on that, but not necessarily having it between now and June. Does that seem like a reasonable approach for folks to agree to task our advisory bodies and the management body with working on this issue but not deciding the timing of it until we come to workload planning? Corey.

**Corey Niles** [00:04:32] Thanks Mr. Vice Chair and yeah, I think, I don't want to make this sound like it's a huge request to the team. I think if they were able to process aloud, I believe some of the team members would be willing to take a crack at what we're asking and it's the scoping of basically how these, some of these issues we can take them up in an organized manner, it's not a big ask. I think they could fit it into what they're doing. The rebuilding plan is certainly going to take precedence in my mind and who knows, maybe some of these issues directly pertain to that rebuilding plan so we'll see, but I would, I'm not just saying this is not a big task. I think they could do it if the public comment, if they had not adjourned and advised us on Thursday what I have in mind, so not, this is not a big task more it's a, in my mind a question of you know, how do we get these discussions going and how do we get the scientific evaluation, set priorities, and yeah what's the right timeline to do that on as part of that is, it doesn't have to be a rush necessarily if the management team and others say have a different idea on what the proper timeline is.

**Marc Gorelnik** [00:05:51] And just from a Council schedule, we're kind of behind the, behind the eight ball here with a lot of measures postponed from this meeting. So I'm going to suggest and see if there's any disagreement that we discuss the timing of this during workload planning and then at the appropriate time we can task the management team and the advisory subpanel and the SSC and the public with a webinar and we'll probably will want input from those, from the management team and the advisory subpanel on timing as well, but maybe we can at least look at Year-at-a-Glance on Thursday when we take up workload planning. Is that acceptable to folks? Maggie.

**Maggie Sommer** [00:06:51] Thanks Mr. Vice Chair. It is to me, and I just wanted to acknowledge that there are, you know a number of these issues were raised by the management team and the advisory subpanel and the SSC and in public comments and you know I think we can take a look back at those

as we come into our workload planning session and have some of those specific ideas in mind. It might help our thinking about process and schedule. Thanks.

**Chuck Tracy** [00:07:23] Marc, this is Chuck. I guess I would just like to echo Maggie's comments, I think it would be helpful if people thought about, I mean the list is long and it's spread across a number of reports and comments and so I think if we could, the Council would be prepared to be at least a little, have a little specificity in their guidance to the team come Thursday I think that would be helpful.

**Marc Gorelnik** [00:07:54] Briana.

**Briana Brady** [00:07:59] Thank you Mr. Vice Chair and thanks Maggie and Chuck for that. I still feel as though we're pushing this and that it should not come back to workload planning at this time. I put forth what I said earlier about letting Kerry check in with the advisory bodies on this and, and where it will fit.

**Marc Gorelnik** [00:08:29] Okay then. There does not seem to be a common view here on how we treat this. Maggie? Maggie you need to unmute.

**Maggie Sommer** [00:08:57] Thank you Mr. Vice Chair. Sorry and thanks Briana for those comments. I certainly recognize that we did not come into this agenda item today with the intent of doing this and we may not be prepared to take any specific steps if and when we discuss this under workload planning. I also think we will have a gargantuan task on our plates to accomplish the workload planning overall given all of the delayed items and other issues so I guess my thinking is to me it seems worth it to kind of put ourselves a placeholder. We will revisit this during workload planning. If we feel at that point that we have some recommendation that we would like to ask something specific of our advisory bodies, we can do that and if, you know we might come back at that point having given a little bit more thought and having had the opportunity to, I guess, further develop our understanding of what will be on our workload planning plate overall and, you know, we may decide that at this point we don't have any specific steps to take.

**Marc Gorelnik** [00:10:22] I think that's a good summation Maggie. Briana.

**Briana Brady** [00:10:30] Thank you again, Maggie, and thank you Mr. Vice Chair. I think that the advice of the Council has been well stated here and that there is nothing to add this week at this time and that we can revisit it in June depending on all else that's going on since it's only two months away.

**Marc Gorelnik** [00:10:53] All right. Well we do have CPS on the agenda in June. We have at least on the sardine rebuilding plan, for example, FMP revisions. So why don't we just put this on hold until workload planning? We can decide at that point whether we want to in view of everything else the Council has to accomplish, whether this is something that we want to pursue in the near term or in the long term and I agree that we, with the comments that have been made, that the bodies before us have already done a good job of cataloging issues to look at. We're also going to need some feedback from the Science Center and NMFS what they can accomplish and so that will probably require a fair chunk of agenda time, which we'll not likely have in June so why don't we just take this up again during workload planning, we can talk about when we really want to get into the substance of this and task the Council staff and others with taking a look at these issues, which are very important, but you know, so are a lot of other things we've got on our plate. Does that make sense to everyone? Does anyone disagree? Silence. I guess I'll take that as a hint. Briana.

**Briana Brady** [00:12:45] Thank you. Thank you, Mr. Vice Chair just making sure I'm off mute. Yes, I continue to disagree with taking this up during workload planning.

**Marc Gorelnik** [00:12:54] All right. Well I think the idea of taking it up the workload planning is just merely to decide whether we're, whether and when we're going to do the next thing. We may decide that we don't have time and that it won't happen until some undetermined time in the future. I think everyone agrees this is something that needs to be done at some point. It's just that it's not clear when that might happen and since that's a workload planning issue, well it seems more sensible to take it up then. All right. Let me again ask if there's anything else to take up on this agenda item before I turn back to Kerry? I'm not seeing any hand.....oh I see a hand. Louis Zimm.

**Louis Zimm** [00:13:50] Thank you Mr. Vice Chair. I wonder when we get to workload planning if to tee up the discussion perhaps Kerry or one of his colleagues could come up with a list of questions that have come up in this discussion, so we can see if where we should go with that? Thank you.

**Marc Gorelnik** [00:14:12] I don't want to get this any...if we get into a list, we may get into the substance and I don't want to do that during workload planning. I think it's primarily a matter of figuring out when the Council will have time for such a discussion so...Phil.

**Phil Anderson** [00:14:37] Yeah thanks Mr. Chair, Vice Chair. I'm finding myself to be in Briana's camp here. I'm not sure I understand what the 'it' is that we will be talking about under workload planning. I don't want in any way diminish the importance of some of, a number of the topics that were brought up during our discussion and public comment and by the team and the SSC and our subpanel associated with sardines and the stock assessment and the shortcomings and all of those things. I am very concerned about.....we have a lot to do on Thursday. Our workload planning is, as Briana said, already said, is going to be challenging.....(garbled).... this just, I just don't have clarity on exactly what it is that we're going to be talking about under workload planning. I think we're going to be very, very challenged for June. I think we're going to likely fall behind where we otherwise would like to be by the time we get to September so I just don't have clarity on what the 'it' is that we're going to discuss and I'm just concerned about trying to jam that into all the other things that we're trying to do.

**Marc Gorelnik** [00:16:25] I think the 'it' is, is to decide when to schedule a subsequent agenda item to be preceded by a webinar to catalog, prioritize, and determine what's doable with regard to issues that have been raised during this agenda item about the assessment and other issues. You know if we don't take it up during workload planning now then we'll be taking it up during workload planning in June, but at some point we need to figure out, there seems to be, there seems to be general agreement that something needs to be done here to improve our management measures. I get the point that we're kind of, we have a long list of things we need to do as a Council and we're behind what with, you know, the June meeting agenda is going to be more than oversubscribed, but keeping something on the Year-at-a-Glance at the very least, keeps it on our radar. If folks don't think we need to keep it on our radar, then we cannot worry about it during workload planning. So, let's see what other discussion we have. Briana.

**Briana Brady** [00:18:08] Thanks Mr. Vice Chair and thank you Mr. Chair for those comments. Mr. Vice Chair you had alluded to the need to discuss our management measures and I think this is a discussion around the science and the stock assessment and the inputs to the stock assessment, and I think that nothing needs to happen before June in this instance, that we have a great deal of research planned and that the center continues to work on improving the assessment. Again, just reiterate that I don't see us needing to push this at this time.

**Marc Gorelnik** [00:18:59] I think that's a fair point on timing. Corey.

**Corey Niles** [00:19:07] Thanks Mr. Chair and I think people are first of all, I was betting people there was no way this would take three hours this morning, so I lost that one, but I hear Phil and Briana having a future meeting planning discussion now. I think it's more appropriate to have it in the future meeting

planning and, Mr. Vice Chair, I think you have the idea I had in mind and yours, and it's, people are taking it to be a bigger thing than I was suggesting, but let's talk about these issues and how we process for thinking about them as part of future meeting planning. If it's this meeting or future meeting planning in June, I don't see it matters too much, but I think people are going a little bit too far on worrying about it until we should worry about it with our, when we're talking about workload on Thursday.

**Marc Gorelnik** [00:19:59] Yeah and we may decide on Thursday not to discuss that on Thursday and to let's take it up at June's, future meeting planning in June. Just a matter of under this agenda item right now, D.3, you know, we can't really be doing our planning for future discussions. Are there any other hands raised? I will take the award for the first wrap around the axel of this, of this April meeting. All right, so some people think we should touch base on Thursday about this, even if it's maybe even to punt it to a future discussion of meeting planning and some, Phil and Briana, feel that we shouldn't even raise the issue on Thursday, so what is the sense of the Council? Rich Lincoln please.

**Rich Lincoln** [00:21:15] Thanks Vice Chair. I've been really reluctant to contribute to that so a metaphor here. I think I'm kind of agreeing with Corey here. This seems like a fairly simple question, even in, even in Briana's earlier comment of asking, suggesting that Kerry just go back to the management team and the AP's for advice on how to proceed with that. That in itself is just a simple work planning assignment to the team so I don't know why if, why we could not dispatch with this fairly quickly on Thursday and I mean, we can set a time to do that as far as I'm concerned. It shouldn't take more than five minutes but even the case from the discussion I've heard, we have had some identification of things that need to be done. Even in Briana's sense, I thought I heard her suggest that there was at least one idea of going back to the teams for some advice. We either do that or we don't, and it doesn't sound like we're going to make that decision here so I'm fine with your suggestion that we take this up briefly on Thursday.

**Marc Gorelnik** [00:22:38] Why don't we just terminate our discussion here because we could probably go on indefinitely. I will point out that on the Year-at-a-Glance at the moment anyway, there is a methodology review for CPS set for November, so to the extent some of these items are properly taken up under methodology review, you know that might be not an entirely unreasonable place to have the far more detailed discussions, but why don't we make that call on Thursday because I don't sense us converging right now. Rich, is your hand up again or is that still up? I'm not sure. It's down. All right. Anyone have anything else to contribute on this agenda item? Kerry, how we doing?

**Kerry Griffin** [00:23:47] Well, if by that you mean have we completed our business for this agenda item? Then I will say, yes, you have completed your business. You've taken up and got a good motion on the tasks at hand regarding the sardine assessment and harvest spex management measures and there's also some guidance relative to EFP research, so I will take this and transmit the Council's recommendations to NMFS like we always do and move on from there, but yeah you have completed your assigned business for this item.

**Marc Gorelnik** [00:24:30] Great. Thanks very much.

## E. Salmon Management

### 1. Tentative Adoption of 2020 Management Measures for Analysis

**Phil Anderson** [00:00:01] So that'll conclude public comment on this agenda item. That will take us to our Council action, which is to adopt tentative 2020 ocean salmon management measures for analysis and I know we don't have consensus amongst the tribes on the treaty troll numbers, but I will be obviously looking to Joe Oatman for his counsel on how to move forward with that. My understanding is that there is a desire on the part of the coastal tribes to maintain their current alternatives as they work through their discussions this week but I will, I don't want to get out front of Joe unless, in case there's been some developments to the contrary. With that what we were going to do, what I'm proposing we do is follow the same model that we did in March and that would be to have one motion for the package, assuming there is support for that, that's been provided by the SAS for analysis, so we do that by motion. It's obviously it's a tentative adoption for analysis. It's not a final decision. Then we would throughout the remainder of our process here, we would take the balance of it up until the last day as guidance as we did in March and then we would close it out with a motion on day last, which I believe is Thursday, and we will, I will separate, of course, the non-Indian from the treaty troll and I have had the opportunity to coordinate with the state representatives on this plan so we'll see how well we did in terms of coordination. Let me just stop there and ask if there's any Council member comments before we get into a motion? Okay I'm not seeing anything so I will look for a motion and I believe Mr. Kyle Adicks is going to provide that, so Kyle.

**Kyle Adicks** [00:02:47] Thank you Mr. Chair. I do have a motion. I did provide it to Sandra this morning, so she may be able to put it on the screen for the audience, and she has. I move to tentatively adopt the ocean salmon fishery management measures for non-Indian fisheries as presented in Agenda Item E.1.e, Supplemental SAS Report 1 for STT collation and analysis.

**Phil Anderson** [00:03:20] I have to unmute myself. Thank you Kyle and I just want to confirm that the language on the screen accurately reflects your motion?

**Kyle Adicks** [00:03:28] It does.

**Phil Anderson** [00:03:29] Thank you very much. I'll be looking for a second? I have several of those to pick from so I'll pick Brett Kormos this time as the second and speak your motion as needed Kyle.

**Kyle Adicks** [00:03:47] Thank you Mr. Chair. I will speak to the North of Falcon portion and then defer to my colleagues from Oregon and California if they'd like to add anything. So obviously a lot of work has gone into this package. The SAS developed this today. Just to put the quota levels north of Falcon in some context, the Chinook level is very close to last year's fisheries. The Coho level is one of the lowest in the past decades. It's not something we're proposing by emergency measure. There is a trade involved to supply additional Coho to the recreational fleet trying to get the most benefit for our troll and recreational fisheries, that said it's going to be tough to implement the fisheries at a quota this low so we'll be working through the week to figure out what adjustments we need to make to meet our conservation objectives and to try to provide some fisheries with all the uncertainty that we're facing right now. I also wanted to speak to the issue I brought up this morning of some of the limiting stocks that we're working through issues with our co-managers on and we heard a statement from the Port Gamble and Jamestown S'Klallam tribes about mid Hood Canal, Chinook in particular, and I want to assure the Council that WDFW shares the concern voiced by those tribes for the status of mid Hood Canal Chinook. WDFW has committed to conducting a habitat assessment of the mid Hood Canal watersheds to improve our understanding of the productivity and capacity of these streams which were

delineated as supporting an independent population of Chinook after the ESA listing of Puget Sound Chinook. We're also committed to reinitiating a hatchery supplementation program with the stock that may be better suited to recovery in these streams than the stock that was used previously. A long term supplementation project using brood stock from the large production programs in Hood Canal ended several years ago. This year's low forecast represents the abundance decline from the end of that program, not a sudden decline in natural origin fish returning to the system. As the Council may recall the base period for fishery modeling tool or FRAM was updated and used for fishery planning and beginning, I believe, in 2017. Additional changes to that model of occurred since then. These base period changes affected our estimate of fishery impacts on Puget Sound Chinook populations throughout marine waters off the West Coast. WDFW has suggested that changes to those conservation objectives which we implement using FRAM are appropriate given that the modeling tool has changed. We're not proposing increasing the impacts allowed by fisheries, just adjusting our objectives so that it reflects the same level of impact from fisheries as in the past. Small changes in the exploitation rate for the mid Hood Canal stock do have huge implications for tribal and non-tribal fisheries in the ocean and in Puget Sound while having very little effect on the number of fish escaping to the mid Hood Canal rivers. As always WDFW will consider conservation objectives for all stocks as we make recommendations to this Council on North of Falcon ocean fishery management measures as well as during our development of inside fishery packages. NOAA's guidance to the Council this year for mid Hood Canal Chinook was to limit fisheries impacts so that the reduction to natural origin escapement caused by Puget Sound fisheries is similar to the reduction in the most recent two years. WDFW's proposal is consistent with that guidance. Finally, I'll just say that WDFW and the Puget Sound Tribes are engaged in the meet and confer process established under U.S. versus Washington on this issue and I will update the Council as needed through this week. Just to wrap up, thanks again to the SAS, the STT, the Council staff, everybody for all their hard work to actually get us down to one set of management measures for the ocean this year. It's been a challenge and again I defer to Chris and Brett if they have anything to add for South of Falcon.

**Phil Anderson** [00:07:56] Thanks very much Kyle. I'll pause for a moment to see if Chris or Brett have anything to add, excuse me. Okay I don't see any from these. So now I'm going to go to questions or comments from the and discussion on the motion and I'll turn to Susan Bishop.

**Susan Bishop** [00:08:24] Thank you Mr. Chair. I was just circling back to our discussion earlier about the monitoring and data required for some of these fisheries, particularly for inseason management and the suggestion that we might want to assign the STT to provide the Council sort of an overview of the data, the important data for inseason management, pre-season forecasting and postseason assessment, so we make sure those things are aligned and we get that information from the fisheries as they move forward. I bring this up just because we may want to again identify contingencies or things that we will need to build into the regulations before the Council adopts them finally at the end of the week, so I want to suggest either now or at the appropriate time that we make that request.

**Phil Anderson** [00:09:22] Thanks Susan. Why don't you let me and the Council move through this motion first and then let me go to the tribes and then we'll come back to that if that's all right with you? Okay.

**Susan Bishop** [00:09:34] Thank you.

**Phil Anderson** [00:09:34] Yep but thank you it's a good reminder. We want to make sure we get to that for we leave today's business. All right, Joe Oatman. And this is a comment on the motion in front of us. Go head Joe.

**Joe Oatman** [00:09:54] Thank you Mr. Chair can you hear me okay?

**Phil Anderson** [00:09:58] Yes, we can.

**Joe Oatman** [00:10:01] Okay. So, question on the motion. So, I think I understood from the comments that Kyle provided that, you know the base period was implemented the beginning of 2017, that there's still some additional changes relative to that, that has occurred since then and that there's the consultation on the conservation objectives, and so a question I had, kind of like a follow up question, is relative to the Tribal Supplemental Report provided by the S'Klallam tribes regarding the 12 percent exploitation rate, if under this motion if that is going to result in exploitation rates that would be greater than that.

**Phil Anderson** [00:11:25] Joe, I think we'll need to let the analysis tell us that. I suspect there are some who are very familiar with the very analyses that have been up to this point, done up to this point in time and could probably give you a feeling on that or, but I think until we get the analysis from the team we won't know that for certain and so that will leave open obviously further dialog depending on the outcome of the analysis as it relates to this package of non-treaty ocean options, and I see Kyle also has a response to that so, Kyle.

**Kyle Adicks** [00:12:11] Thank you Mr. Chair. Yes, I agree with what you said. We'll need to see the analysis. Expect that there will be multiple stocks that are not meeting conservation objectives with the combination of inside and ocean fisheries that will get modeled tonight, but as always, we will work through those over the week to get to a package that does by the end of the week.

**Phil Anderson** [00:12:40] Joe, is that a satisfactory answer to your question?

**Joe Oatman** [00:12:46] So, Mr. Chair I had an additional follow up. So, it's my understanding from the S'Klallam Tribes that there is, they don't share that view. I recognize that, you know additional analysis may help inform what the exploitation rate may be but the concerns laid out in the tribal report I think are very important to those tribes relative to the mid Hood Canal Chinook and so they are concerned that by moving forward as is that it may result in an exploitation rate that would be greater than 12 percent and raised a concern from them that you know this may result in some overharvesting. One thought that the tribes have had is perhaps having some additional time to discuss this. This being kind of a real kind of live issue here at the moment if I might be able have some time to get some further guidance from them on this and how that may implicate the tribes?

**Phil Anderson** [00:14:35] Thanks Joe. Well I think one of the, you know, an additional complication to all of this is that and I don't want to prejudge what maybe, what you may be going to propose for treaty troll, but we will have different outcomes as it relates to mid Hood Canal and other Chinook species, depending on which one of the treaty troll options is matched up against this non-treaty alternative and so we're going to have a, we're going to have multiple options or alternatives. If I understand and can assume, I guess, what the tribe's proposal for the treaty troll fishery is, we are, we're going to have up to six different combinations here between the three different alternatives that were proposed by QTA, as well as the three alternatives proposed by Makah and each one of those matched up with the non-treaty number is going to have a different outcome and so I'm having a hard time holding up or taking this initial step in the non-treaty fishery to get some analysis going, match it up with the treaty troll numbers that I, that are yet to be proposed, see where we are and then as always, we will be relying relative to stocks North of Falcon on the process between the co-managers to resolve any outstanding issues relative to conservation or allocation issues and those, the results of those discussions will be reflected in future guidance that is provided either by the state or the tribes. So I guess I'm asking for indulgence here to allow us to move forward and get some of these initial analyses out there so we can take a look at them and understand where our problem areas are in a more definitive way and also allow the necessary time for the inter-tribal discussions that are needed to resolve the

treaty troll piece.

**Joe Oatman** [00:17:12] Mr. Chair?

**Phil Anderson** [00:17:14] Yes.

**Joe Oatman** [00:17:17] I appreciate those additional remarks that you have just provided. I wanted to make sure that as we move forward that those concerns that have been conveyed to the Council by the S'Klallam Tribes are appropriately addressed as we move forward.

**Phil Anderson** [00:17:41] Thank you Joe and appreciate you emphasizing those concerns that were brought forward by those two tribes and I think I can assure you that the Council as well as the State of Washington is ready to continue the dialog and work on and try to resolve their concerns in a manner that's acceptable to the parties. Is there further discussion on the motion? Not seeing any I'll go ahead and call for the question. All those in favor say 'Aye'.

**Council** [00:18:22] Aye.

**Phil Anderson** [00:18:22] Those opposed no? Abstentions? The motion carries unanimously. Thank you very much for that as our first step here. So, Joe I'm going to turn to you next for the treaty troll piece.

**Joe Oatman** [00:18:57] Okay thank you Mr. Chair. So, we have provided a motion. Sandra should be able to get that up on the screen so folks will be able to see that and of course as you noted a moment ago that the tribes are discussing and trying to provide some further clarification but at the moment we do have this motion. So, for the ocean tribal troll fishery, I move the Council adopt for STT analysis the proposed salmon management alternatives for the Quinault Treaty Area proposal for the QTA Coho quota under option 1, that would be 12,500. For option 2 it would be 10,000. For option 3 it would be zero. For July 1 to August 31 under option 1 it would be 12,500. For option 2, 10,000, and for option 3, zero. For the QTA Chinook quota, for option 1 it would be 30,000. For option 2, 25,000. For option 3, 20,000 and those would be broken out as follows: From May 1 to June 30 option 1 would be 15,000. Option 2, 15,000 and option 3, 12,000. For July 1 through August 31, option 1 would be 12,000. Option 2, 10,000. Option 3, 8,000 and that would be a 60/40 seasonal split. For the Makah Tribe proposal, the Makah Coho quota: For option 1 it would be 30,000. Option 2, 22,500 and option 3, 15,000. That would be for July 1 to September 15. For Makah Chinook quota: Option 1 would be 45,000. Option 2, 35,000 and option 3, 25,000. That would be a split as follows: May 1 to June 30, 22,500. Option 2, 17,500. Option 3, 12,500. For the July 1 to September 15 option 1 would be 22,500. Option 2, 17,500 and option 3, 12,500. This would reflect the seasonal split. With that Mr. Chair and Council that concludes my motion.

**Phil Anderson** [00:22:21] Thank you very much Joe and I believe the language on the screen accurately reflects your motion?

**Joe Oatman** [00:22:30] It does Mr. Chair.

**Phil Anderson** [00:22:31] Thank you and is there a second? Seconded by Kyle Adicks. Speak your motion as needed Joe.

**Joe Oatman** [00:22:45] Thank you Mr. Chair and thank you Kyle for the second. So as this reflects the coastal tribes have not come to an agreement on the 2020 tribal troll options at this point. Therefore, the motion includes the QTA proposal and the Makah tribal proposal. These are the same proposals



from the March meeting. As shown in the motion these proposals consist of different quota's, different fishery end dates and different Chinook seasonal sub quotas. I'd like to remark that throughout this week the coastal tribes will continue their discussions with each other and their state counterparts. Thank you, Mr. Chairman.

**Phil Anderson** [00:23:36] Thanks very much Joe. Any discussion on Joe's motion? Seeing none we'll go ahead and called for the question. All those in favor say 'Aye'.

**Council** [00:23:48] Aye.

**Phil Anderson** [00:23:48] Opposed no? Abstentions. The motion carries unanimously. Thank you very much Joe. Let me go back to Susan on the matter of the potential assignment to the STT to provide an overview of the data that's needed and important to our inseason management along with forecasting and postseason assessment, so I'll turn to you Susan.

**Susan Bishop** [00:24:27] Thank you Mr. Chair. I would suggest that based on our earlier conversations, it might be a good idea to task the STT with an assignment to provide the Council with an overview of the ramifications to inseason management, pre-season forecasting and postseason assessment of Council fisheries from reductions in monitoring and sampling in 2020 as far as they can anticipate it. To the extent that the state or tribes can provide specific examples of what those situations might be or in terms of requesting flexibility, the detailed scenario or at least a narrowing of the times and places where those questions might arise would be helpful in going forward this week.

**Phil Anderson** [00:25:26] Thank you Susan. And could I ask Dr. O'Farrell or other members of the STT if needed. Do you need any.....do you understand what the assignment is, and do you need any further clarification?

**Mike O'Farrell** [00:25:53] Thank you Mr. Chairman. This is Mike O'Farrell. I think the task is pretty clear. I don't think we need me more clarification at this time.

**Phil Anderson** [00:26:03] Okay thank you very much Mike. Chris Kern.

**Chris Kern** [00:26:10] Thanks Mr. Chair. I got the first part of Miss Bishop's suggestion. I wondered if I could get her to repeat the second part relative to information the states and tribes might be able to provide that would help this discussion?

**Phil Anderson** [00:26:26] Sure. Susan.

**Susan Bishop** [00:26:29] Thank you Mr. Chair. I'm not sure if the second part is the information with regard to areas that may have reduced sampling or substantive changes from what normally would occur in a year either occurring now or anticipated to occur. I think it might be helpful informing our discussion going forward. The other aspect that I suggested and this is only if people were asking for feedback is if we were, if we were to ask the STT to evaluate or not to evaluate, but to provide their feedback or assessment on ramifications in specific areas, it would be good to have more detail on what that would be.

**Phil Anderson** [00:27:19] Chris did that get to your question?

**Chris Kern** [00:27:22] Yeah, I think that's sufficient for now. Thank you. Appreciate it.

**Phil Anderson** [00:27:26] All right. So, this is a proposal to make an assignment to the STT. I'm hoping

we can do this without a motion. So, people have heard what the proposal is. Let me ask if there are any objections to making this assignment to the STT and we do have confirmation from Dr. O'Farrell that the assignment, he understands the assignment? Okay I'm not seeing anyone raising their hand to speak or object so we will make that assignment. Thank you. So, I'm going to now turn back to Robin and ask her if there is additional business the Council needs to take up today under this agenda item?

**Robin Ehlke** [00:28:12] Thank you Mr. Chairman. I believe the Council has adopted the tentative 2020 ocean salmon management measures, both for the non-Indian fisheries and the set of tribal fishery alternatives, so the STT will work to provide you that information, and also the STT will provide a report regarding some monitoring and perhaps some ramifications of reduced monitoring for the fisheries, and I think we have everything we need. The STT is scheduled to see you again tomorrow, Monday, April 6th under Agenda Item E.4.

**Phil Anderson** [00:28:55] Thanks very much, Robin, and thanks to everyone who's contributed to the outcome of today's work.

### 3. Southern Oregon/Northern California Coast Coho Endangered Species Act Consultation Process

**Phil Anderson** [00:00:00] All right. Well then that will take us to our items that we need to take, consider taking action on and let me return back to Pete Hassemer, who had some initial questions and I just wanted to go back to you, Pete, and ask you to, ask you if you have further questions or whether or not there were, that some of the answers, some of the questions you had were answered and then I'll go to Brett Kormos, but let me go to Pete.

**Pete Hassemer** [00:00:40] Thank you Mr. Chair. Well I think some of the questions still remain. There is what type of action we would actually take to consider this. I guess it could be maybe in the form of a motion to adopt the process or implement or maybe that's another workload planning issue too that in that process the Council could set time aside and do it.....(garbled)...related to the legal definition of consideration and how far the stipulated agreement expected that consideration to go. I know the Council and its advisory bodies would be expected to do a lot of the work, so I'll continue to listen and then, and when we get closer to Council action, if I still have a question I'll bring that up. Thanks.

**Phil Anderson** [00:01:48] Okay thanks Pete. So I'll go ahead and turn to Brett Kormos.

**Brett Kormos** [00:01:56] Thank you Mr. Chairman. Well, first of all, I'll just say that what I heard Miss Bishop say is that they would consider one to two workgroup participants per entity and I want to flag now that should the Council decide to proceed with this workgroup the State of California will need to have two representatives.

**Phil Anderson** [00:02:28] Okay not surprising. Thanks Brett, and Chris Kern.

**Chris Kern** [00:02:37] Thanks Mr. Chair. Yeah, I'm not sure how many folks Oregon would want to have. I still need to look into that. I have a few discussion points or questions on the terms of reference, but I'm going to check on time wise, are we going to get to that in a bit or should I bring that up now?

**Phil Anderson** [00:02:59] I would ask you to bring that up now.

**Chris Kern** [00:03:02] Okay thanks. It may be similar to what Mr. Hassemer asked in that understanding, to me it seems like we need as a Council to decide on agreeing to start a workgroup process, but the question is how far to go and specifically do we need to adopt terms of reference at this meeting or is that something that could be done later? For instance, maybe the workgroup gets together and drafts those terms of reference and brings them back or some other mode. I think that's a question for now and I may have follow-ups depending on what the proposed answer or answers to that is.

**Phil Anderson** [00:03:47] Okay thanks Chris. So maybe I could go back to maybe Robin or Susan. So I guess my understanding of the need here today was for us to consider and presumably establish this workgroup and that the draft terms of reference that were brought forward for consideration, you know, maybe we can look at those such that they're not necessarily set in stone and that I think it would be important if we were going to try to get this workgroup up and going that we would need some signal from the Council in terms of the membership, at least the entities that would be represented on the workgroup, but that we could also provide the latitude to the workgroup to take a look at the terms of reference and maybe come back with some potential modifications to them but that, you know, waiting until June as an example to even make the decision as to whether or not to establish the workgroup and get the members identified and get the workgroup up and running was something that needed, there was a pressing need to get that done at this meeting, given the short timeline that is provided for the

workgroup to do the task. So, I just, let me check with Robin and or Susan if that is a fair characterization of what the need is here today? Susan.

**Susan Bishop** [00:06:09] Thank you Mr. Chair. Yes, I think if, I think your suggestion is a good one. If the Council could, if the Council agrees to form the workgroup and considers the membership in that workgroup such that it could get started as soon as possible and the latitude to consider the terms of reference and bring any suggested revisions back to the Council maybe at its June meeting for consideration that would be helpful. You know there's a lot of basic information that needs to be compiled.....(garbled).....needs to be compiled by the group so that the more quickly they get started, the better assurance we'll have a meeting agreement.

**Phil Anderson** [00:07:00] Okay thanks, Susan, and let me go back to Chris Kern.

**Chris Kern** [00:07:08] Thanks Mr. Chair. Appreciate that. The reason I ask, I think I should probably just go ahead and, and let the table know the reason I ask is as I read the terms of reference and I read the stipulation, I see some reference in both to the Council process and the reconsultation should there be one meeting to address both in-river and ocean harvest, whereas our current control rule addresses ocean harvest strictly. I understand that, that language is probably in the stipulation specifically referencing the Klamath, and I don't dispute that, that is probably something to talk about, but it troubles me that it includes the ESU as a whole, at least the way it's worded and that would include the Rogue River, for instance, and I'm not saying this to imply that I think the consultation discussion or the control rule discussion can't include those, it's just the catching some folks off guard with that, that concerns me, so little more time to talk about terms of reference, how that process might work and what the scope really is, is why I flagged the issue so I thought I should at least table that concern so folks are aware of where I was coming from.

**Phil Anderson** [00:08:31] Thanks Chris. I'm sure everybody appreciates your providing some more detail on that issue and I'm wondering if what I suggested a potential course of action here to move forward with this I believe is meant to accommodate those kinds of discussions and whether or not that approach would work for you. That was a question Chris. I don't know if you want to answer it or not.

**Chris Kern** [00:09:19] Oh, I'm sorry. I got distracted for a second. Yeah if we've got some more time to come back and discuss it, I think that's what you captured with what Susan was referencing. If we can have some discussion, a little flexibility in the terms of reference, bring it back at a subsequent date, I'm supportive of moving forward with the workgroup itself, so yes, that seems fine with me, if I understood you correctly.

**Phil Anderson** [00:09:43] I think, yeah, I think you did. Thanks. And I know obviously, Brett, your agency is heavily involved in this issue and I just wondered if that kind of an approach would be acceptable for you?

**Brett Kormos** [00:10:06] Yes Mr. Chair. Quite honestly, I don't really see a way around doing it that way.

**Phil Anderson** [00:10:15] Okay. All right so we need to make a decision here on whether or not we are going to move forward with establishing the workgroup. I'm recommending that if we make, if we decide to move in that direction, that it's understood that the terms of reference remain as a draft and we will ask the workgroup to look at those and bring back any modifications to them they feel are important. That we along in similar vein that the membership and the entities that are in, that are identified under the membership would be what we would start with and if there are some omissions there that we needed to add at a future date, we could do that, that there is an understanding that there

is a desire to keep the group as small as possible, but also ensure that we have the adequate and proper representation from the entities that are listed there. We've heard at least from, I believe the Hoopa Valley Tribe and Oregon Department of Fish and Wildlife and California Department of Fish and Wildlife, that they would need to have at least two people represent their interests. There may be others who wish to have more than one person as well so we would leave that flexibility. We would ask that the management entities provide names to the Council through Chuck Tracy. I'm going to suggest and that the, because this is an ad hoc group, the Chair would have the ability to appoint those individuals that are recommended by the management entities to the group. So those are some thoughts about how we might move forward but it would take a Council action to establish the workgroup within those sideboards. Robin.

**Robin Ehlke** [00:13:07] Thank you Mr. Chairman. Sorry to interrupt. I was just thinking about the terms of reference with the workgroup to refine and the June Council meeting timing. I think under the terms of reference the first meeting would be late June. I'm not sure how that will coincide with the June Council meeting, which I believe is mid-June. Obviously, the sooner we get the names and can establish a workgroup, maybe it could be that the workgroup could meet prior to the June meeting but the timing is a little tight there. Just an observation.

**Phil Anderson** [00:13:48] Yeah, I guess I wasn't thinking that they would necessarily need to bring back changes to the terms of reference in June. We could wait for them to have their meeting and have that discussion. We could, they could utilize these terms of references in the meantime and bring back at the appropriate time modifications to those terms of references as they deemed fit to recommend back to the Council. Brett Kormos.

**Brett Kormos** [00:14:26] Thank you Mr. Chairman. This question might be a little bit too far into the weeds, so forgive me if that's the impression it gives, but regarding further discussion, deliberation over the terms of reference, how do we imagine that will take place? I'm hoping that it will be a group discussion, however, I'm also noting that we don't exactly have the team itself constructed yet, and so I'm just imagining that there are these parallel tracks that maybe require one thing to happen before the other but I'll stop there and see what folks think about them.

**Phil Anderson** [00:15:19] Well my, I don't know that it was a vision, but my expectation, I guess if we moved forward in the manner in which I was putting out there for consideration is that the entities that are listed under the membership would be providing names to us so that we could make those appointments. At that point the group could meet and structure their working from those terms of reference structure, their process and timeline and meeting schedules and those kinds of things, and that they would be free to make up, make their agendas as appropriate, and so that's where the presumably one of the things they might, one of the first things they might want to do on their agenda is to address those terms of reference and to ensure that they were going to be workable or if there was need for modifications, that they could discuss that and bring those forward. So that was kind of how I thought it would evolve. Let me just go back to you Brett, just so we can have this exchange and then I'll go to Chris.

**Brett Kormos** [00:16:40] Yes thanks. Thanks Mr. Chairman. I think the real reason I'm asking is, is that if the terms of reference were to be refined, hypothetically speaking, to exclude freshwater fisheries in Oregon, it would change potentially, at least in my mind, the membership and so that's, maybe I'm thinking about this too hard but that was something I considered.

**Phil Anderson** [00:17:12] Okay. Chris Kern.

**Chris Kern** [00:17:20] Mr. Chair, I was preparing to make a motion but if there's more discussion, I'm

happy to hold that.

**Phil Anderson** [00:17:30] Before you do that, let me just turn to Susan Bishop.

**Chris Kern** [00:17:32] Sure.

**Susan Bishop** [00:17:36] I just had a suggestion that if the question of membership is still in play, you could always move forward assuming that all the parties listed in the proposal would be on the workgroup, at least through the first meeting and make any revisions there or changing workgroup membership at that point unless that would not be appropriate.

**Phil Anderson** [00:18:08] Yeah that seems like a reasonable approach to that issue. Okay Chris Kern I'll go ahead and come back to you.

**Chris Kern** [00:18:21] Okay. So, I'm prepared to make a motion that I hope will get us started on this. I would move that the Council establish an ad hoc workgroup to review the SONCC harvest control rule and that we use the proposed list of attendees in Agenda Item E.3.a, Supplemental NMFS Report 1 as the, to invite participants for initial meetings and that the first order of business would be to formalize terms of reference for future Council consideration.

**Phil Anderson** [00:19:36] Okay. Thanks Chris. May I ask a question, and that is your using the term 'attendees' in the third line. Would that be, should that be 'members', or did you select that word purposely?

**Chris Kern** [00:19:54] I did not. Members would probably be more appropriate.

**Phil Anderson** [00:19:59] Okay and does the language on the screen accurately reflect your motion?

**Chris Kern** [00:20:05] It does. It's clunkier than it sounded in my head, but it reflects what I said.

**Phil Anderson** [00:20:12] That's okay. Do I have a second for that motion? Christa Svensson seconds the motion. Speak to your motion as needed.

**Chris Kern** [00:20:36] Sure, I'll be brief. I was simply trying to get the notion that we establish the workgroup now so that we are clear we're intending to meet the need of the stipulation and move this process forward but, per our discussion, leave some of the discussion of what the terms of reference look like for a little bit more discussion, which does seem to still allow us to meet the needs of the stipulation moving forward.

**Phil Anderson** [00:21:05] Thank you very much Chris for the motion and thanks Christa for the second. Is there discussion on the motion? Joe Oatman.

**Joe Oatman** [00:21:22] Thank you Mr. Chair and to Chris for the motion. I think when you spoke to the motion, you clarified the question that I had and that was this motion, as is, would be starting the process as identified under this agenda item and by doing so this would be consistent with the stipulated court order, so I'm fairly certain you did adjust those points so I just wanted to comment on that. Thank you.

**Phil Anderson** [00:22:05] Thanks Joe. Susan Bishop.

**Susan Bishop** [00:22:12] Thank you Mr. Chair. I just wanted to verify I guess that once we move

through the motion, we can discuss a little bit about the next steps. So the process by which membership, folks will bring forward membership just so we make sure that we have, you know, the right names are on notices that go out...

**Phil Anderson** [00:22:37] Yeah Susan, please feel free to, to bring that back for discussion here after we take action on the motion. Any further discussion on this motion? Chris Kern.

**Chris Kern** [00:22:56] Thanks Mr. Chair. I was following up on Mr. Oatman's comment. He certainly adequately characterized my intent, but I wonder if it would be appropriate to ask for some confirmation from NOAA as to whether this motion would meet the stipulation, at least for timing we have to date?

**Phil Anderson** [00:23:18] Sure. That's seems like a fair question. Would either Susan or Sheila like to take that? You both have your hand...Sheila go ahead.

**Sheila Lynch** [00:23:39] Okay, thank you, Mr. Chair. Yes, I think the intent of this motion does meet the terms of the stipulation. I would just, just one suggestion folks might want to consider is what it means to review the harvest control rule. Do you mean review the existing harvest control rule that's in place and that from the 1999 buy out there, that's maybe just a little unclear.

**Phil Anderson** [00:24:28] Brett Kormos.

**Brett Kormos** [00:24:32] Thank you Mr. Chairman. This suggestion that may be unnecessary, but we might consider changing the language around the purpose of the workgroup to something along the lines of achieve the objectives described in the terms of reference pending any modifications from the workgroup once it begins work. And also just a question to the group, I don't think it's necessary, but I'm not seeing, I want to confirm there is not a need to stipulate the number of members that are possible from each entity in the motion.

**Phil Anderson** [00:25:30] Well to your first point, are you suggesting an amendment to the motion?

**Brett Kormos** [00:25:44] If it pleases the Council, yes Mr. Chairman.

**Phil Anderson** [00:25:49] Okay and to your second point, my personal opinion is what we have now in front of us in terms of the draft terms of reference relative to membership provides the necessary flexibility. I think the discussion that we have had suggests that entities could have up to two members on this group. If we were going to have more than that then I then probably want to take that on in a case by case basis, but that's just my thought on your second point. So, I would be happy to entertain an amendment to the motion.

**Phil Anderson** [00:00:01] Go ahead Brett.

**Brett Kormos** [00:00:03] Thank you Mr. Chairman. First of all, thanks for that confirmation around the membership. I also didn't think it was necessary but thought it best for me to check in. Regarding the amendment, replace the first two lines of the amendment to say 'I move that Council establish an ad hoc workgroup...

**Phil Anderson** [00:00:36] So replace the first two lines of the main motion to state. Go ahead.

**Brett Kormos** [00:00:44] Thank you Sandra. To state that 'I move the Council establish an ad hoc workgroup to accomplish the objectives outlined in the SONCC terms of reference pending any modifications made by membership when they begin work' and everything else would stay the same.

**Chuck Tracy** [00:01:49] So, this is Chuck, maybe could I ask the maker of the amendment to clarify or specify where those, where that new verbiage would end and the old verbiage would take over, so was that, would it end at 'SONCC harvest control rule' that would be replaced, and then 'and we use the proposed list' would remain?

**Brett Kormos** [00:02:18] Yes, thanks Mr. Tracy and please forgive me for my struggles here in trying to insert this where it belongs. It should read, 'I move the Council establish an ad hoc workgroup to accomplish the objectives outlined in the SONCC terms of reference as presented in Agenda Item E.3.a, Supplemental NMFS Report 1 pending any modifications made by the workgroup when they begin work' noting the first order of business would be to finalize the terms of reference for future Council consideration. So, at the end of that amendment Sandra you would insert 'noting that the first order of business would be to finalize the terms of reference for future Council consideration'. And what I've done now is effectively amend the motion with a wholesale replacement.

**Chuck Tracy** [00:03:44] So I'll ask Dr. Hanson if this is a, should be considered a substitute motion then?

**Dave Hanson** [00:03:51] It could be, but what's happening is he's modifying his own motion, which is not acceptable. So, I would recommend you pull everything off and start over. It'll be a lot cleaner, which I think is important given the forum we're in.

**Chuck Tracy** [00:04:09] I believe Mr. Kern made the motion, the original motion.

**Dave Hanson** [00:04:13] Oh he did. That's true. I'm sorry.

**Phil Anderson** [00:04:21] So given that it was Mr. Kern who made the original motion, I think, checking with Dave, I think this could either be an amendment or a substitute motion so I think characterizing it as an amendment is still appropriate. Are you in agreement Dave?

**Dave Hanson** [00:04:52] Yes.

**Phil Anderson** [00:04:54] Thank you. Okay I'm going to just check with Brett to make sure the language on the screen accurately reflects his amendment first?

**Brett Kormos** [00:05:09] Thank you Mr. Chairman. I think we just need to remove the first two lines of the main, yes we just need to replace, we need to remove the words that say 'the first two lines of the main motion' and that's, I mean basically it should read, Sandra what it should read to say is 'replace the main motion to state' and I think it should probably be characterized as a substitute motion at that point.

**Phil Anderson** [00:06:09] I would agree. Dave are you okay with that? We'll characterize this as a substitute motion.

**Dave Hanson** [00:06:20] Yes.

**Phil Anderson** [00:06:21] Thank you. Okay. All right so let's just again, make sure check in with Brett that what we now have on the screen as a substitute motion accurately reflects your motion?

**Brett Kormos** [00:06:44] Yes it does Mr. Chairman and my apologies to the Council for making that onerous.



**Phil Anderson** [00:06:49] Oh it's quite all right. It's nothing compared to a lot of the other things we've been doing. Besides that, we had to live up to the coastal pelagic discussion. All right so Dave I'm assuming you don't have your hand up, right? You don't have any other thing to add? Dave Hanson you're okay?

**Dave Hanson** [00:07:14] Yes.

**Phil Anderson** [00:07:17] Okay. If you would lower your hand that would be terrific.

**Dave Hanson** [00:07:22] Trying to.

**Phil Anderson** [00:07:24] All right, then I'll go to Chris Kern, then to Susan, then to Mr. Gorelnik. So Chris you're next.

**Chris Kern** [00:07:32] Thanks Mr. Chair and I apologize for making this harder, but I have a question if Sandra could page this up a little bit. Well actually let me just ask it as a question. The language, so after Miss Lynch commented on the first motion, I began to reread some of the stipulation language and the language in there speaks to 'Council consider a process to develop the SONCC Coho harvest control rule', whereas the language I provided said 'review'. I think the language Mr. Kormos put forward references the terms of reference and the purpose and need that's currently provided in there, so I was starting to get concerned that my motion was not complete enough or was not explicit enough to necessarily be very clear that we were meeting the stipulation terms. It's possible this substitute motion does that, but that's why I had my hand up. I wanted to see if anybody, well if anybody else was concerned about that?

**Phil Anderson** [00:08:40] Okay thanks Chris. So, let's, let me go back to Sheila and just ask Sheila if she is comfortable with the way our substitute motion is worded in terms of meeting the intent.

**Sheila Lynch** [00:08:58] Thank you Mr. Chair. I have to say I find the substitute a little confusing and I think that probably the clearest and best language is what Mr. Kern just referred to.

**Phil Anderson** [00:09:22] Okay. Let's see. Let's just, we'll consider that here for a moment and let me call on Susan Bishop.

**Susan Bishop** [00:09:39] Thank you Mr. Chair. I think I was going to make the same point or note the same point. I was not clear what the objectives are that are referred to in the substitute motion. There are no objectives outlined in the TOR so in moving forward with the workgroup that might find that a little confusing. It is clear that the purpose, as is noted in the stipulation, the purpose is to develop a SONCC control rule, so that I think would be the clearest way to describe this.

**Phil Anderson** [00:10:14] All right. Thank you, Susan. So what I'm...one approach would be to withdraw the substitute motion, which would put the main motion back in front of us, and then if there is an amendment needed to address Sheila's earlier concern we could do that, but that is not within my purview, but I will ask. Let me call on Brett Kormos.

**Brett Kormos** [00:10:44] Thank you Mr. Chairman. You beat me to the punch. That was going to be my next move. I would like to withdraw my substitute motion.

**Phil Anderson** [00:10:52] Okay and I don't, I'm having trouble with my screen, so I apologize, but I don't believe we had a second to the substitute motion. Is anybody, can anybody correct me on that? I don't think we did. Okay so the substitute motion is withdrawn, puts the original motion back in front

of us and let me just wait for a moment here to get things cleared up. Okay thank you. Let me, Pete I see your hand and I'll call on you in just a moment. Let me go back to Chris Kern for just a moment and ask if the language on the screen, it's already been moved and seconded, but I wanted to ask your, you had you brought forward a concern with the substitute motion, do you have that concern with the language you have suggested?

**Chris Kern** [00:11:58] Yeah Mr. Chair I think, I think the language I use, which is to review the control rule, would probably benefit from being more explicit and more using the terms that are in the stipulation of develop a, develop the control rule.

**Phil Anderson** [00:12:14] All right. Thank you for that. So, we'll, we'll get back to that matter in just a moment. Let me go to Pete Hassemer.

**Pete Hassemer** [00:12:22] Thanks Mr. Chair. As we go through this I'm not so embarrassed asking my original question about what action the Council might take to satisfy the courts or the stipulated agreements intent here, so to maybe move towards amending this motion to satisfy that I would have a question to Sheila if we are really focused, say, focusing on the item number 5 in the stipulated agreement that's on page number 5 where it says 'if by May 31, 2020, the Council agrees to consider a process', are we looking for something that's simply, trying not to state it as the motion here, but that the action the Council would take was to say that they've considered the process to develop a SONCC Coho harvest control rule and thereby establishes a workgroup as identified in the terms of reference or something like that?

**Phil Anderson** [00:13:47] Okay we'll get a response from Sheila on that. My understanding was that the amendment language that Chris Kern just referenced would accommodate the concern that Sheila raised about. You've asked the question so, Sheila, go ahead.

**Sheila Lynch** [00:14:08] Thank you Mr. Chair. That's correct. I think the modification that Mr. Kern described would address my concern. I don't think it's necessary in the motion to explicitly use the language 'considered a process'. I think what the Council's proposing to do here is pretty clearly constitutes considering the process and the.....(garbled)...

**Phil Anderson** [00:14:32] Okay, thanks Sheila. Then what I would be hoping for is an amendment to this motion consistent with the verbiage that Chris articulated a few moments ago, and because Chris can't amend his own motion, one of you other Council members would need to do that. Chris maybe you could repeat what it was you thought was an appropriate change to the motion that we have in front of us?

**Chris Kern** [00:15:17] Sure. I think the problem is where I said, 'review the SONCC harvest control rule' and the stipulation refers to 'develop the SONCC harvest control rule'.

**Phil Anderson** [00:15:31] Okay. Brett Kormos.

**Brett Kormos** [00:15:34] Thank you Mr. Chairman. I'm going to take another shot at this, and I move to amend the motion to replace the word 'review' with 'develop' in the first line of the motion.

**Phil Anderson** [00:15:54] Thank you Brett. Language on the screen accurately reflects your amendment?

**Brett Kormos** [00:15:58] Yes it does.

**Phil Anderson** [00:15:59] Thank you very much. Is there a second? There's lots of them. Seconded by Marc Gorelnik. Speak to your motion as needed, speak to your amendment as needed.

**Brett Kormos** [00:16:12] Thank you Mr. Chairman. I think it's clear the purpose of the amendment is to make clear the purpose of the motion such that we've satisfied the needs outlined in the stipulated agreement.

**Phil Anderson** [00:16:28] Thank you very much Brett. Is there discussion on the amendment? Seeing none we'll go ahead and call for the question on the amendment. All those in favor say 'Aye'.

**Council** [00:16:39] Aye.

**Phil Anderson** [00:16:39] Opposed no? Abstentions? The amendment carries. We now have the main motion as amended back before us. Further discussion on the motion as amended? Seeing none we'll call for the question. All those in favor say 'Aye'.

**Council** [00:17:04] Aye.

**Phil Anderson** [00:17:04] Opposed no? Abstentions? Motion as amended carries unanimously. Okay I was going to say thank you for that, but I don't know that I feel that way. So, Susan let me turn back to you. You had some thoughts about some additional things we might want to talk about after we concluded our deliberation on the motion. Do you have further thoughts?

**Susan Bishop** [00:17:47] Thank you Mr. Chair. I would suggest that the Council may want to identify at least provisional members for the workgroup and a date for the next meeting or to assign that need to Council staff if I could be so presumptuous. So that given the, that the acknowledgement that we have a very short time to do the work that would allow us to establish the next steps for the first workgroup meeting.

**Phil Anderson** [00:18:22] Okay thank you. I think my suggestion would be that we ask for the management entity, or the entities that are on the workgroup that are in them under the membership list, that they provide names to the Council no later than a date, I don't know whether if two weeks is too long or not long enough, but something along those lines and then the facilitator of the group could get a, forgive me, doodle poll out there as soon as possible to set their first meeting date. Would that be an acceptable approach that would meet that need Susan?

**Susan Bishop** [00:19:19] Thank you Mr. Chair. That sounds like a good approach to me. Would be interested in hearing from others.

**Phil Anderson** [00:19:32] Okay. Any concerns with that approach in terms of identifying the members associated with the entities that are represented on the group? Chuck would that work for you?

**Chuck Tracy** [00:19:46] Mr. Chair. Yeah I think just writing the dates and then allowing Council staff to arrange for the first meeting and we'll inform the Council and find a time to schedule some time on the Council floor to take up the next iteration of this process.

**Phil Anderson** [00:20:12] Okay thanks Chuck. So, Robin let me turn back to you and ask if there is further business that we need to do to complete our work on this agenda item?

**Robin Ehlke** [00:20:25] Thank you Mr. Chairman. Under this agenda item you've established an ad hoc workgroup to work on this SONCC Coho membership would be consistent with the draft terms of

reference and candidates for membership will be sent to the Council soon and we'll get the first meeting date set up once we have membership and I think under the TOR the first meeting date would be late June with the first order of business to finalize the draft terms of reference. That's what I gathered through this discussion and with that, I believe the Council has concluded its action under Agenda Item E.3.

**Phil Anderson** [00:21:12] Okay, thank you very much Robin. So that will complete our work on this item, E.3.

#### 4. Clarify Council Direction of 2020 Management Measures

**Phil Anderson** [00:00:00] So our primary task under this agenda item is for us to provide any additional direction or guidance to the team relative to the package of ocean management measures that are currently under consideration and we, of course, it's also fair game to further discuss any of the other items that we receive reports on under this agenda item as needed. Brett Kormos.

**Brett Kormos** [00:00:41] Thank you Mr. Chairman. If it pleases the Council, I do have guidance that I'm prepared to offer if we're at that point.

**Phil Anderson** [00:00:47] That would be terrific. Thanks Brett.

**Brett Kormos** [00:00:50] Thank you. I did provide this to Sandra so I'm sure she's working on getting it up. There we go. I will be speaking from agenda item E.4.a, Supplemental STT Report 1, dated April 6, 2020. I ask that the team implement the following changes to the commercial management measures in Table 1, beginning in Fort Bragg, replace May 6 to 14 with May 6 to 12. Moving south to San Francisco replace May 6 to 14 with May 6 to 12. Replace May 22 to 31 with May 18 to 31. Replace June 1 to 4 with June 1 to 6 and replace July 12 to 31 with July 13 to 31. Moving south to Monterey, replace May 1 to 14 with May 1 to 12. Replace May 22 to 31 with May 18 to 31. Replace June 1 to 4 with June 1 to 6 and finally replaced July 12 to 31 with July 13 to 31 and when looking at the STT report, you'll notice that there are some dates that in San Francisco and Monterey that were left unchanged. The net result, particularly in Monterey, is more total days in the season prior to August and including August than were there in the package that they just analyzed. Thanks, and that concludes my guidance.

**Phil Anderson** [00:03:21] Thanks Brett. Any questions by the Council members relative to Brett's guidance? Okay, thank you Brett. So, we'll go to Chris Kern.

**Chris Kern** [00:03:37] Thank you Mr. Chair. I also have a few changes. Speaking from the SAS packet for the commercial troll fishery in both the area from Cape Falcon to Humbug Mountain and the area from Humbug Mountain to the Oregon California border, change April 15 to 30 to April 20 to 30 and that is all the guidance I have for now.

**Phil Anderson** [00:04:06] Okay, thanks very much Chris. Any questions of Chris on his guidance? Great, thanks Chris. Kyle Adicks. You may still be muted. There you go.

**Kyle Adicks** [00:04:31] Thank you Chair Anderson. I had originally anticipated bringing some guidance this afternoon, specifically looking at the north of Falcon commercial troll fishery and the season splits for Chinook between the spring and summer fisheries. Was looking at putting something into the next round of modeling that was more like what was in the Alternative 2 package coming out of the March meeting. I also anticipate I would probably make a further tweak to that tomorrow, but that's the modeling we can do on the side, not wanting to get in front of Mr. Oatman and any changes he might have for the treaty troll fishery today, I thought it might make sense for me to hold that change until tomorrow in the hopes that we might have some more clarity on the treaty troll alternatives, and to prevent the team from having to do six model runs on a relatively small fishery change for the non-treaty fishery, significant in terms of impacts, but small change to the model, so I will probably just hold that guidance until tomorrow when I anticipate having some additional guidance too.

**Phil Anderson** [00:05:41] Okay that makes sense. Thank you. Joe Oatman.

**Joe Oatman** [00:05:53] Thank you Mr. Chair. Can you hear me?

**Phil Anderson** [00:05:54] Yes. Yes, we can.

**Joe Oatman** [00:06:00] Okay thank you. I don't have any additional guidance on the tribal treaty troll options today so at this point wouldn't be offering up any changes to what's been proposed? I understand that the tribes are reviewing the latest model results and discussions are ongoing and hopefully they'll bring something next...

**Phil Anderson** [00:06:42] Okay. Thanks Joe. Is there any other guidance that Council members wish to provide the team at this point? Okay let me ask Dr. O'Farrell if he has any questions about the guidance and further wanting to minimize the amount of work that's associated with modeling these changes as it relates to the multiple treaty troll options that are north of Cape Falcon. I wondered if you could comment on these, on these changes that have been proposed and can you do that without having to do multiple model runs associated with the treaty troll alternatives that are still on the table?

**Mike O'Farrell** [00:07:46] Thank you Mr. Chair. With regard to the need to do multiple model runs for northern fisheries, I believe that would still be the case for that. The California models produce effort forecasts that are shared with our FRAM modelers for both Chinook and Coho FRAM and thus the changes south the Falcon will affect those effort files and so they will they will be running their models again given these changes and I think if I understand correctly, I think that there would still need to be six model runs done. I would defer to Vice Chair Jon Carey, if he has a different opinion of this, I think he might be able to, might be able to speak to the Council if you'd like.

**Phil Anderson** [00:08:52] That'd be great. Jon are you available?

**Jon Carey** [00:08:58] Yes, I am. Thank you Mr. Chair. Can you guys hear me?

**Phil Anderson** [00:09:01] Yes, we can.

**Jon Carey** [00:09:02] All right. Yeah, I would concur with Mike. Although the changes would likely be small, my guess is that it's still something we would need to run with all six models using Chinook and Coho FRAM as well, because we do take the effort outputs from the south of Falcon models.

**Phil Anderson** [00:09:24] Okay. Well, not okay, but okay. Thanks for that you guys. I was just, I keep searching for a way to not have you do a bunch of work that isn't necessarily productive and I don't mean that in any, to disregard any way to the changes that are being proposed by my colleagues from Oregon and California but not wanting the north of Falcon thing to complicate your lives and make your work harder so I don't have a solution to that, but I apologize. Kyle Adicks.

**Kyle Adicks** [00:10:09] Thank you Mr. Chair. I, too, was looking to try to save some work, not being clear if it was something that would help us as we move through the week a whole lot but if those models are going have to be rerun for north of Falcon, then I would probably go ahead and give the guidance I spoke to earlier if that suits the Council.

**Phil Anderson** [00:10:33] I think that'd be good Kyle, as long as we're doing it.

**Kyle Adicks** [00:10:36] So I did, I did provide a file to Sandra earlier today and she still has it, great. So my guidance for modification to management measures for north of Falcon fisheries as described in Agenda Item E.4.a, Supplemental STT Report 1, dated April 6, 2020, for the non-Indian commercial troll fishery north of Cape Falcon, adjust the quotas for the May, June and July, September, July through

September portions of the fishery to reflect the 50 percent 50 percent split of the total TAC between seasons. Adjust the subarea cap to the May June portion of the fishery accordingly.

**Phil Anderson** [00:11:22] Thanks Kyle. Any questions of Kyle and his guidance? Okay thank you. So that completes our work on in terms of guidance relative to the other discussions we had earlier in response to the reports that we received from the STT on sampling as well as National Marine Fisheries Service. Is there any other discussion the Council wishes to have on either one of those reports at this time? Okay, I'm not seeing any so before I close this out, let me return to Robin and ask her if there's any additional work that the Council needs to do under E.4 today?

**Robin Ehlke** [00:12:14] Thank you Mr. Chairman. I believe the Council has completed their work under this agenda item and the STT will run the models and bring you back another report oh, I think tomorrow.

**Phil Anderson** [00:12:29] Thanks very much Robin.

## 7. Further Direction for 2020 Management Alternatives

**Phil Anderson** [00:00:01] According to what I have in front of me here, Chuck that completes public comment on this agenda item?

**Chuck Tracy** [00:00:08] Correct.

**Phil Anderson** [00:00:09] All right and so that'll take us to Council guidance and direction to the team and I'll just give Brett a second bite at the apple for this time around and ask him if he has anything?

**Brett Kormos** [00:00:27] Thank you Mr. Chairman. Not at this time.

**Phil Anderson** [00:00:31] Okay and I'll move north up to Oregon and Chris Kern.

**Chris Kern** [00:00:40] Thanks Mr. Chair. I do have a small bit of guidance to go ahead and offer while we have the opportunity. I believe Sandra has it. There we go. So, I'll be referring to Agenda Item E.7.a, Supplemental STT Report 1. For the recreational fishery in the area between Humbug Mountain in the Oregon California border, the Oregon KMZ, as shown on page 10, replace June 20 through August 2 with June 20 through August 4.

**Phil Anderson** [00:01:15] Okay thanks Chris. I think we have that. We do have that displayed on the screen. So....

**Chris Kern** [00:01:20] That looks correct. Thank you.

**Phil Anderson** [00:01:25] All right thank you very much. And I'll move up to Washington and the treaty tribes and I'll call on Kyle Adicks first.

**Kyle Adicks** [00:01:35] Thank you Mr. Chair. I also have some guidance today. We had a lengthy meeting with the coastal co-managers today, mainly focused on ocean Coho and based on that meeting, my guidance today is for modification to management measures for north of Falcon fisheries as described an Agenda Item E.7.a, Supplemental STT Report 1, April 7th, 2020, for the non-Indian fishery north of Falcon, reduce the overall non-Indian TAC for Coho to 30,000 Coho marked with the healed adipose fin clip. Maintain the 25 hundred Coho for the July to September commercial troll fishery and trade the remainder of the commercial allocation to the recreational fishery for Chinook at the same one to four ratio used previously and update the subarea recreational Coho allocations consistent with the FMP.

**Phil Anderson** [00:02:31] Thanks Kyle. Looks like your direction is accurately reflected on the screen so....

**Kyle Adicks** [00:02:38] It is.

**Phil Anderson** [00:02:39] All right. Thank you. And then let me turn and ask Joe Oatman if he has any guidance.

**Joe Oatman** [00:02:54] Thank you Mr. Chair and Council. At this point I don't have any further guidance. The information that Kyle just provided I think was the outcome of some of the discussions that they have had with the coastal tribes. I understand that the coastal tribals are I think going to be



prepared to provide some additional information for me to provide guidance for tomorrow if that's possible.

**Phil Anderson** [00:03:30] Okay thank you Joe. So, let me ask if there is any additional guidance to be provided to the team for our 2020 management measures. All right then we're going to, understanding that there's more work to do, at least in some portions of the coast particularly in the northern areas, we're going to table this Agenda Item E.7 and we will bring it back up tomorrow. We don't have a time identified just yet for when it will come back up but I don't want to close the agenda item out because I want to give management entities, including the tribes, an opportunity to come back and provide additional guidance to the team given that we still have not met our conservation objectives in several different places in the north. So that'll conclude this agenda item for now and before we close out, I've got a couple of hands up and Joe Oatman. Joe did you have your hand up to make some additional, provide some additional thoughts?

**Joe Oatman** [00:05:12] Mr. Chairman I did raise my hand. I've been getting somewhat conflicting advice in terms of the guidance that I have received; it wasn't fully complete. There was some consideration of maybe providing what I have but if I could have a moment to confer with the tribal staff to see if indeed we are prepared to provide the guidance that has been put kind together thus far.

**Phil Anderson** [00:05:56] They'd be fine Joe. It is 4:11. If I gave you, would five minutes be enough, or do you need longer than that?

**Joe Oatman** [00:06:09] I think that should be adequate and I really appreciate that opportunity to double check on this.

**Phil Anderson** [00:06:16] No problem. So we're just going to stand in recess here for until 4:20. It's 4:12 right now, according to my clock here so we'll stand in recess until 4:20 and we'll come back into session and hear back from Mr. Oatman.....(BREAK).....This is Phil again. Mr. Oatman's requested a few more minutes so we're going to extend our break here until 4:30. So we'll be standing by here until 4:30 and will reconvene and try to complete our last agenda item having to do with guidance to the team on our 2020 salmon management measures. So we'll be back at 4:30.....(BREAK).....Okay this is Phil Anderson again bringing the Council back into session here on Tuesday afternoon. When we took our break, Council member Joe Oatman was having some discussions with some of his tribal staff regarding potential guidance for our salmon and technical team so whenever you're ready Joe to give us some of your thoughts that'd be great.

**Joe Oatman** [00:08:01] Thank you Mr. Chair and thank you Council for having some additional time to confer with tribal staff. We have prepared some guidance on how to resolve these most recent discussions between the tribes and with those that have occurred with Washington. So, I believe Sandra has the guidance and I'd like have her portray it on the screen so I can walk through that for the Council. Okay thank you so I will go through this. For the ocean tribal troll fishery, I provide the following guidance for analysis by the STT. For the Quinault Treaty Area proposal, for the QTA Coho quota, Option 1 is 15,000. Option 2 is 10,000. This would be for July 1st through August 31. For the QTA Chinook quota, Option 1 is 30,000. Option 2 is 25,000 and that it is broken out as follows, for May 1 to June 30 Option 1 would be 18,000, and Option 2 is 15,000 thousand. For the July 1 to August 31, the Option 1 would be 12,000 and Option 2 10,000. This would be a 60/40 seasonal split. For the Makah Tribal proposal, for Makah Coho quota, Option 1, 20,000. Option 2, 15,000. This would be for July 1 to September 15th. For the Makah Chinook quota, Option 1, 35,000. Option 2 is 25,000. This would be broken out as follows, for May 1 to June 30, Option 1, 17,500. Option 2 is 12,500. For July 1 to September 15, Option 1, 17,500. Option 2, 12,500. This is a 50/50 seasonal split. That ends my guidance on this matter Mr. Chair.

**Phil Anderson** [00:11:07] Thank you Joe for that and thanks for providing that written report to Sandra so we can all see it. Are there any questions of Joe regarding his guidance? Okay so we thank you very much Joe for that. Let me just quickly check in with the Chair of the STT, Dr. O'Farrell, to see if he has any questions about the guidance that's been provided to the team during this session?

**Mike O'Farrell** [00:11:54] Thank you Mr. Chairman. I do not have any questions. I think we understand what to do here.

**Phil Anderson** [00:12:02] Okay, thanks very much and let me just check back quickly with Robin to see if there's anything else we need to do under this agenda item at this time?

**Robin Ehlke** [00:12:15] Thank you Mr. Chairman. We have direction from both Oregon and Washington and our tribal partners, so I think the STT will do that work this evening and provide a report back to you. I was curious if the Council is planning on leaving this agenda item open for potential additional discussion tomorrow?

**Phil Anderson** [00:12:40] The answer to that is yes.

**Robin Ehlke** [00:12:42] Thank you sir. So, with that, with that I'll say we have everything we need for now.

**Phil Anderson** [00:12:50] Okay sounds good. Thank you, Robin, and again for clarification we'll leave E.7 open. We will need some additional guidance prior to our final decision on Thursday and so we'll leave open that opportunity for tomorrow. We, at this point in time, don't know exactly when that will occur but stay tuned for that.

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**Phil Anderson** [00:00:00] That concludes public comment on E.7, at least for now. Takes us to our Council guidance and I'll flip it around here and start with Joe Oatman and ask if he has any guidance at this time. Yeah, I'm not, I'm not hearing you Joe, if you're speaking. I see you have your hand up.

**Joe Oatman** [00:00:29] There were go I've been unmuted. Something else was going on, on that end.

**Phil Anderson** [00:00:37] Okay no problem.

**Joe Oatman** [00:00:41] So I do not have any further guidance for the STT this afternoon but I understand that I may be able to be in a position where I can provide a motion tomorrow that would require additional model runs. Given that, I would like to see, wonder now might be a point in time where we can consider having salmon be added to the agenda on Friday for final action.

**Phil Anderson** [00:01:25] Yeah, thanks Joe and I've been thinking about that, too. I'm going to suggest that it's premature to make that decision right now unless my boss, Chuck Tracy, has a different opinion, but I'd like to see what we have in the way of guidance when we get to that. We're going to obviously going to carry this Agenda Item E.7 over till tomorrow. Be looking for some additional guidance, of course, from the north of Falcon in particular and then we can assess based on the team's timeline to get the results of whatever guidance we provide back to us in the way of an analysis, and obviously it would also depend on the time of day when all that happens. So if you're okay with that, I just I'd like to hold that in abeyance in terms of making a final decision and if there's some additional, if there's some additional, we can have some additional discussion about this in the morning when we learn a little bit more about the time that the north of Falcon folks think they'll need to bring forward some

further guidance to the Council. Does that sound reasonable?

**Joe Oatman** [00:02:43] Thank you Mr. Chair for that response. I think that sounds reasonable from my perspective and just wanted to note that there may be that we can look forward to additional conversation on that. Thank you.

**Phil Anderson** [00:03:05] Yeah thanks Joe. Let me go to Kyle and ask if he has any guidance at this point.

**Kyle Adicks** [00:03:13] Thank you Mr. Chair. I do not have additional guidance at this point. There has been work going on through the day with the Washington co-managers so there will be some inside fishery modeling changes to go with whatever the STT looks at tonight, but I don't have guidance. Agree with the assessment that we'll need to get back on E.7 tomorrow and sort of assess where we are, whether we think we'll be in a position to move to E.9 later tomorrow or put it off until Friday so no guidance from, for me, from me for north of Falcon right now.

**Phil Anderson** [00:03:50] Thanks Kyle and down to you Chris.

**Chris Kern** [00:03:57] Yeah thank you, excuse me. Yeah, I can provide a small amount of guidance today. Sandra has it there. These would be modifications to the Oregon package as described in E.7.a, Supplemental STT Report 2, dated April 8th. In Table 2 for recreational fisheries in the Humbug Mountain to Oregon, California border area, the Oregon KMZ, replace June 20 through August 4 with June 20 through August 7 and that is all I have today.

**Phil Anderson** [00:04:35] Thanks very much Chris. Your guidance is on the screen and it sounded like it was accurate.

**Chris Kern** [00:04:42] It is. Thank you.

**Phil Anderson** [00:04:43] Thanks. Thank you and then on down to California and Brett Kormos.

**Brett Kormos** [00:04:51] Thank you Mr. Chairman. Yes, I do you have a fair bit of, fair amount of guidance here today. As everyone knows I'm speaking from Agenda Item E.7.a, Supplemental STT Report 2, dated April 8, 2020 and ask the team to implement the following changes, beginning with commercial management measures in Table 1 on page 4. In the Fort Bragg management area, replace May 6 to 12 with August 1 to 10. Moving to the recreational management measures in Table 2 on page 11 in the California KMZ replace June 6 to August 8 with June 6 to August 9. Staying with the recreational management measures. In all four of the California management areas, add the footnote C5F to the end of the season dates. And moving to Section C requirements, definitions, restrictions or exceptions, item C5 on page 13, add the following language to refer to that aforementioned footnote F: National Marine Fisheries Service may by inseason action close recreational fisheries between May 1 and June 15, 2020 in the Fort Bragg, San Francisco, and Monterey subareas on the recommendation of the California Department of Fish and Wildlife. Recommendation to close would be informed by an evaluation of actions or orders enacted by jurisdictions in these subareas to address public health concerns related to COVID-19 that would make access to the ocean salmon recreational fishery impracticable, such as restrictions on activities or closures of harbors, launch ramps or other forms of access. If NMFS closes these subareas May 1 to 15, May 16 to 31, June 1 to 15, or an additive combination of these specific date ranges in succession, NMFS may by inseason action extend the season in the California KMZ beyond August 9, not to exceed August 31. If the STT determines that such opening would not increase impacts to stocks in the FMP beyond those described in table 5 of Pre-3 for 2020 and wouldn't otherwise meet the objectives described in that table, including but not limited

to 50/50 harvest sharing with the Klamath River tribes and those being the Yurok and Hoopa Valley Tribes and that concludes my guidance.

**Phil Anderson** [00:08:21] Sorry. Feel like I'm running my boat in dense fog trying to look at all the screens and junk. Thanks very much Brett. I think the language up on the screen there accurately reflects your guidance.

**Brett Kormos** [00:08:36] It certainly does. Thank you.

**Phil Anderson** [00:08:39] Thanks very much. Okay let me just ask one more time are there, is there any other guidance to be provided to the team on our salmon management package at this point in time? Okay I'm not seeing any so we're going to suspend or, excuse me, table this Agenda Item E.7. We'll bring it back up before the Council tomorrow at a time yet to be determined. So, thanks very much for everybody contributing to this agenda item here today.

## 9. 2020 Management Measures – Final Action

**Phil Anderson** [00:00:00] Okay then, that is going to take us to our Council action. I think the last thing I left my colleagues with is that I would start in the south and move north so I will do that and I will turn to, oh excuse me, Kyle, do you still have your hand up there?

**Kyle Adicks** [00:00:28] Nope.

**Phil Anderson** [00:00:29] Okay. Oh yes. You're messing with me.

**Kyle Adicks** [00:00:35] Sorry Mr. Chair. Just a malfunctioning button here.

**Phil Anderson** [00:00:38] Okay. All right. So, Brett, can I start with you, please?

**Brett Kormos** [00:00:45] Yes. Thank you, Mr. Chairman. I'm prepared to make a motion here if it pleases the Council.

**Phil Anderson** [00:00:52] Very well.

**Brett Kormos** [00:00:55] I move the Council adopt the 2020 non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from the Oregon California border to the U.S. Mexico border as presented in Agenda Item E.9.a, Supplemental STT Report 1, dated April 10, 2020, including the commercial and recreational requirements, definitions, restrictions or exceptions.

**Phil Anderson** [00:01:32] Thanks very much Brett and I believe the language on the screen accurately reflects your motion?

**Brett Kormos** [00:01:37] Yes it does.

**Phil Anderson** [00:01:38] Okay and I have a second from Marc Gorelnik. So, feel free to speak to your motion as needed.

**Brett Kormos** [00:01:47] Thank you Mr. Chairman. I'll do my best not to repeat a number of remarks that I've already made. It has been a challenging week. We have a lot of things to address during this management cycle that we're not used to having to address, but one of the things that we have experience with is the fact that our stocks are not as abundant as we would like them to be, in particular, Klamath River fall Chinook, and we are operating under the de minimis provisions in the harvest control rule for that stock, however I think that we have regulations here that are appropriate given those considerations. Also, some regulation language that is relatively unusual in California, given the COVID-19 considerations we have as we move forward into the 2020 fishery, and so thank you to the Salmon Technical Team, to my colleagues in Oregon, everybody on the SAS, National Marine Fisheries Service in particular, for all of their efforts throughout the course of the week, it has been difficult for all of us and that is all. Thank you.

**Phil Anderson** [00:03:20] Thanks very much, Brett, and I will now ask if there's any discussion on the motion? I don't see any, so I'll go ahead and call for the question. All those in favor say 'Aye'.

**Council** [00:03:32] Aye.

**Phil Anderson** [00:03:36] Opposed no? Abstentions? The motion carries unanimously. Thanks very much Brett. We'll move north to Oregon and I will ask Chris Kern to speak.

**Chris Kern** [00:03:52] Thanks Mr. Chair. I move to adopt the non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from Cape Falcon, Oregon to the Oregon California border as described in Agenda Item E.9.a, Supplemental STT Report 1, dated April 10, 2020, including all season descriptions, minimum size and requirements, definitions, restrictions and exceptions.

**Phil Anderson** [00:04:20] Thank you Chris, and the language on the screen accurately reflects your motion?

**Chris Kern** [00:04:25] It does. Thank you.

**Phil Anderson** [00:04:26] Is there a second? Seconded by Christa Svensson. Speak to your motion, as necessary.

**Chris Kern** [00:04:34] Thank you. Second or reiterate Mr. Kormos' comments. It's been actually one of the harder weeks that I can recall in my short tenure with the Council and not strictly because of the COVID issues, though that certainly added to it. The platform the Council has prepared and Council staff has been operating has been working really well, so I want to make sure give them kudos for that. I really appreciate it. I think given the scenario that we're in, it's worked. The situation is far less ideal in other ways, but we're working through it. The upside I guess is it has helped with transparency and public process, even though we have public meetings and lots of opportunity for testimony, this has made that easier and that's a good thing. I also thank everybody that's been involved, SAS members, the STT, our colleagues and tribal partners, as well, as well as everybody around the table. So, I'll leave it at that. Hopeful, as I said earlier, that we'll be able to utilize these opportunities. Everybody sorely needs it right now everywhere across the coast both for, well, among other things for spiritual reasons, if nothing else. We could all use a good chance to get outside and get some time on the water, which always seems to be a healthy thing. So, I'll leave it at that. Thank you very much.

**Phil Anderson** [00:06:17] Thanks very much Chris. Is there any discussion on this motion? Okay we'll call for the question, all those in favor say 'Aye'.

**Council** [00:06:28] Aye.

**Phil Anderson** [00:06:28] Opposed no? Abstentions? Motion carries unanimously. And we'll work our way north up to Washington and I will call on Kyle Adicks.

**Kyle Adicks** [00:06:47] Thank you Mr. Chair. I do have a motion which Sandra should have. I move that the Council adopt for submission to the U.S. Secretary of Commerce, the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in Agenda Item E.9.a, Supplemental STT Report 1, April 10, 2020.

**Phil Anderson** [00:07:12] Thank you and I'm looking for a second? Seconded by Rich Lincoln. I know I didn't ask you if the language on the screen accurately reflects your motion, but I saw that it did. So, any discussion on this motion?

**Kyle Adicks** [00:07:32] I'd like to speak to it a bit Mr. Chair.

**Phil Anderson** [00:07:34] Yes, I apologize. Go ahead.

**Kyle Adicks** [00:07:39] It's hard to believe a month ago the Council was sitting together in a meeting room down in California adopting the management alternatives for our fisheries this year. Less than a week after that, we've moved into a time where all of our meetings are held in these virtual spaces. So, in addition to the conservation issues presented by this year's abundances, the pandemic presented new challenges for all of us as we faced what's always an exhausting annual process, but I thank everybody for sticking to it. The Washington co-managers continued our discussions ended this afternoon on salmon fisheries, while the STT modeling this morning showed some stocks that were not meeting their conservation objectives. Additional changes made to inside fishery plans today will result in modeling that meets all objectives when linked with the ocean fishing packages in the STT report. As the SAS testified, the package does include a Chinook Coho trade north of Falcon that's consistent with the fishery management plan and has been supported by the commercial troll and sport fishing communities. The pandemic will doubtlessly affect whether these fisheries are implemented exactly as described or if inseason actions will be required as coastal communities begin to emerge from the various restrictions that we're living under now due to the virus. I look forward to working with NOAA, the States of Oregon and California, the SAS, and others as opening dates for these fisheries grow closer, and finally thanks to all of the state, tribal, and federal staff for their hard work in this virtual setting. Special thanks to the Council staff for the amazing job they did facilitating all this week and thanks to the Council for spending this bonus day here with us as we work through all our issues north of Falcon and I hope to see all of you face-to-face sometime soon.

**Phil Anderson** [00:09:21] Thanks very much Kyle. Let me ask the Council members if there's any discussion on the motion? Okay we'll go ahead and call for the vote. All those in favor say 'Aye'.

**Council** [00:09:36] Aye.

**Phil Anderson** [00:09:36] Opposed no? Abstentions? Motion carries unanimously. Thank you. And now, last but not least, is Mr. Joe Oatman.

**Joe Oatman** [00:09:55] Thank you Mr. Chair, and I do believe, there we go. You do have the motions on the screen. I move to adopt the treaty Indian troll fishery management measures for submission to the U.S. Secretary of Commerce for the area north of Cape Falcon as shown in Table 3 on Agenda Item E.9.a, Supplemental STT Report 1, April 10, 2020.

**Phil Anderson** [00:10:34] Thank you Joe. And the language on the screen accurately reflects your motion?

**Joe Oatman** [00:10:41] It does Mr. Chair.

**Phil Anderson** [00:10:42] Thank you very much. Is there a second? Seconded by Bob Dooley. Go ahead and speak to your motion Joe.

**Joe Oatman** [00:10:57] Thank you Mr. Chair. I want to acknowledge all of the work that the tribes has been engaged in in the north of Falcon process to work out the management measures that are being proposed here for adoption. You know, I think as we see, you know, certainly needs discussion but elsewhere, you know, these have been a challenge given the projected abundance of salmon and Coho and what fishery that these fish can support and thus how much of the needs of the tribes will be met as a result. I commend the tribes for all the hard work that it took to get this point in order to submit these measurement measures for the treaty Indian troll fisheries. Also acknowledge the discussions that they have had with their co-managers, the State of Washington, and all of their staff, and I also know that there are other tribal fisheries that are foreign to these tribes as well and I think as we've heard over the course of March and this meeting, these fish are meeting the cultural, subsistence, and spiritual and

economical needs of the tribes to the extent that they can as well as recognizing that the tribes will continue to work closely recovering salmon and protecting habitat as we have always done. I also want to thank the Council, the Council Staff, NOAA fisheries and the state on provisions that they have provided to the tribes throughout the course of these meetings to allow them to help us in discussions that they needed to get us to where we're at today. And lastly I want to also state that, you know, while we've been operating under these Covid-19 conditions, the virtual format by which we had to deal with for this particular meeting has been put together in a way that allowed us to get here, so I really appreciate all the work at the Council Staff and others have put in to this Ring Central format. It's allowed us to conduct the business that we needed to do and appreciate the leadership of Chair Anderson in leading us through this matter. So with that I want to thank all involved and that concludes my comments. Thank you.

**Phil Anderson** [00:14:11] Thank you very much Joe. Further discussion on this motion? Susan Bishop.

**Susan Bishop** [00:14:19] Thank you Mr. Chair. Thank you Joe. I know that this has been a very, it's been a very difficult and challenging week for everyone. I just have one quick question for you. Mr. Adicks spoke to the fact that the modeling in front of the Council currently does not meet the objectives of several of the Puget Sound stocks, but given further modeling that's being done he anticipates that that package will meet the objectives for all the stocks and to the provided assurances on that front. I guess I would ask you, if the tribes echo that sentiment in their assurances.

**Phil Anderson** [00:15:33] We did get your question Susan. I'm just giving Joe a moment here to, for his response.

**Joe Oatman** [00:15:48] Mr. Chair, I do apologize, I had myself on mute. In response to the question from Miss Bishop. I have not heard anything, at least up to this point to that would be contrary to the statement that Mr. Adicks had provided on that subject, but either have I received word that definitively confirms that. If this is something that you would like to have a definitive response on. I would request some additional time to try and get that from the tribes involved.

**Phil Anderson** [00:16:45] Anything further Susan?

**Susan Bishop** [00:16:48] Yes, Mr. Chair. I will follow up with Mr. Oatman but at this point, we have, I am reading this as more certainty than not so I think we can move ahead, but I would seek confirmation from the co-managers on that following shortly.

**Phil Anderson** [00:17:09] Okay. All right is there other discussion on this motion? Okay we'll go ahead and I'll call for the question. All those in favor say 'Aye'.

**Council** [00:17:24] Aye.

**Phil Anderson** [00:17:29] Opposed no? Abstentions? Motion carries unanimously. Thank you Joe. Okay that brings us, I believe, to the conclusion of our action on our salmon management for the week, in particular E.9. Let me just check with Robin to ensure that is indeed correct.

**Robin Ehlke** [00:18:04] Thank you Mr. Chairman. Yes indeed. Happy to say that the Council has adopted 2020 package for recommendation to the U.S. Secretary of Commerce. STT will scrub the tables one, two and three that were provided for any formatting or other minor editing and as you know, we have another run of modeling to do but that work will be done here shortly and we'll get the tables posted and our press release posted on our website as soon as we can, but that does complete this agenda item and thank you all very much.



**Phil Anderson** [00:18:48] Okay thank you Robin. And we do acknowledge that minor edits may be made to the STT analysis and other documents that have been provided by staff, so an acknowledgement of that, and on just behalf of all of my colleagues around the table, a big thanks to everyone who has contributed to bringing this to a successful conclusion. We've got a tough road ahead of us here and all up and down the coast in prosecuting these fisheries and we just want to wish everybody that's involved good health and be safe as we work our way through the summer.

## G. Groundfish Management

### 3. Implementation of the 2020 Pacific Whiting Fishery Under the U.S./Canada Agreement

**Phil Anderson** [00:00:00] That takes us to our Council action, which is to consider necessary actions for implementing the 2020 Pacific whiting fishery. We've had a report provided to us by National Marine Fisheries Service. We have the opportunity, if desired, to provide any input or recommendations to National Marine Fisheries Service so I will open it up for Council discussion and guidance as you see appropriate. Okay, I'm not...Corey Niles.

**Corey Niles** [00:00:57] Thanks Mr. Chair and I didn't want to be the first one to go, but maybe the only one to speak this morning and so I just check in to make sure you can hear me okay first off?

**Phil Anderson** [00:01:09] Yes, we can.

**Corey Niles** [00:01:10] Thank you. Appreciate that. Briefly, Frank spoke nicely to the summary of the events that would happen this year. First, I was a hanger on of sorts, paying attention. This obviously an important stock to the Council and to our state. The webinar format I was very surprised at how well that went so kudos to Frank and especially to Stacy, as Frank said, for making that happen and I was as someone who was just following along on the delegation, it was really nice to be kept in the loop, jumping from one webinar to another. It worked, it worked much better than I thought and thanks again to those who made that happen. Just thoughts on the process. It's good to hear Frank say that everyone still recognizes the value of the treaty and the commitment to the treaty. We're lucky to have Phil as our representative and Frank on the JMC, as well as, is Dan Waldeck and Steve Joner, so people that we're very familiar with and, and have a lot of confidence and trust in and so in some circumstances I could see us in the future getting in this situation getting into a specific recommendation and a number. Yeah, I don't see the need to do that today. I saw the efforts that went to this and were backed by some really good scientists and the scientific review group, so appreciate all that, and I see how reasonable minds would come to a different number here. And just lastly, Frank said about the odds of facing a very similar situation to next, next year and so it's good to hear that people are already talking about meeting this summer to work with our Canadian partners and keep the communication open, so very much support that and encourage that and thanks to everyone for their efforts.

**Phil Anderson** [00:03:31] Great, thanks Corey. Appreciate those remarks. We do have a good group that represents the U.S. in the U.S. Canada whiting treaty forum. We've got an outstanding group of advisers that work really hard and have contributed a great deal in reaching agreements in the past, and our science folks have done a stellar job and do great coordination with their Canadian counterparts so we do have a really strong process. I, too, am disappointed we weren't able to reach an agreement. It's hard to say whether had we been face-to-face, whether there would have been a different outcome. It seemed like we were a considerable distance apart in our thinking in terms of what was the appropriate response to the science that we had in front of us so I'm not, I guess I'm not necessarily thinking we would have come out in a different place. I'm hopeful that having some additional opportunity to discuss what the science is telling us between now and next year as Frank referenced within the JMC, supported by our advisors in the scientific community, that we can come to, come closer to having a common perspective on what the appropriate response is from a management perspective and setting TACs. I think given that we have a strong group both relationship-wise between the U.S. and the Canadian JMC members, as well as, on the science side and within the advisory group, that I'm hopeful that we will be able to have a fruitful discussion about it and put ourselves in a position where we have a better chance of reaching an agreement in next year's JMC deliberations. So, thanks to everybody that's contributed

to this process and again, I'm hopeful because of the strong group that we have and the strong relationships we have that we will be successful in the future. So, let me pause there and ask if there are any other Council members who wish to make a comment under this agenda item? Okay then let me turn back to John and just see if there's any other discussion or business that we need to do to complete this agenda item?

**John DeVore** [00:06:38] Thank you Mr. Chairman. You received a briefing on the international treaty process for Pacific whiting. All the questions that you had were answered, and with that, the Council offered no recommendations to the National Marine Fisheries Service other than I interpret as tacit agreement with the GAP that timely implementation is needed for this and Mr. Lockhart spoke to the process and the rulemaking that's coming out here shortly. So, with that, I would say you have completed this agenda item.

**Phil Anderson** [00:07:25] Okay...thank you, John, and thank you, Frank, for your contribution in leading this agenda item.

#### 4. Biennial Harvest Specifications for 2021-2022 Fisheries – Final Action

**Marc Gorelnik** [00:00:02] That concludes public comment on agenda item G.4 and takes us to Council discussion and action, and that is to adopt the FPA for the 21-22 harvest spex. So, before we get to a motion, I'd like to see if there's any discussion around the table and I'll be looking for hands. If I don't see any hands, I'll take that as a sign that there's no interest in discussion and we'll move forward with the motion. Louis Zimm.

**Louis Zimm** [00:00:38] Thank you Mr. Vice Chair and I'm not prepared, of course, to bring forward a motion, but I would like some more discussion about the two points, well first, the first point that I have is ACT, possible ACT measures and then also the other question I have is in regard to the forage fish question and specifically to dependent birds, at what stage of the life history are these rockfish available to the birds or what stage do they depend on it, and that may affect our view of the stock quite, to me it seems like these fish when they're offshore and they're full adults, they're not accessible to murre's and such, but perhaps it's when they're recruited, first recruited and the links between how large a population is and recruitment in rockfish has not shown to be direct, so these are just considerations I wanted people to think about. Thank you.

**Marc Gorelnik** [00:02:06] Those are interesting considerations. I'm not sure if we, are you seeking an answer to that or are you just throwing it out there as a topic for further discussion?

**Louis Zimm** [00:02:16] Just a topic for further discussion and I want to make sure that people are thinking about that. And we may have the power, the horsepower on this Council with our scientific people to help me with this.

**Marc Gorelnik** [00:02:33] All right. Brad.

**Brad Pettinger** [00:02:36] Yeah, thank you Mr. Vice Chair. I'll start off with commenting on petrale. That's a stock that is probably the most constraining species on the shelf. I'm glad the GMT was able to see the latest survey information and I think that if you talk to anybody in the fleet when it comes to petrale, they probably, like everybody on the water right now, has never seen petrale abundances where we're at, and if these fish are getting older and they are going to die off it just makes sense to catch them before they die, and I like the fact that the GMT, a member of the GMT is also the stock assessment author. I think that leads credence to the moving to a .45. I appreciate your consideration on that and moving towards that number. Also, the deal on the sablefish, I'm really glad the GAP and the GMT are in harmony on this. Certainly alternative 1 is a.....a and using method 2 to reflect the curve is fishing, I'm glad to see that. Sablefish is probably the, it used to be that sablefish in the troll fleet was a targeted species and now for the last 4 or 5 years it is fishermen, well maybe more than that. People were trying to avoid it so we don't run out of the fish because there should be enough to go round, so I think really the number that we're going to get more accurately reflects what's in the ocean. In the catch share program, we have a hundred percent observer coverage, hundred percent accountability. The number that this Council sets for harvest rate needs to better, needs to more, needs to accurately reflect what's in the water and when we miss that, when we set it artificially low so we constrain the fleet and constrain what's going to be landed, and so I think that is a, so I like the, I was really happy to see that. Dealing with shortbelly, I looked up the information as the discussion was going on, the testimony, and the other species of fish that they talked about as far as the forage base in that November GMT statement, the CalCOFI anchovy larval survey showed abundances that are double, double the previous highs from the 1960s and also talks about smelt and juvenile flatfish in the north, off I believe off Oregon and Washington, who also indicate a very high amounts those species so, it's not a lack of forage for the same species that these people are concerned about or that folks are concerned about. Also I think that

when we have an AC, we still got ACL too low we take away valuable time of this Council and the region dealing with issues that really, there's more important things going on than shortbelly rockfish. There is virtually, there is no incentive to catch a shortbelly rockfish and there's really only negatives if you do and the risk is spelled out very, very well I think in the testimony and in the statements so I won't go into to that, but I really like the fact that the GMT and the GAP are in harmony and that doesn't always happen, and I'm really thankful for all the hard work that went into this and I'll stop there. Thank you.

**Marc Gorelnik** [00:06:20] Thank you Brad. Next is Mike Clark.

**Michael Clark** [00:06:27] Thank you Mr. Vice Chair. Again I think on the shortbelly rockfish issue with this being an important forage fish for Chinook salmon and several species of seabirds, including Brandt's cormorant, Rhinoceros auklet and Common murre, we would like to support what Oceana included in their letter in terms of setting an ACL of a thousand metric tons and trying to find ways to reduce the incidental catch. I guess based on some of the discussion that we've heard surrounding the reports of a range expansion of a species could indicate that the population is also expanding, but it also could mean that people are just looking and fishing in different areas. The forage base other than shortbelly rockfish that includes sardine or anchovy does not seem to be expanding or increasing and it just seems, I guess by doubling the current ACL versus multiplying it by five times seems like a more precautionary starting point for a, you know for a fish obviously that we want to provide incentives for people to avoid because it doesn't seem like there's much, much in the way market value, but thank you.

**Marc Gorelnik** [00:07:40] Thanks for that Mike. Maggie.

**Maggie Sommer** [00:07:46] Thanks Mr. Vice Chair and thanks Mike and everybody, I really appreciate the discussion. I share everybody's perspective on the importance of shortbelly rockfish to predators in the California current ecosystem. I found it very helpful to refresh my memory on some of the information we were presented last year as we went through our process of considering the 2020 ACL and some of those key items were the Rockfish Recruitment and Ecosystem Assessment Survey which, pardon me I'm switching between screens here to come up with some notes, pardon me, the Rockfish Recruitment Ecosystem Analysis Survey off of between Monterey Bay and Bodega Bay, where they've quantified shortbelly rockfish young of the year abundance along with other rockfish species specific indices of annual rockfish recruitment since 1990, and noting some results from that where, my screens are too many in front of me, noting that they recorded historically high shortbelly rockfish recruitment between 2013 and 16, and recruitment in that core region was more than an order of magnitude higher than previous values as I think Brad mentioned. We also were presented with information from the CalCOFI survey with extremely high current shortbelly rockfish abundancies and larval shortbelly in particular. I think we also discussed the fact that these are approximately a 10-year life span species so that gives us some context in which to think about how long this current boom might last. Of course, we don't know what recruitments will be going forwards. It certainly could change but, you know, a couple of other points I'll just refresh our memory on were the high adult northern anchovy abundance's indices at record highs throughout most of California based on the RREAS trawl surveys, the high California sea lion pup productivity in recent years and then in Northern Oregon, they noted that the reproductive rate of Common murre was positively anomalous in 2018 and 19 for the first time since 2010. Since they feed primarily on smelts and juvenile flatfish's that that was taken as an indication that abundances of those forage fish were high off Oregon 2018. So, kind of all putting the pieces together, this picture of forage and predators throughout the California current ecosystem currently and kind of looking forward into the near term gave me a good picture of that. I also want to note that the whiting fisheries have not changed in general, the footprint of where they're operating, they don't fish off central and Southern California. They are certainly fishing off of Oregon and Washington and moving to within that region wherever the whiting are but it has not been a shift in distribution of the whiting fishery

operations, so that I don't see as a reason for the change in shortbelly bycatch rates that are occurring there. So thanks, just thought I'd share those points that I found really helpful context as I was kind of going back through this and refreshing my memory on the wealth of information that this Council was presented with last year on shortbelly rockfish.

**Marc Gorelnik** [00:11:41] Thank you Maggie. That was a very helpful review. Heather Hall.

**Heather Hall** [00:11:49] Thank you Vice Chair. I wanted to thank the GMT for their presentation, starting with that, it was very helpful, and I like the format that was used. I know we commented on the halibut presentation and appreciate that the GMT went to the effort to put it in that format. It was really easy to follow along. I was just going to offer some overarching comments on the harvest specification for a couple of species, but I guess if this is better received at another point in time, I could hold off.

**Marc Gorelnik** [00:12:31] I think you should go ahead. Obviously shortbelly and petrale sole may be the main subjects here, but all comments would be welcome on this agenda item right now.

**Heather Hall** [00:12:42] Okay perfect. Thank you. So I will start with shortbelly and I just wanted to comment on the ACL level of 3,000, that it is below the ABC but also noting that it's well above the 1,000 metric ton level that the GMT models suggested was really unlikely to be reached, and then note that, yes, we're having this conversation because we've seen catch reach levels we also didn't expect like 500 metric tons. So going forward for shortbelly, I think it's really important that we look at something like an ACT under Agenda Item G.6, something that raises a flag and triggers some thoughtful discussion if catch does reach a level that's higher than we anticipate. For petrale sole, I definitely...this is another species where I've given it some thought. I appreciate the new information that the GMT presented. You know, I, in recognizing the better alignment of the 2019 trawl survey data point and but was a little bit stuck on the issue of the new fecundity data that the GMT brought up in September and November and I guess I'm looking at it as if now that the issue with fecundity is less of a concern because it's not considered cumulatively with the poor alignment of the 2018 data point so just pointing that out. I'm still a little concerned that the ACL is high. It's a big jump from where we are in 2020. I had really appreciated the concept of the stairstep approach that the GMT brought forward, but recognize that it might not make sense for some to keep going with that, and so just wanted to express a little bit of concern with the shift from the P star of .4 to .45 and share a little bit about why having that, those thoughts. And then for sablefish, you know WDFW has advocated for many years for precaution with regard to sablefish. It's another place I'm not sure I'm completely comfortable with moving to a P star of .45, again acknowledging that it's difficult to see the difference in the depletion when, when you look ahead, and just noting that there is always uncertainty in assessments but I have some reassurance given that there, we're thinking about a full assessment for 2023 so, then in regard to the two apportionment methodologies, you know the five year average approach better aligns with the stock distribution and will shift some allocation to the north where it's needed. We've said it often that sablefish are caught in every sector, including recent bycatch in the at-sea whiting sector and it will still not constrain fisheries in the south by using the five year apportionment method but that will also perhaps provide some buffer for catch in the north. And then finally just want to point out that it will be really important that we continue to look to the North Pacific-wide efforts to explore sablefish stock and hope that we can understand what's going on better and perhaps through a MSE type approach, so that's it for my comments. Thank you.

**Marc Gorelnik** [00:17:15] Thank you Heather. Phil Anderson.

**Phil Anderson** [00:17:21] Thanks Mr. Vice Chair. Thought I would weigh in relatively briefly on the shortbelly rockfish issue. Appreciate all the conversation and perspectives that have been offered this morning. I would, I will say that none of those compelled me to a point to where I think a 3,000 metric

ton ACL is warranted or needed to sustain our fisheries. I think the statement in the GMT about the unlikely, it is unlikely that they're even, we're even going to take a thousand metric tons, so bumping it all the way up to 3,000 metric tons in my mind isn't justified, particularly as we have learned more and more about the importance of shortbelly rockfish as a forage species. To be honest 10 years ago I am not even sure I knew what a short belly rockfish was, but when we began seeing them as part of the stomach content of the Chinook salmon that we catching off the Washington coast, particularly in the absence of some of the other forage species that we have had up here, I began to realize the importance of the forage value of that, of shortbelly rockfish, and as we've talked more about it, there's been more information forthcoming about it, it's increased my appreciation for the importance. At the same time, you know, I think having an ACL down to the level where we've have had it recently in the 500 metric ton and with the, whether it's the change in the distribution of shortbelly rockfish or an increase in abundance, I don't know which it is, but we've seen that it's been an increasing impediment, an issue for the, and particularly the whiting fleet. So, I think there is room and justification to move that ACL up, but I am uncomfortable and don't find the rationale for why we would take it all the way up to 3,000. There may be some sort of a middle ground here, if you will, to look for an ACT at a level of around a thousand metric tons associated with the higher ACL. That might give me at least more comfort that we're not just dismissing the importance of those shortbelly rockfish and not looking for our fisheries to move as, as needed to avoid high bycatch rates of shortbelly rockfish. I appreciated the comments of Brad Pettinger, understanding that nobody wants to catch them, and so I understand that...but...and I appreciate Maggie's comments about calling to our attention some of the positive indications we have for other forage species, but again increasing the ACL all the way up to 3,000 metric tons given the information we have and the needs to the fishery to be prosecuted isn't compelling to me. So, I wanted to put those thoughts out there and thanks very much.

**Marc Gorelnik** [00:21:26] Thank you Phil. Marci Yaremko.

**Marci Yaremko** [00:21:31] Yes. Thank you Vice Chair Gorelnik. Just wanted to make a few remarks here and turn the focus for a minute to cowcod. I'd like to thank the GMT for their discussion on the cowcod alternatives and the recommendation for the P star value of .4 which is not the default that would produce the respective ACL's of 84 and 82 metric tons for 2021 and 22. I really want to acknowledge Lynn's discussion for the GMT's rationale for this selection of Alt 1 and why Alternative 2 could pose constraints for us in future years as the ACL declines. After two decades of rebuilding progress, the 2019 stock assessment for cowcod south of Point Conception now indicates that the stock is rebuilt and is currently at 57 percent of unfished biomass. This assessment was deemed a category 2 assessment, subject to a greater buffer for scientific uncertainty than a more data rich category 1 assessment. Meanwhile, the stock between Point Conception north to 40 10 is assessed using data poor methods that have even greater scientific uncertainty resulting in a category 3 designation. As a result of these uncertainties the State of California supports the GMT's recommendation that the P star of .4 is most appropriate to provide a greater buffer between the OFL and the ABC than would be the case under the default P star of .45, so I want to thank them for that. Moving to sablefish and the discussion surrounding the five-year average. Just like to reiterate the Council discussion that we had on this topic back in November that we will have the flexibility to revisit this baseline biennially as needed. I support the GMT's conclusion that this decision is a policy call and thus the recommendation that the recent average is appropriate for now, I certainly support that, but it may not be the appropriate choice indefinitely so I do look forward to revisiting this and in future cycles as appropriate. I want to thank the GMT for that acknowledgement. With regard to petrale, one...just want to note that the term "no action" that folks are using in this discussion really means just adopt the default HCR and I think hearing the discussions that took place between the GAP and the GMT, that there's been some newer thinking that has come to light more recently and is different from some of the reasons that were identified earlier in the cycle to deviate from the default, so I think given the discussions that have come to light recently that we've landed in a comfortable place with the default on petrale. Shortbelly, I am very much

agreeing with folks around the table that say our work here is not done with an ACL of 3,000 tons. Thinking back to the GMT's analysis and the great unlikelihood of attaining even a thousand tons, I'm encouraged by the discussions that have just very recently begun between GMT staff and some NMFS expertise and thinking on innovative approaches on how we design appropriate management measures that do better than just a, an ACL of 3,000 tons. I look forward to those discussions both in the management agenda, management measure agenda item here at the April meeting, but also hope that there will be more thought put toward this between the April and June meetings that will give us a nice suite of management measure tools that we might look to for final adoption in June. Thank you.

**Marc Gorelnik** [00:27:24] Thank you Marci. I'll look and see if there's any more discussion around the table. We will take a break before we get to a motion. Any further comments? Discussion? Obviously once a motion is in play, we'll have additional discussion then. Okay I'm not seeing any more hands so I'm not sure how long a break we need because I think that once we're done with this agenda item we'll have a longer break. I've got 9:57. Let's try to be back at 10:10, that's 13 minutes, lucky 13, and if we're not ready then with a motion, then we can extend the break. So, let's come back at 10:10.

**Marc Gorelnik** [00:00:00] So I think that we may be ready to resume here. When we last left, we were having a discussion on Council discussion on Agenda Item G.4. Let me see, we had sort of exhausted discussion. I want to see if there are any hands raised or if someone would like to put forward a motion. Maggie Sommer.

**Maggie Sommer** [00:00:36] Thank you Vice Chair Gorelnik. I would like to offer a motion.

**Marc Gorelnik** [00:00:41] Please.

**Maggie Sommer** [00:00:43] Thank you Sandra. I move the Council adopt final preferred harvest specifications for groundfish in 2021 and 2022 as recommended in Agenda Item G.4.a, Supplemental GMT Report 1, April 2020. For all stocks except those listed below adopt the OFL, ABC and ACL values resulting from default harvest control rules as shown in tables 2.2 and 2.3 in Agenda Item G.4, Supplemental Revised Attachment 1, April 2020. This includes adoption of the no action alternative for petrale sole, ACL equal to ABC, P star equal to 0.45. For the following stocks adopt the OFL, ABC and ACL values associated with Alternative 1, PPA as shown in table 2-4 in G.4, Supplemental Revised Attachment 1, April 2020. Cowcod south of 40 degrees 10 minutes north latitude, ACL equal to ABC, P star equal to 0.4. Oregon black rockfish, case by case ACL, pardon me, ABC and ACL equal to the 2020 ABC. Sablefish, coastwide ABC with P star equal to 0.45 and method 2, the five-year average bottom trawl survey distribution to apportion ACL's north and south of 36 degrees north latitude. Shortbelly rockfish, ACL equal to 3,000 metric tons with an ABC equal to P star of 0.4.

**Marc Gorelnik** [00:02:37] Thank you Maggie. Does the language that we're viewing accurately reflect your motion?

**Maggie Sommer** [00:02:43] It does. Thank you.

**Marc Gorelnik** [00:02:44] All right. Let me look for a second. Seconded by Marci Yaremko. Please speak to your motion.

**Maggie Sommer** [00:02:54] Thank you Mr. Vice Chair. The action proposed in the motion is based on the recommendations and information provided by the GMT and the GAP and in the draft environmental analysis, as well as in our Council discussion and public comment both at this and prior meetings. First, this motion proposes to adopt the default harvest specifications for most groundfish stocks in 2021, 2022. These default spex results from applying the best scientific information available,



such as new endorsed stock assessments to the current default harvest control rules for groundfish stocks. In the Revised Attachment 1 for this item, the default spex for 2021 and 2022 are shown in tables 2.2 and 2.3 on pages 8 through 25. Coming into this meeting there were five stocks with preliminary preferred harvest control rules that depart from the default used for 2021 and 2022, those are cowcod, black rockfish in Oregon, sablefish, shortbelly rockfish, and petrale sole, which had alternative harvest control rules under consideration and selected as PPA. This motion would adopt the preliminary preferred alternative 1 harvest specifications as final for the first four of these stocks as shown in Supplemental Revised Attachment 1, Table 2-4 on page 29 and would revert to the default for petrale. Before speaking specifically to these five stocks I will remind the Council that as we read in the draft EA and any revised or new harvest control rules adopted today will become the default for future biennial management cycles unless specified otherwise, which will be the case for Oregon black rockfish. Specifically, on petrale the default harvest control rule proposed for adoption here is ACL equal to ABC with a P star of .45. In November we did select Alternative 1 with a more precautionary P star of .4 as our preliminary preferred in order to provide a greater buffer due largely to concerns stemming from the low 2018 bottom trawl survey point which the assessment model did not fit. I'll note that in addition, there were new fecundity data for petrale sole, which were judged likely to result in a slightly less optimistic stock estimate when incorporated into the next full assessment. However, the GMT is now recommending no action for petrale, in other words the default with ACL equal to ABC and a P star of .45. Based on recent data from the bottom trawl survey in 2019, the survey biomass estimate has increased from the low value of 2018 and the 2019 point was in line with the average trend between 2014 and 2017 as figure 1 in the GMT report illustrated. I gave the petrale specifications quite a bit of consideration, given the importance of this stock, and I found that reviewing that figure 1 was very helpful for me in putting the 2018 and 2019 data points, which have influenced the recommendations in November and today, into context. In addition, recall that we are recommending a petrale assessment in 2021, which will inform our management in 2023 so there won't be long until we're reviewing petrale status and specifications again. So, to conclude regarding petrale, the GMT considered that the standard level of precaution in using the P star equal to .45 approach and the time varying sigma values is sufficiently conservative. From the perspective I just described I agree that there is little conservation risk. There are tangible economic benefits and as noted by the GMT, the default specifications under the no action alternative are expected to increase X vessel revenue by up to 378,000 dollars on average compared to Alternative 1 and to provide additional opportunities to access co-occurring groundfish species with a lower likelihood of constraints due to petrale sole limits. On cowcod, Alternative 1 uses a P star value of .4 selected as more conservative due to the relatively high uncertainty in the estimated biomass and productivity in the cowcod assessment. That uncertainty resulted from a lack of sufficient information in estimating natural mortality, in the stock recruitment relationship, recruitment variability and historical fishery selectivity. This affected the precision of the population scale and yield projections, and therefore the stock assessment team recommended that target yields be set well below the MSY proxy until data become available to better inform stock productivity and status. The Alternative 1 ABC's for 2021 and 2022 are just under the MSY proxy. Alternative 1, as we noted, will allow the Council to consider the full 40 to 60 metric ton annual catch target range as a primary means of managing the stock in a conservative but flexible manner. Annual catch targets are a management measure for which the Council is scheduled to specify preliminary preferred alternatives under agenda item G.6 on Wednesday and Thursday. After concluding my remarks, I would certainly invite my colleagues from California to provide any additional comments on cowcod since the stock and the fishery are primarily found there. Regarding Oregon black rockfish, in September and November ODFW recommended an alternative harvest control rule carrying forward the 2020 ABC of 512 metric tons as a case-by-case deviation from the default and returning to the default harvest control rule in 2023 and beyond. As we've noted, black rockfish is the primary target stock for our nearshore recreational and commercial fisheries and ACL attainment is high. Our fisheries in some cases have been closed prematurely in recent years due to early ACL or sector harvest guideline attainment. Therefore, we wanted to explore the tradeoffs of a two-year departure from the default

harvest control rules. In that exploration, we see that the 10-year projections of depletion and spawning output of Oregon black rockfish indicate that the stock remain well above 40 percent depletion under all of the alternatives, and there is a negligible difference in the predicted depletion and abundance with both alternatives converging on 54 percent in 2030. The environmental analysis reminded us that while today's action is only specifying spex for 2021 and 22, the potential fishery impacts beyond 2022 should also be considered. As we noted, since a black rockfish assessment will not occur until 2023 and won't inform management until 2025, it is the case that in 2023 and 2024 if we revert to the default harvest control rule, ACL's in those years would be lower if we choose Alternative 1 today rather than the no action alternative. We are aware of this risk and we believe the stability over the upcoming biennial cycle is worth it. Along with the Council, we will have the opportunity to revisit the harvest control rule for 2023 and 2024 when we begin consideration of the harvest specifications for that cycle and can consider the circumstances at that time. The main benefit of Alternative 1 today is that it would stabilize Oregon fisheries while reducing the likelihood of inseason restrictions for Oregon's nearshore fisheries. For sablefish, the 2019 assessment indicated that the stock was at 39 percent depletion at the start of last year and projected to be above the 40 percent target by the start of 2021. The no action alternative is based on the default harvest control rule with ACL equal to ABC and a P star of .4. The Alternative 1 recommended for analysis by the GMT and the GAP and selected by the Council as preliminary preferred in November, uses a P star of .45, meaning that the 2021 and 2022 ABC's are 6.6 and 6.7 percent higher than under no action. This will provide more positive economic benefits to the commercial fisheries targeting sablefish. In proposing Alternative 1 as the final preferred alternative, I note that the predicted 10-year trajectories under both alternatives indicate that the stock remains above the target biomass. The GMT noted in November 2019 that the difference in depletion between P star of .4 and .45 over a 10-year period is almost imperceptible, at least under the base case scenario as shown in their November 2019 Report 2, Table 11. Table 13 in that report shows substantial estimated additional economic benefits of Alternative 1 as already mentioned today. I also noted in the draft EA prepared for this meeting that the relative trend in sablefish spawning biomass is robust to uncertainty in the leading stock assessment model parameters. Further, their strong recent recruitments with above average cohorts in 2008, 10, 13 and 16 contributing to the increasing biomass trend, with the 2016 cohort estimated to be the largest since the mid-1970s. Also important in my rationale is a review of the results of projections using a more realistic catch stream for the next management cycle rather than full coastwide ACL attainment given the low attainment rates in the south. Under this catch stream, even under the low state of nature, the stock never drops below the biomass target of 40 percent of unfished, therefore it appears that the risk of a management action today or a management miscue leading to future decreases in stock abundances and product.....stock abundance and productivity is very low. Finally, sablefish is a stock that we will be reassessing regularly given its importance so we will have regular opportunities to refresh our understanding of its status and adjust as needed. Regarding apportionment, we've had the opportunity to review input from the SSC as well as the GMT and the GAP and I support using the rolling five year average approach as more reflective of current conditions and more responsive to future changes in distribution. As the GMT noted, it can provide economic benefits in the north without negatively affecting fishing communities in the south. This can be revisited each biennial cycle as well as Marci noted in her comments during discussion earlier. On shortbelly rockfish, I will say this has been a challenging one for me. For 2020 we adopted a change to the 2020 shortbelly ACL in a separate three meeting process, in June, September and November last year, and I found quite a bit of the information that was provided to us for those meetings to be relevant to this action today and I'm relying on some of that information, including the regulatory impact review and GMT reports of June, September and November 2019, as well as the draft environmental analysis and GMT report prepared for this meeting. These sources also include CalCOFI and rockfish recruitment and ecosystem analysis survey information that I mentioned earlier in Council discussion. The preferred Alternative 1 for shortbelly rockfish is intended to mitigate the risk of closing mid-water trawl fisheries targeting Pacific whiting and pelagic rockfish north of 40 10 while setting the 3,000 metric ton ACL below the ABC to provide a precautionary buffer. I note that the environmental assessment concludes

that under either action alternative, the stock will not be targeted. As we heard in public testimony at the November 2019 Council meeting from participants in the Pacific whiting fishery, that testimony illustrated why they would avoid shortbelly rockfish regardless of a higher annual catch limit. Those points included that a mixture of shortbelly in with the whiting not only increases the sorting of the low value shortbelly rockfish bycatch, and it also can tend to physically degrade or ruin the whiting product. It significantly reduces the economic efficiency of the whiting, the whiting fishery, and it provides operational difficulties for whiting vessels. There is no incentive in that fishery to target shortbelly rockfish and in fact much incentive to avoid them. As the GAP noted in the report at this meeting, an unnecessarily low ACL may reduce the fleet's abilities to avoid bycatch of other species with greater conservation concern such as Chinook salmon because of the effects of the shortbelly ACL at the individual vessel operational level. The greater priority on avoiding Chinook salmon, in particular, but also some of our other constraining rockfish bycatch species and sablefish is a key reason I'm continuing my support of the Alternative 1 level of 3,000 metric tons here after extensive consideration. As discussed earlier today, and at length last year, it's not anticipated that an increase in fishing mortality of shortbelly rockfish at this time would negatively affect its current role as forage in the ecosystem. We've reviewed some of the scientific information currently available that provides evidence of the above average forage conditions in the California current ecosystem today, with higher abundances of species such as anchovy along with the high overall shortbelly rockfish population. Again, I note that the higher ACL under the action alternative is still well below the shortbelly rockfish OFL of 6,950 metric tons, with the impacts under the preferred Alternative 1 below, well below the specified 2021-22 ABC of 4,184. The only anticipated effects of the proposed action to increase the shortbelly ACL are economic. The objective is to avoid negative economic impacts from early fishery closures to mid-water trawl fisheries targeting Pacific whiting and semi-pelagic rockfish. A note that the environmental assessment and the GMT additionally noted the high uncertainty in predictions of future incidental bycatch of shortbelly rockfish and the difficulty in determining the risk of exceeding any of the alternative shortbelly ACL's. I do think it's very important that we recognize and protect the role of shortbelly rockfish as forage in the California current ecosystem. I again considered the alternative of designating shortbelly as an ecosystem component species, but as before concluded that using an ACL provides the Council greater ability and flexibility in managing and reacting to catch of shortbelly rockfish from year to year. In conclusion, on shortbelly rockfish, I'm proposing we adopt the AC, pardon me, the Alternative 1 ACL of 3,000 metric tons as responsive to current conditions, protective of the shortbelly rockfish stock and the current, California current ecosystem forage base today and reducing the risk of negative economic impacts to forage communities. I very much appreciate and understand and share many of the perspectives offered in Council discussion today and I look forward to additional discussion now as well as during consideration of an annual catch target and accountability measures under G.6 management measures on Wednesday and Thursday. I want to thank the Council staff as well as the Groundfish Management Team, the Groundfish Advisory Subpanel and others who have provided us so much valuable input on our 2021 and 2022 harvest specifications. That concludes my remarks.

**Marc Gorelnik** [00:19:57] Thank you very much Maggie. Are there questions for Maggie on the motion? I'm not seeing any questions, so let's open the floor for discussion on the motion. I'll be looking for hands. Okay. I'm not seeing any up. There we go. Phil Anderson.

**Phil Anderson** [00:20:28] Thanks Mr. Vice Chair. Thanks, Maggie, for the motion. Very well thought out and appreciated the rationale you provided for each one of the proposals that are contained in the motion so very much appreciate that. I would like to offer an amendment to the motion.

**Marc Gorelnik** [00:20:56] Please go ahead.

**Phil Anderson** [00:20:58] And I would move that we, that the for shortbelly rockfish, I move that for

shortbelly rockfish the ACL be set at 2,000 metric tons maintaining the ABC P star values that are currently in the main motion.

**Marc Gorelnik** [00:21:40] Phil, did Sandra accurately capture your amendment?

**Phil Anderson** [00:21:46] Yes.

**Marc Gorelnik** [00:21:47] Is there a second? Seconded by Rich Lincoln. Speak to your amendment please.

**Phil Anderson** [00:21:56] Yeah thanks Mr. Vice Chair. And again, I know this is a, we had quite a bit of discussion about this prior to making the motion on this agenda item, and my reflection on all of this is, is that we are, we have taken this action and we took the action back that we took in to modify it previously for the current year that we're in was based on and came out of a concern that the 500 metric ton ACL was constraining and compounding the issues for the whiting fishery, given all of the other constraints that they have in choke species and so forth, and I was in support of increasing that ACL to a point where it would reduce in a significant way the potential of the shortbelly ACL constraining that fishery or modifying its behavior such that it would be detrimental to other species that were of concern that are taken as bycatch in that fishery. My guess is that if that had not occurred, had we...had the, for whatever reason, whether it's distribution or increased in abundance, if the shortbelly rockfish catch bycatch in the whiting fishery had not approached or surpassed that 500 ACL that we use to have, we wouldn't even be having this conversation. So I do, I do totally agree with the comments that the reason that we're considering a higher ACL is to reduce the economic risk to the whiting fishery and I'm supportive of that, but what I'm not supportive of is increasing the ACL to an extreme that based on every bit of information that we have, is far above what is needed to make a substantial reduction in that economic risk to the whiting fishery and that's what I see the 3,000 metric tons as. We've of course heard and mentioned this during our discussion that the GMT is advising that it's highly unlikely that they will exceed even a thousand metric tons, let alone 3,000 metric tons. I think over time, and what I mean by that as we have, as the Council has paid more and more attention to ecosystem management, looking at the California current ecosystem, all of the information that we looked at during our previous consideration of increasing the ACL relative to the relative health of other forage species, we have really made a lot of progress in our thinking about that as a Council, and so when I then look to this action and see that we're considering raising the ACL on a very important forage species far above what is needed, at least in my judgment, to reduce the risk to the whiting fishery, it causes me concern. So that is the reason that I am proposing 2,000 instead of 3,000. I believe that we also need to have a discussion under our management measures under G.6 as to whether an ACT might be added to this as an additional consideration, but that's, that is for a later discussion as we're developing our management measures for 21-22, but for at this stage of our process and setting the ACL for this important forage species, I'm recommending and moving that we modify the motion and reduce it to 2,000 metric tons. Thank you.

**Marc Gorelnik** [00:26:43] Thank you Phil. Are there questions for Phil? Pete Hassemer.

**Pete Hassemer** [00:00:02] Thanks Mr. Vice Chair. I just wanted to indicate my support for this amendment. As I listened to the main amendment, the rationale, I was in agreement with all of that, but was having a difficult time also with the shortbelly rockfish rationalizing why the ACL would be set at three times, a level three times higher than the maximum catch that had been modeled and in part of that thinking I understand the stock is not targeted thus the higher bycatch might result from either increased recruitment and there's evidence of that and or distribution shifts. Why I support this is the trawl sector or parts of the trawl sector are being put in a very difficult place as we look very hard on them to reduce bycatch of salmon and as we have heard not only I think today, but also in prior

meetings, that moving away from shortbelly rockfish might have the potential to increase the bycatch of salmon and their needing the balance that, so the right value between a thousand or some other minimum value and 3,000 metric tons is hard to pinpoint. I think what is being proposed in this amendment provides good flexibility to the trawl sector to continue to fish and ideally avoid multiple species that they're trying to not include in their catch so I again, I would support that. Thanks.

**Marc Gorelnik** [00:02:09] Thank you Pete. Marci.

**Marci Yaremko** [00:02:12] Yes. Thank you, Mr. Vice Chair. I, too, will be supporting the amendment. I appreciate that Phil also mentioned that this change to the ACL in this action under G.4 does not preclude additional discussion under the management measures agenda item that's upcoming this meeting. I, again, am encouraged with some of the discussions that have kind of just began to surface in the GMT and the GAP rooms about possible ACT mechanisms and concepts like rollovers, rollbacks and the biennium and such, but in my mind those discussions are very new and not yet ripe and I'm not, I don't have confidence yet that there's a clear pathway forward using those tools that gets us to some place that is better than just the ACL of 3,000 tons that we're working under in 2020. So, I appreciate this amendment. I think it's a step in the right direction for the reasons that Phil articulated, as well as Pete's remarks for why the reduction is warranted. So, thanks.

**Marc Gorelnik** [00:03:57] Thank you Marci. Is there further discussion on the amendment? Louis Zimm.

**Louis Zimm** [00:04:02] Thank you Mr. Vice Chair and I, too, will be supporting this amendment. I really appreciate Phil's bringing up the ecosystem management subjects, and I firmly believe that we need to lead Councils in expressing concerns for forage fish. His point about Chinook salmon I think was very well made and I think we need to lead the Councils in ecosystem management efforts, however we need to continue to assist the trawl sector to continue to get fish out of the water, so I think this is a pretty good compromise that I am also looking forward to our discussions in G.6. Thank you.

**Marc Gorelnik** [00:04:54] All right. Is there any further discussion on the motion offered by Chair Anderson? I'm not seeing any new hands raised, so I'll be calling for a voice vote. All those in favor of the amendment say 'Aye'.

**Council** [00:05:10] Aye.

**Marc Gorelnik** [00:05:10] Opposed no?

**Maggie Sommer** [00:05:10] No.

**Brad Pettinger** [00:05:13] No.

**Bob Dooley** [00:05:13] No.

**Marc Gorelnik** [00:05:17] Just for the record, I think that was Maggie Sommer and Brad Pettinger, is that correct?

**Maggie Sommer** [00:05:25] Yes.

**Chuck Tracy** [00:05:25] I believe there's a third.

**Bob Dooley** [00:05:27] Yep. I was the third.

**Marc Gorelnik** [00:05:29] Bob Dooley. All right. And abstentions?

**Aja Szumylo** [00:05:34] I abstain.

**Marc Gorelnik** [00:05:37] Who is that?

**Aja Szumylo** [00:05:37] Aja.

**Marc Gorelnik** [00:05:38] Aja. Thank you, Aja. All right. I don't think we need a roll call vote. I think we've done the equivalent of that. I find that the amendment is adopted so we are back to the main motion as amended and see if there's further discussion? I'm not hearing any further discussion. Brad Pettinger. Brad, you may want to unmute your mic.

**Brad Pettinger** [00:06:26] That might help. Thank you, Mr. Vice Chair. I just think it'd be good to just kind of highlight the difference between this discussion we had, having today and the sardine assessment discussion we had yesterday and just really just what a great job everybody involved in the management and the science of research or whatever of this fishery up where we came from the mid-90s and have for the most part, we have a fairly robust surveys and we've got a lot of great people. A lot of great stock assessment authors. A lot of work being done, you know dock checkers. Everybody involved to put out a product where really stocks are in great shape for the most part and we are, the decision moving forward for the spex cycle for 2021-22, our biggest, the biggest thing on the docket is we're talking about the, of the ACL are the species of fish that we don't want to catch. The ACL number in question is well below what the ABC is and anyway, I just think just overall just to hats off everybody involved in this process for all the information to given to us to move forward for these numbers for the next spex cycle. Thank you.

**Marc Gorelnik** [00:08:02] All right Brad. Is there any more discussion on this amendment?

**Chuck Tracy** [00:08:08] This is Chuck. Just a process deal here. It looks like Joe Oatman was not a panelist at the time of the vote so I just wanted to get on the record Joe's vote or preference on his vote for the amendment.

**Marc Gorelnik** [00:08:29] So Joe.

**Joe Oatman** [00:08:32] Thank you Mr. Vice Chair. Can you hear me okay?

**Marc Gorelnik** [00:08:36] Yes sir.

**Joe Oatman** [00:08:38] I apologize for that, I had some Wi-Fi sensitive issues and I got kicked out right from the time that vote was being taken. Back online. Hopefully, that lasts, but my vote was in support of the motion, the amendment to the motion.

**Marc Gorelnik** [00:08:59] All right thank you Joe and you, since you were unable to be a panelist earlier, do you have any discussion on this agenda item or rather on the motion?

**Joe Oatman** [00:09:11] No, I do not. Thank you.

**Marc Gorelnik** [00:09:12] All right. Thanks Joe. Brad's hand is up but I think he's already offered his comment. Let me just see if there's any more discussion? Brad's hand went down and back up. So Brad, go ahead.

**Brad Pettinger** [00:09:33] I'm sorry Mr. Vice Chair. This thing is funky. I'll get it.

**Marc Gorelnik** [00:09:38] All righty then. All right then I think it's time to take a vote on the motion as amended. All those in favor say 'Aye'.

**Council** [00:09:46] Aye.

**Marc Gorelnik** [00:09:46] All those opposed. Nay? Abstentions? The motion, as amended, passes unanimously. Thanks everyone for their hard work and the great discussion on the motion. Let me see if any Council members have any further action or discussion on this Agenda Item G.4? I'm not seeing any hands so I'm going turn back to John DeVore and see how we're doing on this agenda item.

**John DeVore** [00:10:33] Thank you Mr. Vice Chair. We had a very good discussion here on final harvest specifications for 2021 and 2022. You've selected the No Action Alternative for all our stocks and stock complexes except for cowcod south of 40 10, sablefish, Oregon black rockfish and shortbelly. For the first three of those stocks, cowcod, sablefish and Oregon black rockfish, you selected the Alternative 1 harvest specifications that were analyzed, and for shortbelly you selected a 2,000 metric ton ACL which is within the range of the ACL's analyzed, and with that you have completed all the tasks under this agenda item.

**Marc Gorelnik** [00:11:24] All right. Thank you very much John. Well good work everyone. That concludes Agenda Item G.4.

## 5. Electronic Monitoring Program Review

**Marc Gorelnik** [00:00:00] That concludes public comment. We have heard all of our reports and it takes us to Council discussion and action as appropriate. Unless there's a request for a break right now, I think we'll press ahead for at least another 15 or 20 minutes before we take our break. So.....Phil Anderson.

**Phil Anderson** [00:00:36] Yeah, I guess my recommendation is that we take a break for an amount of time that you determine, give us a chance to do what we need to do, and then get back with our Council discussion and action is my recommendation.

**Marc Gorelnik** [00:00:57] All right. You always have very sound recommendations, so I'm inclined to follow them. I have 9:33, why don't we be back at 9:50? That would be a 17 minute break, so we'll see you all back here at 9:50 sharp Pacific Time.....(BREAK).....9:50 in the morning here on Wednesday, day four of the Council meeting and we're back from our break and we're in Council discussion. I'll wait for the screen to change here to remind us what our task at hand is. Okay there we are. That's our Council action here. So, we took a break before Council discussion so now let's have some discussion and see what the wishes of the Council are with regard to this agenda item, so I'll be looking for hands. Let me first ask Chair Anderson and you have your hand up right there anticipating my question. How are we doing?

**Phil Anderson** [00:02:23] Did you have a question before I made a couple remarks?

**Marc Gorelnik** [00:02:27] No actually, I was, I had not seen any hands raised and since you had recommended the break, I was going to turn to you for our resumption.

**Phil Anderson** [00:02:38] Okay. Thank you, I think. Well you know I think just reflecting back here on all that we've been through and I couldn't really begin to do that but recognizing early on, I think Brett has spoke to the, Brent spoke to this a little bit in his public comment about why we started down this road of developing an electronic monitoring system that would take the place of human observers while at the same time maintaining the quality of data that we get from the observation of the fisheries was to reduce costs to the industry, so that we can ensure that our catch sharing program could be implemented in such a way that it resulted in an economically viable and healthy groundfish fishery from the harvester side through the processing side, and I think we have reason to celebrate some remarkable successes I call them that we achieved through our EFP, and obviously that was, there are leaders within the industry, PSMFC, NMFS and others who really made that happen. But it was really the innovation I think of the industry as well as the service providers that put us in a position of having a tool that can accomplish both of those things, that is, something that is more cost effective for the industry to comply with the observer requirements of our catch share program, do it in a cost effective way and maintain our high quality of data, but it is a complicated program and there's a lot of elements to it and I don't claim to understand it totally, that's for sure. I've tried to listen and learn over the time period in which this program's been developed but I know we have an opportunity here to be successful if done right, and we have an opportunity to undermine a lot of good work if we do it wrong and I don't think anybody wants to do that. I think we want to get this right and so the one thing that makes me feel good about it is that I think everybody has that as their objective here in what we're trying to do, we may have some differences as to how to get there and how long it will take to get there and those types of things, but there is no doubt in my mind that everybody involved has that as a common goal. So I'm hoping that we can take another step here in that direction and ensure that we're on a pathway that will lead us to success, a pathway that will lead us to taking every advantage of all the good things that



we've done and learned through the EFP and move us forward, so I will have, I do have a motion to offer at the appropriate time but I just wanted to make those overarching remarks here at the start of the discussion.

**Marc Gorelnik** [00:06:25] Thank you for that Phil and we'll look forward to the motion, but first I want to give all the Council members an opportunity to offer their comments and provide discussion, so I'll be looking for hands. Maggie Sommer.

**Maggie Sommer** [00:06:47] Thank you Vice Chair. I agree with Mr. Anderson's comment, Chair Anderson's comments and appreciate them. I just wanted to add a couple points we heard made in the public comment that really struck a chord with me. One of those was Heather Mann's comment that this is a West Coast program and it should meet the needs of our Pacific fisheries. We really, we've had a lot of conversation around our Council table about that and I think it's a really well made and well understood point here. You know, the other one that Kate Cowher and others brought up is that we have now had these four years of operating under EFP's and that is such valuable experience, really puts us in a good position to learn from that and use that knowledge and experience as we move forward in partnership with the industry, with the National Marine Fisheries Service to really get to a successful and effective program, so I just wanted to call out those and highlight the fact that those in particular spoke to me. Thanks.

**Marc Gorelnik** [00:08:14] Thank you Maggie. Further questions? Bob Dooley for discussion. Bob Dooley.

**Bob Dooley** [00:08:21] Thank you Mr. Vice Chair. I would agree with Maggie and Phil's comments on this issue for sure. I want to really thank everyone who has been involved with developing the EM program on the West Coast for sure and the incredible amount work the agency and the Council and staff, EM providers and industry have done. I, that's not lost on me. I really do appreciate that, however I would point out that you know we, it was an iterative process that brought the EM EFP's into existence and it was industry working closely with the agency, with the Council to get those on the ground, and what we proved in those five years is that we can get data off a boat securely, address that the bycatch discards and such in a way and be in a secure and accountable way and we can get those hard drives with the video data delivered to a service provider, which was Pacific States. We have not tested any of this third-party review issue. It's not been tested. It's not been through an EFP and it's real obvious to me that we have ventured down a road now that to develop a third-party model to review video data and audit programs within the agency as such that we're kind of putting the cart, the heart, the cart before the horse a little bit to our best efforts. I don't discount anybody's work to get to the goal of a deadline and try to get this implemented, however it's very apparent to me that it needs more work, and I do appreciate the efforts of the agency to be able to try to take the lead and get this program across the finish line but it's very apparent that industry is being a little bit left behind and not working in the iterative process like is, was outlined in the final rule and I think that that's important that we do that, that we get this done right. I mean I feel a particular responsibility in a national sense. We've heard that this is the first regulatory program for third-party in the nation. Eyes are on us. It's important that we do this right, that we get industry buy-in, that we jump off the diving board together in a way that gets this program being the lead in the nation, and shows that we have been responsive to the problems of developing it. So I think, I don't look at this delay that's being asked for to be a negative thing, it's a positive thing, it's industry asking let's get it right, let's do it right, let's understand what's not going to work, what could work, what possibly should work and let's go, let's have a good program. So, I think we need to step back and look at this and do our best and I believe the COVID-19 issue has just really brought it to the forefront. EM is important. If we end up with no observers because of this on the coast, we can rely on EM to be picking up the slack, at least from an accountability part of it, and I think expanding that to other fisheries in our coast is important. Expanding it nationally, a truly well-

developed program would help and I think it's an important step and we should take it seriously and I know we do and so I would, I'm really supportive of what the industry and the GEMPAC has come forward with and I think we need to really address those issues and put this off for a year or until we get it right and go forward. Thank you.

**Marc Gorelnik** [00:12:40] Thank you very much Bob. It seems like there's a building consensus here. Further...Corey Niles.

**Corey Niles** [00:12:55] Thanks Mr. Vice Chair, and yeah, thanks Phil, Maggie, and Bob. Don't know where to start here. We supported the Council's letter last fall to ask for an extension here. A lot of questions bubbling around and I'm also not one who's very comfortable with all the details here. Just a couple of perspectives. Thinking back to when we were shaping the IFQ and CO-OP programs, the analysis that was informing us at that time you know did predict that observer costs would be a key factor in determining how much activity, how much effort, where it would go. It was highlighted back then as a key factor that that cost and the cost it was estimated was much lower than it actually turned out to be so thinking, thinking of that important issue of cost, I'm also very, very appreciative of all of the efforts that have gone into this from industry, from the NGOs, from the West Coast region staff and how we've been able to maintain the integrity of the individual accountability that makes the IFQ program go. It's been impressive but, and I think I understand some of the reasons why there's some complicated issues with federal law, but the idea of going to third-party review, usually when you go to private sector for a competition it's to lower costs and we're hearing that that's not the case here, Pacific States is more cost effective. Pacific States is an interstate commission. You know my agency is a member of that and we see them, I think in public comment we heard about the important role it plays up in Alaska down here in our data collection, as an independent government creation that objectively does these reviews for us, so it's a bit troubling that our cost effective system is not being able to be maintained as it is now, so I do, one of the main reasons for the delay was supporting a letter in the past was to look more into that issue, and we do believe Pacific States is doing, is making this program cost effective. Also I guess, but recognizing at the same time, one of the fundamental policy choices here that's made is about the cost and who pays it, industry or the public, and I think Bob hit it there as well as we had these concerns even before this pandemic came up and the economics are much different now, so to me that's one fundamental issue. NMFS has also been supporting the cost effectiveness of this program by contributing public money to it so that's going to be a tough one no matter what going forward. So lastly, I guess I would say, yeah again sorting through all I have not been involved in the discussions and really appreciate the effort the GEMPAC has gone to. I heard a couple of comments on Saturday's meeting from some of the third-party reviewers who basically said why you know, it's expressing concern about handing all the costs to industry without understanding the impacts that that will have on the program and so that was concerning to hear again thinking back to how important observer costs are in shaping this fishery, handing costs over without understanding the consequences, if that's true, it is concerning. Another one was from another third-party reviewer who said they were interested in being a third-party viewer yet why, they didn't want to also come in and disrupt a cost effective program. And I know I said lastly there, but I do have one more point and that's hearing in public comment that this has gone from a bottom up regional effort and again, really appreciate the efforts from this region and West Coast region, to a top down, a top down issue, that's also concerning to hear, as you know the strength of the Magnuson Act is these regional Councils and the ability to with high level you know guidelines and principles do what makes sense for our region. So those are some thoughts banging around in my head and I will leave it there.

**Marc Gorelnik** [00:18:01] Thank you Corey. Next Virgil followed by Brad.

**Virgil Moore** [00:18:07] Okay I hope you can hear me fine. I want to also chime in on the third-party issue. I'm frustrated that this discussion continues. That we don't have an opportunity to utilize the

formats that we know work well with Pacific States. They have high integrity. They've been managing huge data systems and reviews and for the states and the industry for decades, and this unjustified understanding that we have to have a third-party entity that provides everything from hardware to data storage to software makes no sense. As a former administrator of a state agency, I have seen private contractors fail every time with long term data needs, with our license data based systems and our systems that we had to internalize, and I'm frustrated that NOAA seems to be saying their justification is they have rules, they have to do it. I would like us as an entity to send a strong message back that says we don't want that solution. It's a problem we need a different solution to. Bring us back something that we can work with. I think it's very important to the success of this program to get this third-party item taken care of. Second, and last item is I listened very closely to the Enforcement Consultants and I think we need to listen to them relative to being sure that we're honest to their recommendations so that the integrity of this program in the future, as we look back on it, is absolutely solid for everybody and I certainly am supportive, I think, of their recommendations for the time that they need for proper review of those things. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:20:17] Thank you, Virgil. Brad.

**Brad Pettinger** [00:20:21] Yeah, thank you Mr. Vice Chair. The catch share program is very complicated. You know the cost have been burdensome and a lot of that is to the hundred percent accountability that it provides, however the cost of that from observers is really impeding the success of this program, but the EM program has a potential to really reign in those costs and make this fishery work. With the GEMPAC I had a very productive meeting and had some really good recommendations that came out of that meeting and we got a hearty endorsement from the GAP today. I'd just like to point out that virtually everybody that's in the EFP is telling us to slow down and to get it right, and I really see no other path forward then to heed the GEMPAC's recommendations as we move forward here today. I've said before I probably should say it again, just a few years ago we were complaining to NMFS that they would get things done on time and Barry and....(garbled).....made some fantastic changes and they have been on top of it and they are getting things done and it's kind of ironic today that we're asking them to slow down. I would just like to point out that their good work, the changes they made and how well things are working at so many levels, with that, I just say that I look forward to our Chairman's motion and I hope we can make the right decision. Thank you.

**Marc Gorelnik** [00:22:06] Okay Corey's hand was up but it's down, so I'm going to call on Marci.

**Marci Yaremko** [00:22:11] Thank you Mr. Vice Chair. Appreciate this opportunity for Council discussion. I certainly agree with Phil about the program goal and the idea that we all may see things a little differently in terms of how we go forward to meet that goal, I think I'm one of those. With regard to this idea of a holistic review, I appreciate that participants want that opportunity and feel strongly that it's needed. I guess my concern with that is I'm concerned with drilling down even deeper to review things we've reviewed routinely through the GEMPAC and through our ongoing discussions on this topic. I'm concerned with the narrow focus of more review time on this particular program. I certainly want to reiterate things that have been said in previous agenda items over the last year or more about the need for a holistic review of the groundfish fishery in its entirety and all of the fisheries sectors and how in particular, we deal with monitoring our fisheries for compliance. I think that need exists in all sectors of our groundfish fishery and the best way that we take a holistic look at that is by zooming out and moving forward with some of the discussions we've had about the need for an overall redo of the groundfish strategic plan, so I certainly can appreciate the interest in reviewing this topic again, but I feel like I would rather shift the focus toward something that is going to be more comprehensive with regard to all of our groundfish fisheries. We definitely have needs to evaluate our fisheries for compliance and develop our monitoring programs so that we can ensure compliance with our regulations, whether that means our monitoring programs dockside, our monitoring programs at sea

with observers, or our monitoring programs with VMS or other technology. So, moving on to the topic of data retention. I want to echo Virgil's comments about the EC and I'm a little concerned with some of the recommendations regarding amending the final rule language to be, to allow for the flexibility that is contained in the national procedural directive. I think we've heard consistently from the EC why this program, this West Coast program, this specially tailored West Coast EM program that is to fit our needs, why we need a three-year data storage and retention requirement? As I understand this the EC has a need for the three-year period because of the length of time involved in conducting the investigations and if the data is removed, that information will not be available for folks to go and pull more data from just, you know, as far back as 2018. That data as I understand it if at the most liberal application of the directive would expunge the 2018 data at fifteen months later, so for officers trying to conduct investigations and file reports and get pieces into the system, they have told us over and over again, why it is so important to have that three-year period? And I feel like the reasons for that were very well defined when the final rule was developed and I feel like, you know, now we're back kind of revisiting that issue again, so I want to just echo support for the EC statement and the need for us to listen to their advice. Thanks.

**Marc Gorelnik** [00:27:40] Thank you Marci. Are there, is there any further discussion or are we ready for a rumored motion? Phil Anderson.

**Phil Anderson** [00:00:04] Thanks Mr. Vice Chair. I'm taking that as an indication that you are ready for the rumored motion.

**Marc Gorelnik** [00:00:12] Indeed. I just wanted, didn't want to cut off people's opportunity to offer their comments, but it seems to, that process has run its course so please go ahead.

**Phil Anderson** [00:00:23] Okay. Well while Sandra is bringing the motion up on the screen, let me apologize for the length of the motion, as well as the length of my comments to support it when I am asked to do so. So Mr. Vice chairman, I move that the Council adopt for public review the following regulatory amendments to the groundfish electronic monitoring regulations and an extension of the electronic monitoring experimental fishery permit for 2021 and guidance relative to the process National Marine Fisheries Service uses in the development and comprehensive review of the program guidelines and manual. As recommended by GEMPAC in Agenda Item G.5.a, Supplemental GEMPAC Report 1 regarding items 1 through 8 in Agenda Item G.5.a, National Marine Fisheries Service Report 1. Item 1: Hard drive deadline. Support the NMFS recommendation to increase the hard drive submission deadline to 72 hours from the beginning of the offload. 2: Reusing hard drives. Support the NMFS recommendation to require electronic monitoring data is removed before reusing hard drives only if end to end encryption is not used. Item 3: Limit on switching between EM and observers for whiting. Support the NMFS recommendation to remove the limit on switching between observers and electronic monitoring for whiting vessels. 4: Mothership catcher vessel endorsement. Support the NMFS recommendation to remove the requirement of a mothership catcher vessel endorsement to use EM on mothership catcher vessel trips. Item 5: Pre-departure test. Do not support the NMFS recommendation to remove the pre-departure requirement, as this test is a useful requirement for the vessel operator to ensure that systems are working before leaving the dock on a trip. Item 6: Logbook Processing. Support National Marine Fisheries Service recommendation allowing EM providers to receive and enter logbook information rather than going through National Marine Fisheries Service. Item 7: Reporting deadlines for EM service providers. Support the NMFS recommendation to require deadlines for EM service provider reports of technical assistance, logbook data, vessel operator feedback, EM summary and data compliance reports, and other as specified elsewhere. Item 8, and this is the last one of the regulatory amendment items. Retention of EM data. Support NMFS recommendation to amend the retention requirement for EM data in the final rule to align with the requirements proposed in the National Marine Fisheries Service National Procedural Directive on EM

Data Retention. 2: Correct the reference to a quote, 'NMFS accepted EM service plan under 660.603, paren A paren 12660.603 paren B, paren 1, paren roman numeral 7. 3: Change the implementation. I misspoke a moment ago. These other, these 2 and 3 are also regulatory amendment proposals. 3: Change the implementation date for both the electronic monitoring and provider permits and responsibilities and the vessel and first receiver responsibilities to no earlier than January 1, 2022 in the regulations as amended. Now moving away from the specifics of regulatory amendments. Further, the Council recommends National Marine Fisheries Service approve the continuation of the existing electronic monitoring exempted fishing permits modified as necessary until the effective date of the amended regulations. This with the understanding that new entrants will be allowed to join the extended EM EFP. Next, the Council also recommends National Marine Fisheries Service in consultation with the Council conduct a comprehensive review of the program guidelines and manual consistent with the revised proposed rule that will reflect the proposed changes and the final procedural directive on data retention and any other relevant directives. That completes my motion Mr. Vice Chairman.

**Marc Gorelnik** [00:06:05] Thank you for that Chair Anderson. Can you confirm that the text on the screen is accurate?

**Phil Anderson** [00:06:13] Yes. Thank you it is.

**Marc Gorelnik** [00:06:14] All right. And I will look for a second? Seconded by Bob Dooley. Please speak to your motion.

**Phil Anderson** [00:06:24] Thanks Mr. Vice Chairman. I'll try to be brief in speaking to these items, but I did want to offer a little bit of rationale behind them. First of all, I want to say that I leaned heavily on the National Marine Fisheries Service report, the GEMPAC report, the March 31 letter from industry participants, and the GAP in putting this motion together. I plagiarized in several, in a number of places from those reports so I want to acknowledge that up front. I also want to say, as I mentioned in my earlier comments, that I want to recognize the incredible amount of work that many have put into the development of the EM program, including industry and providers, Pacific States, Council members and Council staff. So, let me just speak to these items. The first item, hard drive deadline, this change would provide additional time for operators to comply with the requirement with minimal impact to the timeliness of data. It would also prevent confusion when EM vessels transition from EM EFP's to the EM regulations. Item 2, reusing hard drives. NMFS has determined that removing EM data from hard drives or other media is not necessary to protect the EM data if the files are protected using end to end encryption. This revision to the regulations will still allow vessel owners to work with their service providers to implement more strict requirements for the treatment of hard drives. Item 3, limit on switching between EM and observers, EM and observers for whiting. NMFS supports this recommendation. It's reflected, NMFS reflected that removing the element on switching and adopting the tentative fishing plan for whiting vessels would reduce the reporting burden for whiting vessel operators and eliminate a redundant and unnecessary regulation. There was further justification provided in the NMFS report as well as in GEMPAC report. Item 4, the mothership catcher vessel endorsement. A mothership catcher vessel endorsement is not required to participate in the mothership sector. The regulations allow for a vessel without a mothership CV endorsement, but that is enrolled in a mothership co-operative to deliver to a mothership. The pre-departure test. The GEMPAC committee members believe that this was a useful requirement for the vessel operator to ensure the systems are working before leaving the dock on a trip, and therefore I recommend that we do not include that in our package that we're putting out for public review. Logbook processing. Having NMFS process logbooks directly would require more back and forth with EM service providers to match logbooks and EM trips, select trips or hauls for review, compare logbook and EM discard estimates and investigate any discrepancies. It may be more efficient and cost effective to have EM service providers receive both logbooks and EM data directly and process them internally and simply provide a final report to, final

data to National Marine Fisheries Service. The GMT, excuse me, the GEMPAC did note that this is a significant change that will need to be addressed in the guidelines and manual, and it could have cost implications for the industry that are not well understood so we need to be thinking about that as we move forward with consideration of this item. Reporting deadlines for EM service providers. The current EM regulations contain several reports that EM service providers must submit to NMFS with their EM summary data to use in debiting vessel accounts, but no timelines for or, excuse me, but no timelines for deadlines for those reports are included. Not including reporting deadlines in the regulations may have been an oversight. When we were still developing the requirements for a third party review, when the whiting and fixed gear regulations were being developed back in '15 and '16, it's believed that it is important to have concrete deadlines for these reports in the regulations to ensure timely submission of the discard estimates which are essential for discard accounting in the trawl program and to provide for clear expectations for all participants. Item 8, the EM regulations require that EM service providers retain EM data, including the raw video data on behalf of the vessel owners for a minimum of three years after the date of landing. The Council has expressed a desire to reduce the data storage period specifically for raw video data, and has been awaiting completion of the National Procedural Directive on Minimum Data Retention Period for the Electronic Monitoring Program so this would align that, that I understand there are some concerns from the EC that we should discuss as part of the consideration for the motion. I would also add that some GEMPAC members, in collaboration with the EM EFP participants developed some additional rule change considerations that were submitted as part of public comment, and that should be considered as part of our discussion. The next one is the correction. I won't, I hope it's clear why I'm suggesting that. Pardon me for just a moment. The change in the implementation date. I tried to come up with some innovative new ways of stating the need here, and the justification for this that was superior to what has already been said, particularly in the GEMPAC report and the industry letter, and frankly I wasn't able to do it, so I'm plagiarizing their comments. In a quote in the GEMPAC report said 'despite being within a year of implementation, there are significant uncertainties at both the macro and micro levels that have major cost implications for the program. Unfortunately, the current timeline for the EM implementation does not afford us the time to refine and clarify the critical elements of the EM program that will determine whether it is successful in meeting its goals. Exacerbating these concerns is the current COVID-19 pandemic, which poses additional operational challenges that are still unfolding. With shelter-in-place orders, quarantine, social distancing and complete uncertainty about the trajectory of the virus, it is clear that we are not operating in a normal fisheries management environment' end quote. I listened in to the GEMPAC meeting, and while it's true it's hard to, to interpret people's expressions as they express views when you can't see their faces. I would just say that I could hear the voices of the NMFS staff during the GEMPAC meeting. Their nervousness, or at least my interpretation of their nervousness about being able to get the rule in place with the added challenges specifically associated with the COVID-19 virus that I just spoke to. Don't get me wrong, they were clearly indicating they were going to do their best and intended to continue to do so in the face of these new challenges, but I was left with the impression that there's no doubt that there was apprehension in their voices as to whether we could do this or not within the timeline that we currently have. As I said before we all want a successful program. Delaying the implementation, and I believe that delaying the implementation until January 2022 will greatly enhance our ability to achieve that goal and make the most out of the tremendous investment many have made to bring it this far. On the last two pieces, the continuation, the motion recommends continuation with the caveats provided in the motion of the EFP. It's obviously clear that if we do not implement it under the regulations until 2022, we need an EFP to get us through 2021. There may also be some opportunities to learn some additional things about a review and the costs associated with those review as part of a continual learning experience with how we're going to deal with third-party review associated with the, with an EFP. I don't have any magic language to suggest there but I think that concepts been put out there, so it may, we may be able to add a little bit to the EFP that will enhance the implementation of our program under regulation. Finally, the recommendation that NMFS, in consultation with the Council, revise the guidelines and manuals after NMFS publishes a revised

proposed rule. This is trying to get at the issues that were...excuse me, I'm losing my voice. Just a sec. This is picking up in part on, on the comments we heard from the GEMPAC and the comments that were in the letter, as well as public comment in the GAP that we want to make sure that we're moving forward in a collaborative way. We want to make sure that there's, that we...and I was heartened to hear the comments coming out of the GEMPAC meeting on Saturday that people felt like that was a great first new step, a fresh step, and that we need to take that and continue that. There is also we've heard consistently the need to make sure that there's a comprehensive review of not only the program to make sure it's going to work correctly, but the guidelines and the manual, and so I think it's going to be really important for that to occur. I did have the opportunity to serve in a state agency for a little over 20 years as part of my career. I had the opportunity for a little over six years to lead the Washington Department of Fish and Wildlife and if there's one thing I learned, and I know for sure, is that public policy has to have public support and I think that's what we're trying to get here, is to ensure that when we implement this program we're doing it with a broad level of support from industry, and that it furthers and enhances our ability to implement our catch sharing program in a successful manner. That concludes my comments Mr. Chairman, Mr. Vice Chairman. Thank you very much.

**Marc Gorelnik** [00:19:35] Thank you very much Phil. Give you a chance to rest your voice there. Let's see, are there any questions for Phil on the motion he has put forward? Okay well then that will bring us to discussion on the motion and let's see if there are any hands? Folks who want to discuss the motion. Ryan Wulff.

**Ryan Wulff** [00:20:07] Thank you Mr. Vice Chair and thank you Phil for your motion, as well as for quite a detailed rationale behind it. You know I've been listening intently here to all of the reports, from the GEMPAC, from the GAP, the public comment, the Council discussion. You know from NMFS perspective we agree with a lot of the comments that have been made. We've made a lot of progress over the years. We also want to have a very successful EM program on the West Coast. We have heard issues has been raised regarding costs. We've tried to look at areas where we can minimize that where appropriate. We've in particular recently focused on the auditor debriefing side and we'll continue to do so. We have had a number of consultations and discussions on the guidelines in the manual, both here at the Council floor and also at GEMPAC and other webinars, and we've always said that this whole process would probably need adjustments and improvements, modifications along the way, which is exactly what we're doing here with these reg changes and this discussion under this agenda item. I'm also very cognizant of course, as I know everyone is with the additional challenges that our new COVID reality adds to everything. In particular related to the motion everything that is listed here under number one, and it is something that NMFS can support, as we outlined both in our, obviously our report that as a key point of this as well as in Melissa's presentation earlier. However, when it comes to the delay, et cetera, NMFS doesn't believe that we can't implement this in 2021. We have prioritized this with our staff, even in this in our current reality here. We have reallocated some resources. We do still believe we are on track and our preference is to maintain the current timeline present. I would note of course, this is, the purpose of this agenda item is to hear the Council's preliminary preference and what reg changes that they would like to see and anything that comes out of this will be taken seriously I'm sure by NMFS, but I cannot say that a delay to 2022 is something NMFS supports at this time. However, I'm happy to pass along the Council's preference and would be in a position to make a more definitive statement on NMFS position when we come to final action in June. So, because of that I will have to abstain from this motion. And finally, I'd like to note that when it comes to an EFP for 2021, should a delay even be approved, there is currently no identified NMFS funding for such an EFP extension and that's something also that we will have to consider. Thank you, Mr. Vice Chair. I'll stop there.

**Marc Gorelnik** [00:24:13] Thank you Ryan. Maggie.

**Maggie Sommer** [00:24:18] Thank you Vice Chair. Thank you, Phil for the motion. I appreciate it and

very much support it. We've had a lot of discussion and we may have more on the content of it, but I wanted to offer some thoughts specifically about the COVID situation. I heard Ryan say now loud and clear that NMFS cannot support a del....or is not now supporting a delay in implementation of the final rule. We have all recognized the amount of NMFS staff time and effort that have gone into this, getting us where we are now, and that will be required to move this forward. I also heard Ryan say at the opening of the meeting that NMFS is focused on activities and rulemaking necessary to enable current fishing opportunities to continue during this COVID situation in the midst of so much disruption and so much negative impact in so many ways to our fishing communities. I very much support that as a priority right now. We need to keep our current fisheries operating. As a state agency I can't overemphasize the amount of staff time across my entire agency that is being spent on responding to the COVID situation in so many different ways. We are reviewing and adjusting our own operations to ensure the health and safety of our employees and the public with whom we interact. We have just an overwhelming amount of administrative HR, IT tasks, other types of internal coordination and planning and adjusting on the fly as this situation evolves so rapidly. We are focused on monitoring what is going on in our recreational and commercial fisheries and fishing communities in order to be prepared to adjust our policies, our approach, our state regulations in response to the needs of fishing communities and orders and guidance by our state governor. It is really, it is almost all we are doing and if I weren't participating in this Council meeting this week, it would be just about 100 percent of my time and I can say that it is the rest of my staff and I think that needs to be all of our priorities at the moment. So, you know I would really make a very strong recommendation to the National Marine Fisheries Service that they do the same, that they put as much of their staff time and resources in understanding that those may be limited to compared to normal in the current situation, as many of us are working from home. We may have childcare responsibilities that we don't normally have with schools closed, et cetera, so the time may even be reduced from what you have normally, but please spend that time, spend your employees time and your resources as needed to keep our current fishing opportunities open and going. You have a pathway; you have the potential to use EFP's to continue monitoring in this fishery during 2021 to meet the accountability and monitoring needs. So, I just wanted to put that out there and make that very strong recommendation. Thanks.

**Marc Gorelnik** [00:28:21] Thanks Maggie for that. Is there further discussion on this motion? Marci.

**Marc Gorelnik** [00:00:06] You need to unmute.

**Marci Yaremko** [00:00:10] Yikes. Sorry. Thank you, Mr. Vice Chair. I really echo Maggie's comments about priority and workload with regard to NMFS but I also heard Mr. Anderson in making this main motion acknowledge the statement of the EC and that it doesn't square with item or number 1, item 8 in the motion so based on my earlier points on this, I would support an amendment of the main motion to strike item 8.

**Marc Gorelnik** [00:01:13] All right, so are you offering that amendment at this time?

**Marci Yaremko** [00:01:18] Yes.

**Marc Gorelnik** [00:01:19] Okay. Okay Marci is that, it's a very simple amendment, is that complete there, strike item 8?

**Marci Yaremko** [00:01:44] Yes. Thank you.

**Marc Gorelnik** [00:01:46] All right. Is there a second? Seconded by Virgil Moore. Please speak to your amendment.



**Marci Yaremko** [00:01:53] Yes. Thank you, Mr. Vice Chair. I think the EC statement speaks to this amendment. I again believe strongly that we have considered the advice of the EC in developing the program from the onset and that that advice is contained right now in the final rule so I would like that element of the final rule to stand.

**Marc Gorelnik** [00:02:23] Okay thank you. Is there discussion on the amendment? Ryan Wulff.

**Ryan Wulff** [00:02:33] Thank you Mr. Vice Chair and thank you Miss Yaremko for the amendment. I just wanted to chime in quickly since I said NMFS supported everything under item 1. I did not want that to be taken, that we were opposed to the recommendations in the EC report, so I support this amendment. Thank you.

**Marc Gorelnik** [00:02:54] Thank you Ryan. Further discussion on the amendment? Marci your hand is still up. Do you have something further?

**Marci Yaremko** [00:03:05] No. Sorry.

**Marc Gorelnik** [00:03:07] No worries. No worries. All right I'm not seeing any further discussion on the amendment so I will in a moment call the question, so unmute your microphones. All those in favor say 'Aye'.

**Council** [00:03:21] Aye.

**Marc Gorelnik** [00:03:21] Opposed no?

**Brad Pettinger** [00:03:25] No.

**Bob Dooley** [00:03:25] No.

**Marc Gorelnik** [00:03:28] Please identify the no votes.

**Bob Dooley** [00:03:34] Bob Dooley is one.

**Brad Pettinger** [00:03:37] Brad Pettinger is the other .

**Marc Gorelnik** [00:03:40] Any other 'no's' besides Bob and Brad?

**Maggie Sommer** [00:03:44] No. Maggie.

**Marc Gorelnik** [00:03:45] Maggie is a no.

**Phil Anderson** [00:03:48] No. Phil.

**Marc Gorelnik** [00:03:49] And Phil is a no.

**Louis Zimm** [00:03:54] No. Louis.

**Marc Gorelnik** [00:03:54] What was that?

**Louis Zimm** [00:03:59] Louis says no.

**Marc Gorelnik** [00:04:03] Louis says no. Well I think at this point Executive Director Tracy, why don't we do a roll call vote on this amendment?

**Chuck Tracy** [00:04:16] Yes, I think that's a good idea. Okay, so I guess I'm not going to need anybody's assistance other than the Council members themselves so when I call your name, please indicate whether you are in favor or opposed to the amendment. Rich Lincoln.

**Rich Lincoln** [00:04:40] Aye.

**Chuck Tracy** [00:04:43] Brad Pettinger.

**Brad Pettinger** [00:04:43] No.

**Chuck Tracy** [00:04:47] Virgil Moore.

**Virgil Moore** [00:04:51] Aye.

**Chuck Tracy** [00:04:51] Ryan Wulff.

**Ryan Wulff** [00:04:53] Yes.

**Chuck Tracy** [00:04:58] Marc, sorry. Maggie Sommer.

**Maggie Sommer** [00:05:04] No.

**Chuck Tracy** [00:05:06] Louis Zimm.

**Louis Zimm** [00:05:06] No.

**Chuck Tracy** [00:05:06] Pete Hassemer.

**Pete Hassemer** [00:05:15] Yes.

**Chuck Tracy** [00:05:17] Joe Oatman.

**Joe Oatman** [00:05:20] Yes.

**Chuck Tracy** [00:05:23] Marci Yaremko.

**Marci Yaremko** [00:05:23] Yes.

**Chuck Tracy** [00:05:29] Corey Niles.

**Corey Niles** [00:05:30] Yes.

**Chuck Tracy** [00:05:35] Christa Svensson. Christa Svensson. We're not hearing you Christa.

**Christa Svensson** [00:05:52] Can you hear me now?

**Chuck Tracy** [00:05:54] Yes.

**Christa Svensson** [00:05:54] Sorry, I've got a chainsaw going on outside. I would be a no.

**Chuck Tracy** [00:05:59] Thank you. Bob Dooley.

**Bob Dooley** [00:06:04] No.

**Chuck Tracy** [00:06:06] Phil Anderson.

**Phil Anderson** [00:06:07] No.

**Chuck Tracy** [00:06:16] Mr. Vice Chair we have seven 'yes' and six 'no' so I believe we will need your vote in order to determine this, the outcome.

**Marc Gorelnik** [00:06:33] The Vice Chair votes yes.

**Chuck Tracy** [00:06:37] Thank you. The amendment passes.

**Marc Gorelnik** [00:06:43] All right, so we have the amendment adopted and we're back to the main motion as amended. Further discussion? I'm not seeing any hands, wait pardon me, I've got to scroll through my participant list here. Marci, your hand is up.

**Marci Yaremko** [00:07:07] Yes thank you Mr. Vice Chair. I was hoping that Sandra might be able to scroll down on the screen. Thank you. I would propose a second amendment.

**Marc Gorelnik** [00:07:31] Please go ahead.

**Marci Yaremko** [00:07:33] Thank you Mr. Vice Chair. I would propose to strike the last bullet under item 3.

**Marc Gorelnik** [00:07:55] Okay. Marci that language is accurate and complete?

**Marci Yaremko** [00:08:01] Yes thank you.

**Marc Gorelnik** [00:08:03] Is there a second? And I see Phil's hands up and I don't think he's seconding it. Looking for a second for this motion to amend. Seconded by Louis Zimm. Please speak to your amendment.

**Marci Yaremko** [00:08:24] Yes. Thank you, Mr. Vice Chair. I think I am concerned with the lack of clarity in this bullet point. I have concerns with the idea of a comprehensive review of the program at this time, which I think folks were speaking to in terms of it being a holistic review of the entire program. Earlier I indicated that I would like to see a program review meshed into a broader strategic plan review or redo for our groundfish fisheries. I understand that folks want to spend more time reviewing the detail of the EM program and the final rule and the manuals, however I'm concerned for the reasons Maggie articulated that this might not be the best use of NMFS or Council time at this moment, recognizing this, this motion does call for a delay in the implementation of the program. I think that satisfies my interest in pressing the pause button for all of the reasons that folks have articulated that a pause is warranted so I'm not opposed to the idea of program review at some point, but I hesitate to make it a priority and part of this motion. I think there is a time and a place for that, but I certainly echo Maggie's remarks regarding the priorities that NMFS and the Council will have on its plate here in the near term. Thank you.

**Marc Gorelnik** [00:10:28] Thank you Marci. Are there questions for Marci or discussion on the amendment? Maggie.

**Maggie Sommer** [00:10:37] Thanks Vice Chair. I actually have a question for Chair Anderson as the maker of the original motion on his intent regarding the timing of such a review, in light of Marci's amendment and the rationales he just provided for that and my own comments earlier about priorities?

**Marc Gorelnik** [00:11:03] Phil.

**Phil Anderson** [00:11:03] Well one of the fundamental foundations of this motion is the delay of implementation under the rule until January of 2022. That is among other things there as a means to provide additional time to work through the issues that have been identified by GEMPAC and other members in the industry as well as National Marine Fisheries Service associated with the program guidelines and manual that is reflected in the language that is being proposed to be stricken. So the timeline, I mean, I think one of the things we need to do is we need to get from here to June and figure out if we have a set of proposed amendments that we want to propose as a final recommendation to NMFS. After that then I think that is when the balance of what is envisioned under this bullet would take place. Obviously, the issues associated with COVID-19 will likely influence the speed at which this gets done and the manner in which it gets done, but I don't think there's any question in my mind given what I have heard and listened to and the various forms that I've been in, that this review of the program guidelines and manual and the coordination or in consultation with the Council, frankly that language was pulled out of the current rules, so you know that's what this was intended to do and it was intended to buy some time to work as, allow us to work through these things to have that review of the guidelines and manual that has been requested. I think after there's a few of these amendments that might have cost implications with them depending on which ones we approve. That needs to be taken into consideration so that we can fully understand how the new rule will be implemented in January 2022 and the costs associated with that to industry as well as the service.

**Marc Gorelnik** [00:13:27] Maggie did that answer your question?

**Maggie Sommer** [00:13:31] It did. Thank you very much, I appreciate that clarification and with that understanding I will be supporting the original motion and opposing the amendment, although I certainly appreciate the concerns Marci has raised. I think that for me it's important to keep this in here and I'd like to see it remain again without saying that it is a priority to begin work on at this time. Thank you.

**Marc Gorelnik** [00:14:11] Thank you Maggie. Corey.

**Corey Niles** [00:14:18] Thanks Mr. Vice Chair. I'm feeling a little wishing we would have had some discussion before that last vote, which is one of the closest we've had in recent items that I've covered in a long time, but I guess and looking at all the items under number 1, I was thinking that we were delaying here in large part because we don't understand the costs as well as we would like. So I was looking at the continual discussions that are going to be have by continuing, I don't know if comprehensive or holistic or whatever the right words, but looking at those costs is a key part of this in my mind, and so I was a little why am I even having to vote on item 8 at this time because I do think, you know, a lot of, all of those items would be part of analysis of where the costs are.....and you know 27 months I wasn't quite seeing the rationale there. 36, the EC's rationale makes sense. But again a larger point here I was looking to having that further evaluation and analysis of the costs, but also of the effect of the costs on the fishery so to me, I am also supporting, in support of the original motion.

**Marc Gorelnik** [00:15:40] Thank you Corey. Maggie is...okay, Phil.

**Phil Anderson** [00:15:49] Yeah I probably don't need to do this, but just a reminder that on the regulatory amendments, the motion is to put them out for public review, which obviously will include some further analysis I suspect so before we're going to be asked to take action on them so.

**Marc Gorelnik** [00:16:07] Thank you Phil. Bob Dooley.

**Bob Dooley** [00:16:10] Thank you Mr. Vice Chair. I will not be supporting this amendment. I think it's critical to the Council to send the message that we need to.....(garbled)....the guidelines and manual review is actually reflected in the rule and that we need to have an iterative process. We've heard that loud and clear from the agency, I mean from the industry and from the GEMPAC and from the GAP. I think it's very important that we do this. I think that to not do it keeps it.....I'm not supportive of the industry. I think I do agree though that this is all in context of delaying the rule too, and this is not something we need to do today or tomorrow. I agree that right now the agency and the staff should be focused on COVID-19 issues. There are plenty of those and I think that that delay helps us do that, helps us, helps us to put this off a bit but I think the message here is that the Council is recommending the consultation with the Council, with NMFS in consultation with the Council review guidelines and manual. We've heard that the industry is not, and the GEMPAC has not seen the manual for months or the guidelines and I believe it's important for this to be a successful program that that is the direction we go, but I think that's the spirit of this bullet point so I'm not in support of striking it. Thank you.

**Marc Gorelnik** [00:18:00] Thank you Bob. Is there further discussion on the amendment before us? Not seeing any hands, I'll call the question. All those in favor of the amendment say 'Aye'.

**Marci Yaremko** [00:18:12] Aye.

**Marc Gorelnik** [00:18:14] Opposed no?

**Council** [00:18:18] No.

**Marc Gorelnik** [00:18:21] Any abstentions?

**Ryan Wulff** [00:18:22] Abstain.

**Marc Gorelnik** [00:18:22] That's Ryan. So, the amendment fails. We're back to the main motion as previously amended. Is there further discussion or further amendments on the main motion? Looking for hands and I am not seeing any so I think the time is ripe for a vote on the motion offered by Chair Anderson as amended and I will call the question. All those in favor say 'Aye'.

**Council** [00:19:00] Aye.

**Marc Gorelnik** [00:19:00] Opposed No? Abstentions?

**Ryan Wulff** [00:19:08] Abstain.

**Marc Gorelnik** [00:19:10] Mr. Ryan Wulff abstains. The motion passes, the motion, as amended passes. Phil Anderson.

**Phil Anderson** [00:19:18] Just want to have clarity. The motion that's on our screen right now includes that bullet being stricken and I just want to make clear that the vote we just had on the motion as amended did not include that, includes that language being part of the motion.

**Marc Gorelnik** [00:19:35] That's correct. The amendment failed.

**Phil Anderson** [00:19:37] Thank you.

**Marc Gorelnik** [00:19:41] Wow. Thanks, Phil for the motion. Thanks for everyone for their comments. Thanks to Marci for the amendments. Let's see if there are any further motions or discussion on this agenda item? Corey Niles.

**Corey Niles** [00:20:04] Yeah thank you Mr. Vice Chair and quickly and thanks Phil for reminding us the perspective that we are looking for public comment and more information coming back in June. On that quickly, I would for June, I do kind of think, I do continue to think that this issue of how much we ask industry to pay for the monitoring, excuse me, monitoring of the fishery is a fundamental issue and there is especially in this, in these conditions that we're likely to see an economy. I'm wondering if, you know the support NMFS has provided in the past, if I know, I know the federal budget has had pressures and NMFS's budget had some pressures but if there's information that can be brought forward in June about funding that might be available through the various federal programs out there because of the pandemic I do continue to see that as a fundamental issue here on how much we're asking industry to pay. So, more information if available for June would be helpful for me.

**Marc Gorelnik** [00:21:18] Okay Corey. Further discussion or response to Corey? Okay. Brett let me turn back to you.

**Brett Wiedoff** [00:21:43] Okay.

**Marc Gorelnik** [00:21:43] I'm not hearing any further guidance or motions here, so I want to check back with you and see if our work here is done on this agenda item?

**Brett Wiedoff** [00:21:54] Okay. Thank you, Vice Chair. I think you've completed your work here. The motion is detailed, and it seems to cover enough of the information here in the Council action and we can put that out for public review and revisit these items in June. I anticipate a lot of discussions outside the Council meeting on what can be done in preparation for June and what type of information will come forward. I don't have any insights on that just yet, but I anticipate some, another GEMPAC meeting though to happen. At this point, we'll conduct that as we had with the GEMPAC and TAC, I'm anticipating that and to have some more recommendations back to the Council in June. I do want to note that in September we did have on our Year-at-a-Glance a follow up on implementation, so I would expect another agenda item on EM for September at this time, and we'll see how things go in June to decide on the next steps as Phil had indicated. So, with that I think we have a good detailed motion to work from and I thank everybody for their collaboration and the willingness to continue to participate in a positive manner. I was impressed with the GEMPAC's engagement on everyone's part. I do appreciate that very much. It was a real challenge to get to this point and I thank Dr. Hanson as well for his leadership and I look forward to seeing you all in June rather than talking over a computer. I would really much like that, so we'll see. That ends this agenda item I believe. Thank you very much.

**Marc Gorelnik** [00:23:51] Thank you Brett for that and with the conclusion of Agenda Item G.5 I will hand the gavel back to Chair Anderson.

**Phil Anderson** [00:24:09] Thank you Mr. Vice Chair. I'm just now receiving it here. I've got it in my hand. Thank you for the great job in leading us through that agenda item.

## 6. Preliminary Preferred Management Measure Alternatives for 2021-2022 Fisheries

**Phil Anderson** [00:00:00] My intent was to go back and pick up G.6 and but I want to make sure before I do that that we still have Marci Yaremko with this.

**Marci Yaremko** [00:00:17] I'm here! Hooray! I'm hooked up to my truck's Wi-Fi.

**Phil Anderson** [00:00:24] To your what?

**Marci Yaremko** [00:00:27] Vehicle Wi-Fi.

**Phil Anderson** [00:00:30] All right. Well nothing like being innovative.

**Marci Yaremko** [00:00:35] Oh, thank you very much.

**Phil Anderson** [00:00:40] Okay so could I get the action item up for G.6 please? Thank you. All right so we have these three primary areas of action to take reminding us that we'll be making final decisions in June on these, on our actions here today so let, excuse me, let me go ahead and start off and ask for any general comments that Council members may have and I'll start with Aja.

**Aja Szumylo** [00:01:32] Thank you Mr. Chair. I was just asking or I'm reaching out for you or Chuck to clarify when B.1 is going to come back up again? There are a couple of people on the webinar who are waiting around, and I think would like to get on with their evening if we're not going to cover it today.

**Phil Anderson** [00:01:48] We are not going to cover B.1 today. It is our plan to take B.1 up tomorrow morning, presumably first thing but we are not going to try to address it tonight given the hour and the work we have remaining under G.6.

**Aja Szumylo** [00:02:12] Thank you.

**Phil Anderson** [00:02:15] Yep. Okay, so back to just asking if there is any overarching remarks that Council members want to make before we get into the business of motions? Okay, don't see any so motions always are a good place to go and to ensure that we've thoroughly vetted the issues so I will look to Maggie Sommer. Maggie.

**Maggie Sommer** [00:02:57] Thank you Chair Anderson. I am prepared to offer a motion which should get us started on some discussion and Sandra has it. I move that the Council select all GMT recommendations for.....pardon me Chair Anderson. My own motion reminded me that I jumped in line, and I believe that Mr. Oatman may have been intending to go first with a motion, so I would be more than willing to wait and allow him to do that and I apologize for jumping right to the front.

**Phil Anderson** [00:03:43] We'll just forget that we've ever seen this and act as if it's a total surprise here in a few minutes. So, Joe Oatman?

**Joe Oatman** [00:03:58] Thank you Mr. Chair. Can you hear me okay?

**Phil Anderson** [00:04:00] Yes, we can.

**Joe Oatman** [00:04:03] Okay thank you and thank you for providing me the opportunity to lead off with the motion for the tribal measures. If Sandra could provide the motion on the screen. I would like to walk through that once it's up.

**Chuck Tracy** [00:04:32] Joe, I'm not sure that Sandra's got the motion.

**Joe Oatman** [00:04:37] Okay. I am prepared to read that and if Sandra would be able to write that on the screen that should.....(garbled).....

**Phil Anderson** [00:04:53] Okay.

**Joe Oatman** [00:05:10] Okay I move to Council adopt the treaty set asides, harvest guidelines and allocations within G.6.a, Supplemental Tribal Report 1 as preliminary preferred management measure alternatives for 2021 and 2022.

**Phil Anderson** [00:06:27] Thank you very much Joe. Language on the screen accurately reflects your motion?

**Joe Oatman** [00:06:42] It does Mr. Chair.

**Phil Anderson** [00:06:43] Thank you and do I have a second? Seconded by Bob Dooley. You could speak to your motion as needed.

**Joe Oatman** [00:06:53] Okay thank you Mr. Chair. So, in November the tribes submitted three supplemental tribal reports. These reports showed intent to continue all existing groundfish fisheries, that was report 1 at a time, as well as additional participation within the bottom trawl fishery by the Quinault Indian Nation that was report 2, as well as requests for adjustments to the treaty service side, which was report 3 again from the November meeting. This Supplemental Tribal Report 1 reflects the current needs for the Coastal Treaty Tribes to conduct their traditional fisheries. These set asides and allocations have been finalized since November and have been recommended by both the GMT and the GAP for approval. Thank you, Mr. Chair.

**Phil Anderson** [00:07:50] Thanks Joe. Do we have any questions or discussion for Joe on his motion? I'm not seeing any, so I'll go ahead and call for the question. All those in favor say 'Aye'.

**Council** [00:08:07] Aye.

**Phil Anderson** [00:08:08] Sorry....Opposed no? Abstentions? Motion carries unanimously. Okay so I am looking for the next motion and I will call on Maggie Sommer.

**Maggie Sommer** [00:08:41] Thank you Mr. Chair, and again my apologies to Joe and the tribes for jumping in first there. I was so eager to conclude this. I have a surprising motion here. I move that the Council select all GMT recommendations for non-tribal fisheries in Agenda Item G.6.a, Supplemental GMT Reports 1 and 2, April 2020, as preliminary preferred alternatives for management measures in 2021 and 2022 groundfish fisheries.

**Phil Anderson** [00:09:21] Thanks very much and the language on the screen accurately reflects your motion?

**Maggie Sommer** [00:09:26] It does.



**Phil Anderson** [00:09:27] Thank you. Is there a second? Seconded by Brad Pettinger. Speak your motion as you wish.

**Maggie Sommer** [00:09:35] Thank you Mr. Chair. The reason the motion is so short is because the work done by the GMT, by Council staff, the Groundfish Advisory Subpanel, other industry representatives and others has been so comprehensive. You have all done outstanding work and I am deeply grateful for that as many have recognized today in public comment and discussion. I particularly love the phrase I heard 'the art of the doable' and you got us there. The management measures proposed here.....(interference).....the management measures proposed here are a suite of measures intended to attain but not exceed the harvest specifications that we adopted under G.4, and as Patrick noted at the beginning of the GMT presentation, the recommended alternatives are designed to optimize sector benefits by updating allocations of trip limits and reducing constraints where the harvest specifications allow, potentially providing approximately 8 million dollars in benefits. I want to speak specifically to a few of the items, but not all of them. I would rely in general on the rationale provided by the GMT in their reports when they made their recommendations for preliminary preferred alternative selection and note that I agree with that. I just have some to add to a few of them. First, I do want to address yellowtail retention in the salmon troll in light of Mr. Steve Wilson's request in public comment. While this motion would identify the GMT recommendation of one pound of yellowtail to one pound of Chinook with a 500 pound monthly limit as a preliminary preferred alternative, the option 3, which has no ratio requirement and yellowtail retention allowed with any salmon on board with a 500 pound monthly limit remains available, and it's my understanding that this means that Mr. Wilson's proposal in public comment is within the range for consideration between now and June and I'll be interested in hearing more from stakeholders about it. My own reaction is it may be hard to justify that as incidental retention with a ratio like five to one, however I also recognize the significant challenges and needs within the salmon troll fishery that Mr. Wilson described. Regarding canary allocations, I do want to thank the GAP, in particular, for the context they provided in their report on sector needs looking forward. As we've acknowledged the reopening of the trawl RCA off of Oregon and California and the consideration of changes to the non-trawl RCA really have the potential to change the patterns of bycatch in both sectors. I also want to thank Chris Rutherford and Jeff Lackey for their testimony today, which helped illuminate some of those bycatch patterns and the potential to keep in mind as we look to the future. Specifically, regarding the non-trawl allocations of canary rockfish, the flexibility there is extremely important, as we noted during the GMT report and during some question and answer on that. I am very supportive of that flexible management within the overall non-trawl allocation. I'll note that it does require good communication and responsibility on the part of the entities managing each of those divisions within the non-trawl sector and good cooperation and I would say that I see how we have been dealing with the state specific harvest guidelines for nearshore rockfish, for example, is a good example of how that has been working well. The, so overall for canary, I really appreciate the development of option 4, which I think is a good solution in terms of reducing some of the IFQ constraints and bringing that flexible management approach too, so that it doesn't constrain non-trawl fisheries either, noting as we discussed, that overall canary is currently relatively low attainment and there is some opportunity to relieve some constraints by making this allocation. On the.....let me switch the order of my notes here, on the at-sea set asides I appreciate the collaboration between sectors to reach a consensus recommendation. I do agree that it's important to generally cover the expected bycatch and balance the needs of the at-sea and shoreside trawl sectors. I also think that it is important for the Council to communicate our intent and I would see that as with set aside management, the intent is that if the set aside amounts are exceeded, they will not, that will not trigger a closure unless the ACL is at risk and there's a risk to the ACL or to another sector. So that would be important in my mind to take a look at. A note on widow rockfish. We will see a gain for both the trawl and non-trawl sectors because of the increase in ACL's due to the 2019 update assessment that will result in a substantial increase to those ACL's. I noted in the GMT report, a comment that with the redevelopment of the non-trawl fishery and potential reentry into the non-trawl RCA, it is possible that in the future 300 metric

tons could become constraining to that sector, although it's not projected to approach that status in '21 and '22 or close to it, I just wanted to note that this would be a two year allocation and we will have the opportunity to revisit it in the future. On yelloweye rockfish, thank you to the GMT for the new option 2. I appreciate and support the flexibility offered by that option. On the Oregon recreational alternatives, I also appreciate the flexibility offered there. I noted when I read the ODF, or summarized the ODFW report earlier that the state will likely adopt more conservative measures as we have done in the past, and I wanted to make sure I was clear about that and did not give anybody the impression if they are looking at the proposed season structure here, for example, that we intend to be moving forward into 2021 with an all depth recreational groundfish season year round, for example. I think it's highly likely that through our state process we will adopt into state rule some seasonal depth restriction. We may continue to shrink it in duration as we have in the past, but for example, we have the shortest depth restriction duration this year that we have had since it went into place. This year it is from June 1st through the end of August and we were hoping to have some informative data from how this year went but I suspect we may not have a normal summer recreational groundfish season this year, so we might not have enough information to inform us moving forward and therefore we would continue to be precautionary. I also want to acknowledge the Enforcement Consultant's report and commit to working with WDFW to see if we can make the regulations as consistent as possible between the two states and the Columbia River area. Finally, on the shortbelly annual catch target, again we have had the opportunity to review quite a bit of scientific information supporting a conclusion that harvest of shortbelly rockfish, even at the full ABC or OFL level would not harm the shortbelly stock or the forage base. Since we adopted an ACL at less than half of the ABC, we have already built in a sizeable precautionary buffer. We have full monitoring of this fishery in real time. We have the cooperative management for bycatch avoidance that has been described at length, and I would thank Dan Waldeck for reminding us that the cooperative measures are documented in the informational co-op reports in the briefing book. We have an inseason groundfish item scheduled for each Council meeting, which provides an opportunity to review and discuss high bycatch situations and consider something like activation of a bycatch reduction area measure if appropriate, depending on the circumstances. For all of those reasons, I don't believe that there is a need that stems from a conservation concern or from lack of timely monitoring or from management response for an ACT. We heard from Sarah Nayani, who described the effects of shortbelly limits at the individual vessel level, the potential constraints and the potential concerns regarding the co-existing needs to avoid bycatch of Chinook and other priority species. Given all those and the low likelihood of approaching the 2,000-metric ton shortbelly rockfish ACL, I don't see a need for an ACT at an arbitrary level below that. However, I appreciate that the GMT proposal meets a possible need by giving us a clear, actionable, and perhaps logical approach to consider for June, so I have included it in the suite of measures here by proposing that we adopt the GMT recommendations. That concludes my comments. Thank you, Mr. Chair.

**Phil Anderson** [00:20:15] Thank you very much Maggie for the motion and the rationale behind it. I'll open it up for any discussion on the motion or amendments. Marci.

**Marci Yaremko** [00:20:35] Thank you Mr. Chair. Thank you, Maggie, for the motion. I want to just take a second to highlight a few things in the GMT's report and Patrick's presentation that are pretty important to us. First, just the acknowledgement that this package is expected to generate 8 million dollars in economic benefit. That, that's pretty important. This is a lot of good work and 400 pages or so of documentation to support it. With regard to the trip limit cleanup, I just really want to thank the GMT folks in conjunction with the input from the GAP and our stakeholders in doing this comprehensive overhaul. As Patrick noted, some of these trip limit configurations are 30 years old and the modernization effort took a lot of thinking and coordination. When you're dealing with fisheries that differ by geography, it's important that we consider all of the West Coast fisheries and how best to structure the trip limits to accommodate the regional needs. We've been waiting many a year for some of these changes in other trip limit adjustments. I want to refresh on blackgill for a minute. We've been

working on this particular topic now I think since 2013 and then when we came back last April, we took no action on it with the idea that we would be incorporating, incorporate the allocation decision for blackgill into the specifications and just now moving forward and having that turn into trip limit adjustments in a table, the management measures is where it all becomes meaningful. So, this is a big day for many folks in the open access and fixed gear fisheries. I want to speak a second to the GAP report. They did a very good job, very comprehensive job on their report and I appreciate their coordination with the GMT. I want to acknowledge the effort to add an ability to retain yellowtail rockfish in the salmon troll fishery south of 40 10. I want to thank all the folks that got that analysis over the finish line to incorporate into this cycle of specifications. This is kind of one of those things that's just been inconsistent between north and south for many, many, many years and you know, the reason for the prohibition in the south no longer exists so I appreciate the analytical work that went into that, including the work from Corey on the northern fishery and the take of yellowtail in that sector of the salmon fishery. Also want to note the removal of the commercial gear restrictions on flatfish in the RCA. This is a minor cleanup action, but it's something that's been hanging around I think since, gosh 2013 so having this opportunity in the spec it's always, you know, the time to go back and refresh and relook and redo and think again about whether our rules have the needed flexibility to get us through the next biennium. Moving to the recreational side in California or south of, or our California rec fishery, I want to speak to the removal of the sub bag limits for black rockfish, cabezon and canary rockfish. It's nice that we're in a position now where we can really stick with a comprehensive 10 fish aggregate bag limit for rockfish, cabezon and greenling. So, this is intended to streamline and simplify the regulation somewhat. However I want to also indicate the need for the sub bag limit for vermilion rockfish upon the analysis that's been done both by the California Department of Fish and Wildlife Staff and the GMT to take a closer look at that situation in light of succeeding the contribution of the OFL of vermilion to the minor shelf complex, so I think the five fish sub limit as a PPA is a meaningful step toward an action to reduce the take of vermilion rockfish into the next biennium. I do have one amendment to the motion, and I don't know if it's better to do that now or wait until we've had some more dialog?

**Phil Anderson** [00:26:14] I would suggest to go ahead and propose your amendment now Marci.

**Marci Yaremko** [00:26:18] Okay. Thank you. With regard to widow rockfish I would move the Council adopt a non-trawl allocation of 400 tons instead of 300 tons recommended in the GMT report.

**Phil Anderson** [00:26:57] And this is of widow rockfish. Is that correct?

**Marci Yaremko** [00:27:00] Yes.

**Phil Anderson** [00:27:08] Okay. I'm not sure if you can see the screen.

**Marci Yaremko** [00:27:11] I can and it looks just fine. Thank you.

**Phil Anderson** [00:27:14] Okay. I wasn't sure you sound like you're out in your backyard but...

**Marci Yaremko** [00:27:17] Yeah.....(laughter)....

**Phil Anderson** [00:27:22] All right. So looking for a second? Looks like Louis Zimm is seconding your amendment, so go ahead and speak to your amendment.

**Marci Yaremko** [00:27:29] Thank you. I certainly appreciate the need for some reallocation of widow rockfish, and I think the reasons were discussed back in March and also have been discussed widely by the GAP and the GMT. However, I guess I would note that some circumstances have changed somewhat

just in the near term with regard to at least our stakeholders view as to opportunities that might present themselves for the non-trawl fishery looking forward with some changes in the domestic marketplace. Widow is known as being a filet fish and while the GMT analysis projects that they would not take even a 300 ton allocation of widow rockfish, it is the view of several of our stakeholders that maybe that that analysis doesn't necessarily reflect the changing conditions very well. With the new at-sea set aside proposal the IFQ sector is already projected to get an extra 250 to 300 metric tons. The reallocation would still give them an extra 861 metric tons instead of 961 tons if this amendment were to carry. So again, it's just to provide a little more wiggle room for the non-trawl sector to grow, expecting that there may be some changes in their fishing strategies and their market.

**Phil Anderson** [00:29:30] Okay, thanks very much Marci. I didn't cut you off did I?

**Marci Yaremko** [00:29:34] No thank you.

**Phil Anderson** [00:29:36] Okay. So, discussion on the amendment? Maggie Sommer.

**Maggie Sommer** [00:00:01] Thanks Mr. Chair. Thanks for the amendment Marci. Your comments make sense. I appreciate the amendment and I don't have a problem with it. I will support it. I had originally been looking to the GMT recommendation and the GAP support of that recommendation but, you know in light of your comments and my understanding that this would not be a shift that negatively impacts the trawl sector in light of the increased amount of widow, regardless I am prepared to support the amendment, so I wanted to make those comments in advance. Thanks.

**Phil Anderson** [00:00:46] Thanks Maggie. Any other comments on the amendment? I don't see any, so I'll go ahead and call for the question. All those in favor of the amendment say 'Aye'.

**Council** [00:01:01] Aye.

**Phil Anderson** [00:01:01] Opposed no? Abstentions? The amendment carries unanimously. We now have the main motion as amended back before us. Entertain further discussion or other amendments to the main motion? Heather Hall.

**Heather Hall** [00:01:34] Thank you Chair Anderson. I do have an amendment, and this is relative to shortbelly rockfish. So, under action item number 11, add a recommendation to add a shortbelly rockfish ACT of 1,000 metric tons that would serve the purpose of indicating unusual catch and the need for evaluation.

**Phil Anderson** [00:02:14] Slow down just a little.

**Heather Hall** [00:02:15] Okay, unusual catch and the need for evaluation but would not trigger closure or necessitate inseason action.

**Phil Anderson** [00:02:45] Okay thanks, thanks Heather, and the language on the screen accurately reflects your amendment?

**Heather Hall** [00:02:50] Yes it does.

**Phil Anderson** [00:02:52] Please speak your amendment.

**Heather Hall** [00:02:54] Thank you. So, this amendment expands the range of alternatives from what was offered in the GMT reports and it would give the Council time to look more and think more about

this between now and June. When thinking about...

**Phil Anderson** [00:03:14] Heather I apologize for interrupting, but I did fail to ask for a second to the amendment. My bad. Rich Lincoln seconds the amendment. Again, my apologies, go ahead.

**Heather Hall** [00:03:28] Okay. No problem. So again, this would just expand the range of alternatives that we're looking at for shortbelly rockfish. When we talked about the ACL yesterday, many of us did so with the idea of having an ACT along with it and again, this simply adds this to the range of things that we can think about and talk about more closely between now and June. Adding the ACT to the range of alternatives doesn't preclude the Council from also adopting the approach recommended by the GMT and supported by the GAP, including an ACT set lower than the ACL will simply trigger a discussion at a point where catch reaches a level that even the GMT suggests is unlikely. As described in the GMT alternative, it specifies an action, but without knowing what the circumstances are that are leading to the high catches. This alternative would allow an evaluation before that any action is triggered. I understand that NMFS wants to have a pre-defined management response, and the intent is so that stakeholders will know what will happen when an ACT is reached and avoid the confusion that happened in the summer of 2019. This alternative also hopes to avoid confusion by simply setting a harvest level where a discussion would be triggered, and management measures evaluated. It would be explicit that a closure would not be considered so even recognizing that we were talking about what we think and hope is a very unlikely event, I think that if the pre-defined management response is a closure of the trawl fishery or a sector of the trawl fishery, past experience suggests that even though the Council has made it clear what the action is, there will still be interest in talking about the specifics of the current situation and reasons why a closure are too extreme or where an alternative approach might be available and I just view this as being the opportunity to allow for that discussion.

**Phil Anderson** [00:05:49] Thanks very much Heather. Let me go in and open it up for discussion and call on Aja.

**Aja Szumylo** [00:06:05] Thank you Mr. Chair. So yeah just, excuse me. I'd just like to go through a few points. One is I'll reiterate the point that I made in September 2019. I see, excuse me, very little utility in boxes that don't have a clear management response. I, in this case, Heather talked about a discussion that would be triggered by having a 1,000 metric ton ACT, excuse me, underneath the ACL. I'll note here that the GMT will need to analyze a suite of alternatives or approaches that the Council would use to respond to that ACT if they intend to use, if the Council intends to use the same one meeting inseason type process that we use right now for inseason management for other stocks, so if a possible response is a VRA or a trip limit change for the trawl sector then the analysis for the 2021 and 22 specifications that sets up that ACT and the possible management responses needs to consider what that small range of management responses might be, so we don't save that work right now, I just want to make that clear and if we go forward with this, we'll have to pass on additional analysis of each of those types of management responses to the, to the GMT and Council Staff. An ACT on its own doesn't prevent an overage and the GMT did already consider several possible inseason accountability measures that could slow shortbelly catch and didn't identify any appropriate options for last time when we covered this issue last June, so you know I'm not going to oppose looking at this again, but I don't know what else the GMT may come up with in looking at possible management responses that will be satisfactory for an ACT, and I understand the Council's desire to have check-ins, but again, I'm really concerned that the potential for the same confusion amongst fishery stakeholders about what response we might choose. If we do come up with a range of responses the possible outcome for industry could be pretty, pretty different, you know, if we do come up with a VRA response, for example, a need to close a really wide swath, swath of depths to fishing activity, that might have very different impacts than a trip limit let's just say, and so we'll still walk into meetings with a lot of confusion for industry and time expenditure for NMFS for, excuse me, for Council advisory bodies and for the Council, excuse

me. I want to spend the limited floor time that we have for the coming weeks and for the coming Council meetings on issues that are important to the Council. There are a lot of pressing issues that are going to be coming up over the course of the next fishing year. Dealing with the fallout from this pandemic is going to be a really huge issue and we don't know how long our staffing capacity is going to be depressed, so right now it seems really shortsighted to come up with responses that trigger more discussion, especially after we spent months and months of time discussing shortbelly rockfish. Since June 2019 we've spent time at every Council meeting since then talking about this issue. The GMT put forward a pretty clear and effective approach to disincentivized shortbelly rockfish bycatch and you know, we've trusted industry and other circumstances. The salmon bycatch mitigation measure action is another circumstance where we trusted industry to use their communication mechanisms to avoid bycatch. I think we can trust them with the same thing in this circumstance. In the alternative that the GMT put forward it's a clear and toothy management response once the ACL overages occurs and that acts as a disincentive, then there's no question for industry and what the agency's response needs to be to correct that overage. And then finally, the GMT made the point that this measure would ensure that total catch stays within the Council's recommendation, so the GMT's approach would ensure that the total catch stays within the Council's recommendation for a combined 2021 and 22 ACL's for shortbelly. So, I will oppose this, but again, I have some very, very strong concerns about another check-in that we already have a system set up for and I'll stop there. Thank you.

**Phil Anderson** [00:10:52] Okay. Heather, just a question of clarification then I'll go to Brad with his hand up as well as Rich and Heather, you too. But the question is, is this part, would this be part of the PPA or is this an alternative to analyze and so we could further consider it in June?

**Heather Hall** [00:11:19] Thank you Chair Anderson and yeah, I hope I can respond to Aja and also clarify your question. So this wouldn't be, this is adding an alternative to the range that would be analyzed but I also want to point out that the motion does explicitly say it would not trigger closure or necessitate inseason action so that wasn't really part of our intent. I don't think it puts a burden on staff to analyze anything like VRAs or that sort of a thing and we certainly do want to rely heavily on co-op measures that are in place. This is really just formalizing a check-in. When we get to a level of catch of shortbelly rockfish that is higher than even the GMT models predict, recognizing there's some uncertainty there, so I hope that helps.

**Phil Anderson** [00:12:28] Thanks Heather. And I'll now go to Brad.

**Brad Pettinger** [00:12:33] Yeah, thank you Mr. Chair. I think that somethings lost here in that the whiting industry is the one that brought this issue to our attention in the very first place and I don't think that they should be lost. That's a point that needs to be repeated I think, and at the Sea State they have a very good understanding of what they're catching besides their target species. I think this motion is duplicitous in that I believe Heather last year indicated she would be giving a bycatch report at the inseason Council meetings to keep us up to date as far as what they're seeing with the different bycatch species, and to keep us in the loop, and I think that this amendment wouldn't really do anything more than what's already been promised to be done by the industry last year. Thank you.

**Phil Anderson** [00:13:35] Thanks Brad and now Rich Lincoln.

**Rich Lincoln** [00:13:40] Yeah, thanks Chair. I mean I think the discussion's good. I think Heather's, probably the motion is pretty clear in terms of not implying that any of the kinds of accountability measures or reactions to an inseason discussion that Aja brought up is certainly not the intent of the motion, so I guess I can understand perhaps this is getting into some of the label issues that came up in public comment about what people might consider intended by a term ACT. But, and I think to Brad's point, I mean, if the discussion between, between now and in June says that, I mean that there will be

inseason monitoring going on by the Council and I don't think there would be anything that precludes the Council under any circumstances to have inseason discussions about the status of catches of a species within relation to its ACL, so that, you know, that may be, you know, that may be sufficient. The Council may decide that it doesn't need to identify a specific harvest level that might trigger such a discussion but I don't know that a discussion about, about that, about a routine kind of check-in so that the Council has a chance to talk about catch levels with respect to the species hurts anything, so I'm going to support the motion. I don't see any harm in terms of the short term that it creates any, any big workload issue and I think it probably just sets up the discussion about whether we need to identify a harvest level or not that would trigger an inseason check-in or discussion that I think is fairly routine and useful.

**Phil Anderson** [00:15:47] Thanks Rich. Let me remind, if you have your hand up and you've already spoken, if you would take it down that would be terrific. Aja.

**Aja Szumylo** [00:16:04] Thank you Mr. Chair. I'd like to question the maker of the motion, too. I don't see, we can take the idea of a closure off the table at that ACT but I still don't see how it doesn't trigger confusion for the public if we walk into a meeting knowing that we're going to have a discussion and may have to, may respond in some way, but may not. I still think that leaves industry with a lot of, a lot to think about, about how they may leave the meeting and how we might have to go forward that. I'm still trying to avoid that confusion and I think it's unfair to have an undefined response to the possibility of a response that could be a small set of things, true, but it could be any of those things.

**Phil Anderson** [00:16:56] Okay. Mike Clark.

**Mike Clark** [00:16:56] Thank you Mr. Chair. Yeah, I just wanted to lend the services support for this amendment as it's currently written. I think again, I think to the extent that it says pretty clearly that the need for evaluation would not trigger closure or necessitate inseason action to me seems pretty clear and I think it just formalizes some of the concepts that we discussed the other day.

**Phil Anderson** [00:17:32] Thanks very much Mike. It sounds like you have a fan club there.

**Mike Clark** [00:17:36] Yeah, he supports the motion as well.

**Phil Anderson** [00:17:42] All right. Back to you Heather.

**Heather Hall** [00:17:46] Thank you. I just wanted to respond to Aja. This is certainly not intended to cause confusion and I think it really, the idea here is that it just gives the opportunity for the Council and the public to talk about the situation at the moment, and granted, that may happen naturally but this just calls it out and it calls it out at a specific time. It's not intended to make people nervous. It just I think is a reasonable place to have a conversation.

**Phil Anderson** [00:18:34] Aja do you wish to speak again?

**Aja Szumylo** [00:18:42] Thank you Mr. Chair and forgive me for harping on this, but I still don't see how that's different from inseason, from our general inseason practice. I'll stop there, but you know I'll raise concerns about this later on too. I'm just really leery of additional administrative burden when we already have a structure for a check-in that we use pretty regularly with other stocks or use at every Council meeting with other stocks.

**Phil Anderson** [00:19:12] Maggie Sommer.

**Maggie Sommer** [00:19:14] Thanks Mr. Chair. I would just agree with what Aja just said actually. We are here because the industry brought their shortbelly bycatch to our attention last year and we have had plenty of discussions under inseason and I don't see any reason we would not continue to do that so I don't see, as I said earlier, I don't see any need to add this and for that reason I don't support the amendment. If it does pass, I guess I would just express a hope that it does not take a lot of the GMT's workload or attention or anyone else's to analyze and include in the range for June. I've also made my thoughts clear on priorities at this time, and this is not one of them. Thanks.

**Phil Anderson** [00:20:06] Thanks Maggie, and Christa.

**Christa Svensson** [00:20:14] I think I'm unmuted. You know I am also in agreement with Aja and Maggie. I think everybody knows I really dislike shortbellies having spent seven hours in I think it was 90 degree weather unloading them. I think everybody knows I call them potato chips, along with a whole lot of other processors in terms of size of filets, that there isn't a market for bait, that they are not great for grinding into meals, so from the processing side, in terms of handling, we're not fond of them. I also know that folks are aware that I was for a little lower limit than other members from Oregon were in terms of yesterday's discussion, and that probably stems from my lack of appetite to deal with shortbellies in general. That being said, I do think that it is confusing to industry to have this topic come up repeatedly for additional check-ins when we do have that process in place, and I know that there is concern around this species as forage fish but I do not in any way, shape, or form want to have a confusing situation that might cause somebody to inadvertently target salmon over shortbellies, so I'm not saying that this will lead to that, but I am saying that keeping things as clean as possible when we already have measures in place lends me to not be in favor of supporting this amendment.

**Phil Anderson** [00:22:08] Thanks Christa. Marci Yaremko.

**Marci Yaremko** [00:22:13] Thank you Mr. Chair. I am struggling what to do here. I am interested in an ACT. I'm interested in finding a way to structure it that still affords some flexibility, but also, I'm sensitive to Aja's need that an ACT do something other than evaluation. Unfortunately, I can't pull the GAP report up in front of me because I don't have enough devices to view it off of a hot spot but I believe the GAP mentioned something about if there must be an ACT, that an action would affect only a portion of the fleet upon exceeding the ACT, so I don't know what the appropriate amendment to this language is that allows continued consideration of the ACT concept and how it would work to place a further constraint on catch and also continue to allow at least some portion of the fishery to operate. I'm interested in that concept. I don't feel like the discussion is over. I feel like there is, you know, room for this to be further developed between now and June and I'd like to see that work continue. I think the first mention of this concept came about, even only just a few days ago, and I hadn't heard anything for some time until we heard mention of it just a few days ago so I think we're close. I think there is room to clean this up and get something into shape for final action in June, so I'm struggling as to whether or not the language in this amendment is good enough to allow that flexibility for the work to continue and to refine this ACT concept into something that's workable, or if we need a different set of words up here to describe the action that would occur recognizing this is a PPA. Thank you.

**Phil Anderson** [00:25:23] Okay thanks Marci. Further discussion on the amendment? Okay, I'm going to go ahead and call for the question on the amendment. Chuck, I'm going to ask for a roll-call vote.

**Chuck Tracy** [00:25:53] Okay give me one moment.

**Louis Zimm** [00:25:56] Roll call vote. Roll call vote.

**Phil Anderson** [00:26:01] Louis you're live.



**Chuck Tracy** [00:26:08] Okay. Council members, as I call your name, please respond with your vote for this or against this amendment. Marci Yaremko

**Marci Yaremko** [00:26:32] No.

**Chuck Tracy** [00:26:35] Bob Dooley.

**Bob Dooley** [00:26:36] No.

**Chuck Tracy** [00:26:38] Aja Szumylo.

**Aja Szumylo** [00:26:42] No.

**Chuck Tracy** [00:26:44] Rich Lincoln.

**Rich Lincoln** [00:26:46] Aye.

**Chuck Tracy** [00:26:46] Pete Hassemer.

**Pete Hassemer** [00:26:50] No.

**Chuck Tracy** [00:26:52] Marc Gorelnik.

**Marc Gorelnik** [00:26:54] Yes.

**Chuck Tracy** [00:26:56] Louis Zimm.

**Louis Zimm** [00:26:57] No,.

**Chuck Tracy** [00:27:01] Heather Hall.

**Heather Hall** [00:27:03] Yes.

**Chuck Tracy** [00:27:05] Christa Svensson.

**Christa Svensson** [00:27:05] No.

**Chuck Tracy** [00:27:08] Joe Oatman. We're working on getting Joe unmuted here. He takes a little extra care. Okay Joe your good. Go ahead. Could you repeat your vote, Joe?

**Joe Oatman** [00:27:27] No

**Chuck Tracy** [00:27:29] No. Maggie Sommer.

**Maggie Sommer** [00:27:35] No.

**Chuck Tracy** [00:27:36] Brad Pettinger.

**Brad Pettinger** [00:27:39] No.

**Chuck Tracy** [00:27:41] Virgil Moore.

**Chuck Tracy** [00:27:47] Virgil, could you repeat your.....(garble)....That is pretty strange audio Virgil, but I think I heard no, but you sound like a chipmunk. Well, I'm going to assume Virgil said no. We can't really understand you Virgil, but if your vote is....

**Virgil Moore** [00:28:15] No.

**Chuck Tracy** [00:28:15] .....something other than no, oh there we go. Okay you can let me know. Okay Mr. Chairman the amendment fails. 3 votes for. 10 against.

**Phil Anderson** [00:00:02] Okay, thank you Mr. Tracy. So, the amendment fails. Brings us back to the main motion with the one amendment that was adopted. Is there further discussion or amendments to this motion? Maggie Sommer.

**Maggie Sommer** [00:00:24] Thank you Mr. Chair. Can you hear me? I've changed my audio.

**Phil Anderson** [00:00:27] Yes, we can.

**Maggie Sommer** [00:00:29] Great thanks. I just have three comments. One is that I wanted to clarify on the recommendation for PPA for the at-sea set asides that the main motion would adopt as preliminary preferred alternative the industry proposal. The GMT recommendation itself said that the Council consider the GAP proposal, which is the industry proposal for at-sea set asides, and that was worded just slightly differently than the rest of the GMT's recommendations. I wanted to clarify that although they just said consider it, I am proposing that that be adopted as PPA. There were two other things in the GAP report that I just wanted to bring to our attention. I don't believe that they require any modification of the motion. I would support the GAP's concept. I think Marci just brought this up of subsector closures with the shortbelly ACT proposal be considered, and I would ask that as this goes toward June that that be included in the development of this proposal. And then finally, I noted that the GAP also had a recommendation on a change in the wording of the open access sablefish trip limit that it mirror the language used for the limited entry fixed gear trip limit, and I don't believe that's a substantive change, but I just wanted to flag that the GAP made a recommendation on that and I would hope that that can also be put into these, the alternative as it is prepared for June.

**Phil Anderson** [00:02:27] So yeah I.....so the first one is to clarify that your motion included the industry's proposal, which was referenced in the GMT's report with the recommendation that the Council consider it and your clarification is that it in that industry proposal is included in your motion. Is that correct?

**Maggie Sommer** [00:02:58] Yes, and that it is identified as the preliminary preferred alternative, which I believe is the way it was presented to us in the GMT's slide presentation, but in their report, the phrasing is that the GMT recommends that the Council consider the GAP proposal for at-sea set asides.

**Phil Anderson** [00:03:21] Okay. Let me pause on that particular one and just ask my Parliamentarian if there's any issues with that being that clarifying comment to the motion.

**Dave Hanson** [00:03:45] As I see it, it was a recommendation from the GMT and it selects all GMT recommendations, so on that basis I think it'd be okay

**Phil Anderson** [00:04:01] Okay. Maggie, I'm sorry to ask you to do this, but I didn't, could you repeat the second one please?

**Maggie Sommer** [00:04:09] Yes. Thank you. The second one was the GAP's, pardon me while I pull

it up here. The GAP recommended under the GMT's proposal for the shortbelly ACT the GAP recommended that that be developed to include options for subsectors of the trawl fishery be closed if a closure is triggered under that ACT action rather than the entire fishery, that that just be included in the options as that alternative now identified as preliminary preferred is fleshed out further for June. I don't see that as a substantive difference from the GMT recommendation proposed as PPA in the main motion.

**Phil Anderson** [00:05:12] Okay let me ask Dave again the same question.

**Dave Hanson** [00:05:23] I'm sorry I didn't catch all that.

**Maggie Sommer** [00:05:28] Thank you. The GMT proposal, let me see if I can pull up the GMT report here, get to the right page on that. For the shortbelly ACT and the closure in year two that would be triggered if the ACT was implemented and then was met, I believe the GMT report just described that as a closure of the trawl fishery and the GAP asked us to look at the option of closing just subsectors of it. The intent of this, is my understanding, as has been noted this is a relative, the GMT proposal is a relatively new development. It will be further fleshed out for June and I'm sorry if I'd gotten us into the weeds here. Perhaps I should just have offered this as guidance that that development moving toward June include the GAP's recommendation that the closure potentially be just applied to subsectors rather than the entire trawl fishery.

**Dave Hanson** [00:07:00] I would say this was outside the motion and should be an amendment.

**Phil Anderson** [00:07:06] Yeah, that was my feeling too, Dave. Thank you.....(cell phone ringer)...here's some donuts.

**Maggie Sommer** [00:07:17] Thank you and I apologize for the confusion.

**Phil Anderson** [00:07:19] We'll team up and buy donuts the next time we're together at a Council meeting. So, the amendment, if there was one to be considered, would be to include the GAP's recommendation in terms of analyzing subset, subsection closures in the event a closure was triggered relative to shortbelly rockfish. Is that something like that?

**Maggie Sommer** [00:07:50] Yes, it is. The GAP provides that recommendation on page 7 of their report.

**Phil Anderson** [00:07:57] So I'm looking for someone to volunteer to make that amendment to the motion if they are so moved or so....never mind. Marci.

**Marci Yaremko** [00:08:12] Yes, thank you Mr. Chair and thank you, Maggie, for picking up on this. I certainly would agree with that as an amendment. I think if I can give it a go here without looking at the GAP report, I move that the GMT continue to develop an ACT alternative for shortbelly rockfish that would close a portion of the trawl fleet upon attainment.

**Phil Anderson** [00:09:22] So Maggie, excuse me, Marci, we have your amendment up on the screen. Can you see that?

**Marci Yaremko** [00:09:30] Yes.

**Phil Anderson** [00:09:31] Okay. So, the portion of the trawl fleet is that, should I interpret that to be the same as a subsection, to look at sub sectional closure? So.....

**Marci Yaremko** [00:09:49] Yes I, you know I used the word portion because I couldn't remember subsection, portion was what came to mind, but it sounded to me like the interest was in looking at potentially a group of vessels, potentially a co-op, potentially vessels, I don't know and I would hesitate to put bigger sideboards on that.....

**Phil Anderson** [00:10:21] Okay.

**Chuck Tracy** [00:10:21] Mr. Chairman.

**Phil Anderson** [00:10:21] Chuck.

**Chuck Tracy** [00:10:21] Yeah, just wondering if it'd help to clarify or just for the record if we could cite where that is, so that if there is any other associated recommendations, that those would carry forward in the analysis so if that's in a GAP report or a GMT report or where it's at.

**Marci Yaremko** [00:10:44] Yes, I should have kept going when I was verbalizing my language to Sandra. I did intend to reference as recommended by the GAP.

**Phil Anderson** [00:10:58] But now....okay. Okay and now Sandra has also referenced the Agenda Item G.6.a, Supplemental GAP Report so we have a document reference there. Chuck, does that meet your, your need?

**Chuck Tracy** [00:11:21] Yes. Thank you.

**Phil Anderson** [00:11:22] Thanks and Marci does the language on the screen now accurately reflect your motion?

**Marci Yaremko** [00:11:28] Yes it does.

**Phil Anderson** [00:11:29] Thank you and is there a second? Seconded by Marc Gorelnik. Speak to your motion as needed.

**Marci Yaremko** [00:11:35] No thank you. I think we've covered it.

**Phil Anderson** [00:11:38] Good choice. Sorry. Is there any discussion on the amendment? Okay we'll call for the question. All those in favor of the amendment signify by saying 'Aye'.

**Council** [00:11:55] Aye.

**Phil Anderson** [00:11:55] Opposed no? Abstentions? Motion carries. Maggie.

**Maggie Sommer** [00:12:11] Thanks Chair Anderson. I had hoped to get my hand up in time for a question on the amendment. I think it was clear from our discussion, but just for the record if it's not too late. I'm sorry, the Parliamentarian is going to shoot me, that the amendment and the reference to an ACT alternative is specific to the GMT proposed shortbelly rockfish ACT alternative and not any new or different ACT alternative.

**Phil Anderson** [00:12:57] Right, I think that's clear and that's what the GAP was, was commenting on I believe. Isn't that correct?

**Maggie Sommer** [00:13:06] Yes.

**Phil Anderson** [00:13:06] Yeah okay. I think we're good there. Is there any dispute about that by any of my colleagues on the Council? Okay. All right so we have the amendment. We voted on the amendment. It has carried unanimously, and we now have the main motion as amended with the two motion, two amendments that have passed back before us. Is there further discussion or other amendments that Council members wish to make? Maggie.

**Maggie Sommer** [00:13:46] Thank you Mr. Chair. My apologies. There is one more GAP recommendation that might be worth our consideration and I would be looking for advice on whether it's anything we need to do in conjunction with this motion or guidance afterwards or anything else but this is their recommendation on page 8 of the GAP report, under number 14 recommending consideration of a change in the wording to the open access sablefish trip limit language.

**Phil Anderson** [00:14:31] That's on page 8 did you say?

**Maggie Sommer** [00:14:34] Pardon me, yes, toward the bottom under number 14. The second bolded phrase.

**Phil Anderson** [00:14:53] My recommendation is that we provide that as guidance to the GMT. So we'd be recommending to the GMT as guidance, recommending to the GMT that they consider the GAP's recommendation relative to the change of wording, to the wording of the open access sablefish trip limit so that it would mirror the language used in the limited entry fixed gear trip limits. I think if we provide that as guidance at this point is that that would be sufficient.

**Maggie Sommer** [00:15:33] Thank you. I appreciate that.

**Phil Anderson** [00:15:35] Okay. Is there further actions, guidance on this agenda item that any member of the Council wishes to bring forward? Marci.

**Marci Yaremko** [00:15:56] Yes, thank you Mr. Chair. I do have a second motion.

**Phil Anderson** [00:16:00] Okay

**Marci Yaremko** [00:16:07] Okay.

**Phil Anderson** [00:16:10] I'm sorry. This is not an amendment. Sandra this is a new motion. Okay.

**Chuck Tracy** [00:16:20] So Mr. Chair we haven't voted on the main motion yet? So, is this a substitute or what?

**Phil Anderson** [00:16:34] No my error, my error. I'm sorry. I, Maggie's question on whether or not that before we voted on the question about the wording relative to open access mirroring limited entry got me off path so my apologies. So, let me before I make any more mistakes, let me ask Marci, do you have another amendment to the main motion, or do you have a separate motion?

**Marci Yaremko** [00:17:16] I have a separate second motion.

**Phil Anderson** [00:17:19] Okay. So, we now have the main motion as amended back before the body and I'm going to ask if there's any further discussion on the main motion as amended? All right. We're going to go ahead and call for the question. All those in favor say 'Aye'.

**Council** [00:17:34] Aye.

**Phil Anderson** [00:17:40] Opposed no? Abstentions? Main motion, as amended, carries unanimously. Okay apologize for me getting off track there a little bit. So now I'll go to Marci Yaremko.

**Marci Yaremko** [00:18:00] Thank you Mr. Chair. I move the Council adopt an ACT for cowcod of 50 metric tons as the preliminary preferred alternative.

**Phil Anderson** [00:18:31] Okay, thanks Marci and does that complete your motion?

**Marci Yaremko** [00:18:35] Yes.

**Phil Anderson** [00:18:36] Language on the screen is correct it looks like?

**Marci Yaremko** [00:18:39] Yes.

**Phil Anderson** [00:18:39] Is there is second? Seconded by Louis Zimm. Speak your motion as needed.

**Marci Yaremko** [00:18:46] Yes, thank you Mr. Chair. The rationale for selecting the PPA alternative is articulated in the CDFW report. It was a recommendation out of the STAT that we choose a level that sums the low state of nature value from the decision table from south of Conception with the portion of the stock from north of Conception. 50 metric tons is the sum of those two values so that is the reason for the selection of that ACT number, so the ACT would be reduced from the ACL. ACL we adopted under G.4 was 82 tons a year, for the second year and 84, no, 84 tons in one year and 82 tons in the other so this is a reduction from that ACL to provide for the uncertainty associated with the stock assessment. Regarding what this ACT is and does, it's a preseason management tool that allows the termination of quota pounds that can be issued after the trawl and non-trawl split. It's also used to design pre-season, the limited entry and open access trip limits and depth constraints and for the recreational fishery the ACT allows us to design preseason measures, but it also allows us to monitor our fishery performance inseason, which is very important to the recreational sector that we not exceed the recreational portion of the non-trawl allocation on the stock. So, this is the, this tool has been used for many years, the ACT tool for cowcod and this would be our recommendation on what level percent to that.

**Phil Anderson** [00:21:02] Thanks Marci. Let me ask if there's a second or did I already do it? I'm sorry, I can't see my screen. There it is. Okay seconded by Louis Zimm. Thank you. Let me stop here for a moment and ask if Chuck if he can tell whether Heather Hall was able to rejoin the webinar?

**Chuck Tracy** [00:21:27] I have not seen her get back on yet. I've been looking. I did advise Corey that she is attending. If he could step in for her at this point and if he can at least advise her of the contents of the conversations here. It does appear that Heather is back on now, though.

**Phil Anderson** [00:21:54] Okay thanks. We'll just double check with Heather to see if she's back with us?

**Heather Hall** [00:22:00] I'm here.

**Phil Anderson** [00:22:01] All right. Okay Heather, we have a motion in front of us right now that you hopefully can see on your screen made by Marci, seconded by Louis, to adopt an ACT for cowcod of 50 metric tons. So just, I'm not sure you, exactly when you were bumped off but, so is there any, is there discussion on this motion? Brad Pettinger.

**Brad Pettinger** [00:22:37] Yeah thank you Chair Anderson. I'm a little confused because Marci

mentions the trawl quota pounds in her discussion. I'm kind of curious, we have a different ACT for the recreational fishery for yelloweye because of the uncertainty about the catch. With trawl, every fish is counted and so I'm curious if that's what she's.....I'm not sure where she's going here. I want to make sure that I understand her properly.

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

**Marci Yaremko** [00:23:10] Sure. Thank you, Mr. Chair. The way they, so the ACT would be established in the rule and then underneath the ACT the first split that occurs is the trawl and non-trawl and so that trawl split then from there, that amount is what's used preseason to issue the cowcod quota pounds. Then on the non-trawl side, which includes both the commercial LENOA fisheries and the rec fishery that split carries on after the initial trawl, non-trawl split occurs, so it's just establishing the number so that we can use it as a preseason tool.

**Phil Anderson** [00:24:08] Brad?

**Brad Pettinger** [00:24:12] Yeah well usually an ACT is for management uncertainty and I'm just kind of wondering if we should have chose a lower P star on this stock. It just seems....I don't know I'm just kind of lost a little bit but I don't have the numbers in front of me as far as how that going to reduce what the trawl proportion would have been prior to this amendment going into effect.

**Phil Anderson** [00:24:38] Marci.

**Marci Yaremko** [00:24:40] Yeah thank you Mr. Chair. The P star decision was contemplated under G.4 and the reduction of the P star actually, if you look at how that could affect the ACT years out, if in the absence of the new stock assessment, could pose constraints for fisheries that led the GMT to advise us to go with the P star of .4 which was still lower than the default and to apply an ACT reduction to the ACL.

**Phil Anderson** [00:25:26] Okay. Brad, do you have anything further?

**Brad Pettinger** [00:25:33] I'm good...(garbled)....

**Phil Anderson** [00:25:38] Was that a no?

**Brad Pettinger** [00:25:42] I'm good...(garbled)...

**Phil Anderson** [00:25:44] Okay. Further discussion on the motion? Okay, I'm going to call for the question. All those in favor say 'Aye'.

**Council** [00:25:54] Aye.

**Phil Anderson** [00:26:00] And those opposed no? And are there any abstentions? Motion carries unanimously. All right is there other motions that Council members wish to bring forward under this agenda item? Okay, I will turn back to Todd and ask him how we are doing relative to our work that we need to do on this agenda item?

**Todd Phillips** [00:26:40] Yes, thank you Mr. Chair. I believe the based on the motion, all the motions made that you, that the Council has covered all of the items that were in the action item checklist, as well as providing some guidance to GMT and to staff, so you have covered those particular options and because there were no remaining harvest specifications to be adopted, that action was not needed. So

long, I would say that the Council has done a very good job and in describing what their decisions are and what they would like to see come June and we're, the GMT and myself are looking forward to providing that information. So, I would conclude with that.

**Phil Anderson** [00:27:31] Thanks very much Todd and one.....(garbled)....to all the efforts.

**Voice** [00:27:36] My pleasure.

**Phil Anderson** [00:27:42] Jeez. Don't, I have no idea what the heck's going on here. That's probably evident to everyone, but a great deal of thanks goes out to the GMT and the GAP and all the collaborative work that was done at the state level, as well to help get us to this point. We'll look forward to coming back and making final decisions on these matters in June and with that, that will take us to the end of this agenda item.



## 8. Inseason Adjustments – Final Action

**Marc Gorelnik** [00:00:00] That concludes public comment on inseason adjustments and takes us to Council action. We have at least two pretty meaty issues here, so I will open the floor to Council discussion, and I see Aja has her hand up. Please go ahead Aja.

**Aja Szumylo** [00:00:30] Thank you. Can you all hear me?

**Marc Gorelnik** [00:00:32] Yes.

**Aja Szumylo** [00:00:33] Okay. So again, I'd like to thank Mel, Patrick, and the GMT for their hard work and ODFW and CDFW for their hard work on the inseason statement. We're very committed to trying to do whatever we can recognizing that there are really big workload constraints right now and staffing constraints related to the crisis that our, that will limit our capacity overall, but we're trying to focus our efforts among the suite of projects that we need to complete on things that will help industry as immediately as possible, as quickly as possible. This is a pretty big inseason and I honestly haven't reviewed the full list of items in the inseason. Same as you guys, I only just got a chance to start digesting it and so I can't say right now whether we can complete everything through inseason action at the moment. There's some things in the report that may require other types of action or may need to come up later on under Council discussion and so I want to manage expectations there about what can be completed inseason, but that said we'll try to complete everything that we can in inseason requests. Because we need time to evaluate the whole thing, I am going to suggest that everyone on the Council that we just make a motion to move forward with the recommendations, with the Option 2 recommendations in the report, and then ask for you guys to allow us to evaluate things later on and get, move forward with an inseason as soon as possible. We will try to communicate with the Council about what we cannot complete in an inseason but I think for the sake of time and because we all have busy lives right now and there's so much in the request, it just makes sense to try to make a recommendation and think through it later, and I'll pause there.

**Marc Gorelnik** [00:02:34] Thank you Aja. Maggie Sommer.

**Maggie Sommer** [00:02:39] Thanks Vice Chair. Thank you, Aja. Just to clarify that I understood what you were just suggesting is that the Council could ask or could recommend that the suite of changes proposed in the joint state report be forwarded to the National Marine Fisheries Service, and then you would do some further review and analysis to make sure they meet the requirements for what counts as an inseason action and whatever else you need to do to be consistent with, for example, your administrative procedures, requirements and everything else and include in your evaluation things we heard in public comment today. I think there are a number of very good points raised and then you would proceed with implementing them based on the results of that, and then communicate back to the Council on what couldn't be done as inseason. Is that an accurate recap or of my off the mark somewhere?

**Marc Gorelnik** [00:03:44] Aja.

**Aja Szumylo** [00:03:46] Thank you Mr. Vice Chair. Thank you, Miss Sommer. That's correct. I think that that will work to quickly get through this. Thanks.

**Marc Gorelnik** [00:03:59] Further Council discussion? Motion?

**Chuck Tracy** [00:04:08] Mr. Vice Chair. Can I speak for a moment?

**Marc Gorelnik** [00:04:13] You may.

**Chuck Tracy** [00:04:14] Thank you. I've got some, maybe questions and some concerns. I guess just in terms of the very basic process, I wasn't sure that we were going to be moving to Council action quite as quickly under this agenda item. So I'll put that out there. We had discussed the possibility of picking this up tomorrow. That being said, I think it is good to have some preliminary discussion here and then maybe just to back up a little bit, you know we structured this agenda item, the Council action on the agenda to be fairly narrow in scope in terms of addressing the need to remain within conservation objectives. That was our original intent and I recognize the concerns that been brought to the Council and that, and the desire and frankly the need to perhaps change the scope of what the Council wants to consider here, given the circumstances of the COVID-19 situation. So that being said, as Aja mentioned, there are a lot of new proposals here that we just haven't had a chance to I think digest on an individual basis and likewise, you know, the analysis of our management team and the advisory subpanel, I don't think that has really been given a, you know, a fair opportunity to look at these, at least not yet. And then the other thing I want to kind of bring in here is we also have a proposal for an emergency action to address the mothership issue and so I want to be sure that we treat things as they should be treated, and so I don't know how many of these issues brought forth in the joint state report would qualify if we were just in a normal inseason action item and how many would not, and so I think that we should consider whether some of those, or maybe all of them should be treated the same way as the whiting mothership, that would be as an emergency action. So I don't, I haven't really again, haven't had a lot of time to think this through or discuss this with anybody so I'm not, I'm just sort of thinking that we should be consistent in the way we treat things that don't fit our normal process. You know, the mothership issue is contrary to our fishery management plan and I think it's a good possibility that some of these inseason actions would likewise be contrary to our fishery management plan, so I'm wondering about whether we should take an opportunity or maybe a step back and just think about how to address these things. Aja has suggested to sort of passing them all off to National Marine Fisheries Service and they would shake the sieve and see what, see what they, see what still is in the basket when they're done, so that's one approach but again I'm not, I'm just looking for a way for the Council to be consistent in how they approach things and find a good, legitimate way to deal with these things. So maybe I'll stop there and just see if there's any thoughts about that, about how we approach these issues.

**Marc Gorelnik** [00:08:55] Well thanks for those comments Chuck. You raise some good issues there on process because we also do have this mothership item that has been specifically identified as needing emergency action. I see Aja has her hand up. Maybe she can help us here.

**Aja Szumylo** [00:09:17] Thank you Mr. Vice Chair and thank you Chuck. Those were very good comments as well. I have one suggestion or a couple suggestions for how to structure this. One might be to do a single motion that's related to inseason. Again, I think a number of items that are included in the inseason report are perfectly within bounds as inseason and what would be considered under our normal inseason agenda item, and so we could structure it that there's a single motion related to covering anything that we could possibly cover in a standard inseason action from, from the ODFW and CDFW joint report as an inseason and then, we, if the Council chose to do a motion to recommend emergency action to cover the mothership item, the Council could also add another item to that emergency request to say...have the agency consider picking up anything that we can't cover in a standard inseason that was included in the report as an emergency action as well. So, as a package, emergency action that includes multiple things and again managing expectations, there's no guarantee that we can do any of those things, but it's fair for the Council to forward the recommendation, have us consider it, and to take a vote that way. So, I'll pause there, and I may, Maggie, Maggie Smith is also on as well and she can probably help get me out of trouble if I've spoken out of turn about how to approach this.

**Marc Gorelnik** [00:11:00] Thank you Aja. Well, I don't see Maggie taking the bait and raising your

hand there, so...Maggie Smith, please.

**Maggie Smith** [00:11:14] Thank you Vice Chair Gorelnik. Yeah, I would just add to what Aja said. I think that is an acceptable way to move forward, however there are certain notice requirements for the action to recommend emergency action. They are relaxed from the normal notice procedures, but there is a requirement in the statute that immediate notice be given, and I think in the past the Council has done that by posting a new updated agenda with the emergency item and, you know, I also think we would want an opportunity to be able to make clear the emergency criteria.

**Marc Gorelnik** [00:12:08] Thank you Maggie. Chuck.

**Chuck Tracy** [00:12:12] Thank you. Yes for that. Those are also good comments, I guess, so I'm just wondering if we know amongst those things in the joint state report, which of those we are certain are legitimate inseason actions and those that should be considered for, you know potentially considered as an emergency action, so that would be, that would be the first step. The second step, I think, would be as Maggie mentioned, to immediately provide notice of an agenda change. I believe Dr. Hanson can correct me if I'm wrong, but that would require reconsidering an action previously taken, which was to approve our agenda so that we would be able to amend our agenda to include something along the lines of what's being contemplated here. And then, and then again as a Maggie mentioned, there are a list of criteria necessary for an emergency action. I will point out that that list is available in our salmon agenda item under, well for this meeting.....that one was, here it is, under E.1, I think they were, I don't know if they were attachments 1 and 2 or 2 and 3. One of them is the, one of them is the Federal Register, the NMFS requirements under the Federal Register. The other is related to the salmon Council Operating Procedure for passing emergency regulations for the salmon but I think that would, I think that's also good guidance for the Council to look at that and see the sorts of things, that sort of checklist you have to go through. So those are things that I think would need to be done in order to adopt anything by emergency rule. So I'll stop there and just see if there's any thoughts about how much we know about the proposed, various proposed inseason actions in the joint state report and see if there's some agenda item that the Council wants to consider, consider to pick up some of those as emergency changes.

**Marc Gorelnik** [00:14:58] Aja.

**Aja Szumylo** [00:15:07] Thank you Mr. Vice Chair. Yeah one thing to clarify further what I was saying, Chuck, is I do think a lot of the things are inbound and what I'm saying right now is that I don't think we need to know exactly the structure of motion, what is in bounds within inseason. I think you could just make a motion right now that says evaluate the items that are in the inseason report and accomplish those that fall within inseason and an inseason action, and that saves the time of having to try to pick through them right now just in the interest of time. And that yeah, we're late in the day and late in the meeting, it may be good to just hand the whole thing off to us and allow us to accomplish whatever we can under inseason. For the emergency, again in that case I would structure a motion similarly, not try to parse out the detail of what in the inseason report does or doesn't qualify for inseason that should be picked up in the emergency, but just say that, you know, consider the possibility for anything that wasn't covered in that other inseason action as an emergency item. So again, not trying to put too many specifics on things, just giving us the flexibility to evaluate what the Council or what the reports put forward and use whatever vehicle makes most sense to get the actions accomplished. Again, managing expectations there's no guarantee that, I'm not sure that any of this can happen. I haven't had time to think through all of this. A lot of these items are very new and we'll have to definitely go back and sit and think through them before going forward with any rulemaking to accomplish these, but I'm just trying to come up with a speedy way to get through these items. The emergency request, I do have a question for Maggie about notice, and my question is, you know does that notice, does that notice mean that we need to change the agenda right now under this agenda item, for example, and then come back

maybe tomorrow morning and make the motion regarding the inseason, and that could buy us some time to think through crafting a motion for the inseason, but if that notice can be accomplished just by changing the agenda right now, that might mean that we could quickly make a motion tonight? And then the other thing I was going to say is that, again, a recommendation for an emergency rule from the Council, you don't have to be perfect about it because we can't guarantee that we can do it anyways. We will still have to evaluate anything that the Council recommends so I am saying that to reiterate again, that precision isn't important right now. It may be a waste of time at the moment and it may not be within our capacity at the moment to try to make a call about what is and is out of bounds, or yeah what is or isn't in bounds. We will reply to the Council about what we can do no matter what.

**Marc Gorelnik** [00:18:04] Well, we're certainly not going to complete this agenda item today so leaving a decision over tomorrow is perfectly reasonable but you know, in order to comply with notice requirements, we do need to make a decision today in some way, shape or form to put out an amended agenda. Phil.

**Phil Anderson** [00:18:34] Yeah thanks Mr. Vice Chair. Well I have two, I guess I have a question along with a thought. First is question. I understand in order for us to consider recommending an emergency rule that we need to have prior notification on an agenda to do that and so I was looking specifically at the issue having to do with mothership catcher processing restrictions and wondering whether adding an agenda item J for tomorrow, if making a motion to do that is the appropriate way to do that, or whether adding that as an additional agenda item under inseason is the right way? I was thinking about adding, just adding a new agenda item entitled Mothership Catcher Processing Restrictions as a motion and then of course, if it were approved, placing it on tomorrow's agenda. So, my question is, is that the appropriate way to provide that notice that's required? And then I have another comment.

**Marc Gorelnik** [00:20:07] Chuck.

**Chuck Tracy** [00:20:08] Thank you, yes I think it would be most appropriate to identify a separate agenda item for any emergency action to be taken just to, we will have to, you know, write up what the Council action will be. We'll have to.....the situation. I think it would be most straightforward to keep that separate from the inseason action.

**Phil Anderson** [00:20:37] Okay, and then if I may just offer perspective. I am not comfortable with the way this is going, and what I am comfortable with is if there, if there's a motion to approve the option number two and the across the board, sending that on to NMFS, and I don't know what the right analogy is, but they look at all those and decide which ones are actions that are appropriate under inseason management protocols to proceed and implement those as they can. I am not comfortable with putting all those in a, I guess Chuck referenced, a sieve and see which ones fall through as being okay for an inseason action and then picking out the ones that remain in the basket that would need to have to be implemented under an emergency rule and just giving a blanket yes to that. That's what, that's the part of this that is concerning to me. I know we're in unusual times here and we're trying to do the best to accommodate and react responsibly to those, but just a blanket, blank check to tell NMFS to go implement what portions of these would need to be implemented under an emergency rule is, is concerning to me so I wanted to voice that. Thanks.

**Marc Gorelnik** [00:22:24] Thank you Phil. Corey.

**Corey Niles** [00:22:29] Yeah thank you Mr. Vice Chair and thanks Phil. I'm of a similar mind and just wanted to not take us too far afield, but on and it would seem to be, amending the agenda would seem to be the more powerful statement to make on an emergency action. But I was, without having done

research ourselves, we were under the impression that we wouldn't. A softer or would be, we were urging maybe NMFS to exercise their own independent authority to do an emergency action. So I didn't know if that was also an avenue without, but if people are willing to go through the amendment, the agenda, that would seem to be the more formal, powerful way of the Council making a statement. I was going to be a strong proponent and before even, before Chuck spoke up about let's sleep on this. I do appreciate the willingness of NMFS to be flexible here and for California and Oregon. I've spent a long time on the GMT and a lot of respect for the rest of the analysts and so I think I understand what's being requested, but I think it would be prudent for this Council not to just push it ahead and totally not give thought to what we're putting forward, so echoing more of what Phil said. More than I wanted to echo but yeah, I have a similar mind and I did have that question if there was that...just simpler ask NMFS to exercise independent authority to do the emergency regulation.

**Marc Gorelnik** [00:24:09] Thank you Corey. Maggie. Maggie Sommer.

**Maggie Sommer** [00:24:15] Thanks Vice Chair. As one of the states responsible for the joint report, I just wanted to offer that I, too, am uncomfortable with the speed with which all this has developed and that we are being asked to do something with it. However, even so you know, I think sometimes we need to push through even though things are uncomfortable and find something doable. Really what I wanted to say was to offer some perspective that I think as I was thinking about developing this, the trip limit adjustments seem to me to be pretty logically within the inseason box, that is the kind of thing we do normally as inseason, so that to me that felt like an easier fit. The RCA adjustments is the one that, you know, I feel a little bit less solid on. I think there is some basis for considering groundfish conservation area adjustments as inseason, but that's where, you know I think that NMFS's review and input could be very valuable there and that is the one that I think probably raises more of the concerns that we collectively have but wanted to add that to the discussion. Thanks.

**Marc Gorelnik** [00:25:56] Marci.

**Marci Yaremko** [00:25:57] Thank you Mr. Vice Chair. Thank you for the discussion. I just want to acknowledge that I think I heard Aja describe that even if they were to sleep on this overnight, there really wouldn't be an effective way of sifting out what is achievable as an inseason versus what might need to be handled through a different regulatory pathway. I think what I heard her recommend to us is that we go ahead and forward the items intending that they be considered and reviewed for inseason implementation through the normal inseason rule process, and I think she also indicated that after concluding their review, they would get back to us and if things did not meet the inseason review standard, that we'd have some future opportunity to consider those actions and as part of some future agenda. I, I'm comfortable with that. I think that, you know, we've had a lot of discussion with NMFS over the course of developing these recommendations and I appreciate that they can't give us a quick and simple answer, and that they need to do their own internal consultations to determine what they can accomplish and what's out of bounds, so I appreciate that. That is going to take some time on their end to complete those consultations and I guess with regard to trip limits, as Maggie mentioned, those are I think pretty squarely within the box of routine inseason adjustments that the Council normally considers. I'd also add that with regard to the RCA line adjustments, many of those have been analyzed as part of the upcoming '21 and '22 spex as acknowledged in the ODFW report we heard earlier today. So in terms of these being brand new ideas, many of them I think are documented in the spex materials and have been considered by the GMT and the GAP in the course of developing their very robust analysis that will be used as we move forward to implement the biennial spex in '21 and '22. So, with that I'm comfortable with staying the course and going ahead and moving these option 2 inseason adjustments forward as a Council recommendation for NMFS to implement those measures inseason.

**Marc Gorelnik** [00:29:26] Phil.

**Phil Anderson** [00:00:02] Thanks very much and thanks for those remarks Marci. I find myself in agreement with you. The way you laid it out is different than what I heard from Aja in terms of you didn't mention anything about implementing any of these under an emergency rule. You mentioned having these go through our regular process, those that are suitable for implementation under our inseason management latitude is what they would be doing. They would come back to us and report on of the things that we asked them to do, which ones they were able to accomplish and maybe which other ones they weren't, for whatever reason, and if there were further action by the Council for those things, they weren't able to do, that we could consider them at a later time. So, if that is the approach, I am one, I'm behind you and your approach.

**Marc Gorelnik** [00:01:14] Okay. It sounds like things have settled down a bit. Further, further discussion around the table or is, let me ask Chuck. Chuck, are you comfortable with that approach moving forward now with a motion and to forward these on as is inseason and allowing NMFS to do what they can with them?

**Chuck Tracy** [00:01:46] Thank you Mr. Vice Chair. Yes, I'm comfortable with that. My main concern was that we didn't broach the inseason protocol in a manner different than we are contemplating doing something with the mothership issue, so to the extent that NMFS approves what is approvable and we deal with the rest at a later time, that's seems totally appropriate.

**Phil Anderson** [00:02:24] Chuck, maybe because it's late in the day. But you're getting harder to hear.

**Chuck Tracy** [00:02:31] Yeah sorry about that. So, in case you didn't hear. I am okay with that. Okay. All right. I'll hold this mic closer now.

**Phil Anderson** [00:02:41] Ah, there you go.

**Marc Gorelnik** [00:02:42] Loud and clear. All right. Well we don't want to forget about the mothership issue, but let's see if we can wrap up the, these other inseason actions. Marci Yaremko.

**Marci Yaremko** [00:02:57] Yes. Thank you, Mr. Vice Chair. I'm prepared with a motion if that's appropriate?

**Marc Gorelnik** [00:03:05] From all appearances it is.

**Marci Yaremko** [00:03:08] Okay. As recom....give me a minute. As recommended by the GAP in Agenda Item G.8.a, adopt the Option 2 inseason adjustments as described in the joint ODFW, CDFW report. Transmit these recommendations to NMFS for implementation as an inseason action.

**Marc Gorelnik** [00:04:21] Marci, is that language accurate? And I want to confirm you intended GAP versus GMT.

**Marci Yaremko** [00:04:26] Yes.

**Marc Gorelnik** [00:04:30] And the language is accurate?

**Marci Yaremko** [00:04:33] Yes, it is.

**Marc Gorelnik** [00:04:34] All right. Let me see if there's a second? Seconded by Maggie Sommer. Please speak your motion as necessary.

**Marci Yaremko** [00:04:46] Thank you Mr. Vice Chair. I just want to give a shout out to the great amount of detail in the reports that support this recommendation, particularly the Joint report, the GMT report and the GAP report. All of it provide a very comprehensive record of the economic effects of the COVID crisis as we know them today, and also document the expected benefits of the proposed inseason actions. As mentioned earlier, I think we heard a very diverse array of input from our public commenters, each that had something a little bit different to say about how these inseason actions would afford them relief in this time of crisis. We heard from Harrison that the demand is high, but that the markets are transitioning and that fish and that would be able to be attained through higher trip limits and some RCA adjustments will help ensure the survival of many West Coast fishermen. We heard from Daniel Lee talking about the opportunities that would now be available to him in many different ports. That there was something here for everyone on the West Coast and that would allow the development of markets for fish in new ways. He mentioned the meat market possibility for him that might serve in lieu of replacing what he described as a salmon market that may be shaky at best. We heard from George about the growing demands for local seafood and that having more access for the fleet would help meet those growing and changing demands, and then we heard from David Toriumi, who discussed how important some supplemental income for himself and his fish buyers would be and how it would help those buyers develop their markets that are emerging for home deliveries in the Monterey and Santa Cruz area. So, with that I'm very pleased to make this motion. Thank you.

**Marc Gorelnik** [00:07:24] Thank you very much Marci. So, are there questions for Marci or discussion on the motion? Please indicate by.....(audio lost).....Bob Dooley.

**Bob Dooley** [00:07:42] Thank you Mr. Vice Chair. It's, I've been a supporter of trying to get our small boat fleets on the water trying to get more fish out of the water for a long, long time, and I'm really happy to see all the work that went into make this happen and to make this work. I do have concerns that we, you know, this has gone pretty quick and I heard it all through the Council meeting how much of a workload this was and how much the GAP and the GMT and everyone involved has put into this. It's very much appreciated. It's...this was a big lift, I heard it categorized as a major overhaul of the whole system when we started with spex to where we are now. I really do think this is a good thing but my biggest concern here, and I think Lisa Damrosch brought it up, is the accountability issue and I've always been a big supporter of accountability. I think that's the banner of this coast and my concern comes from relaxing, not necessarily the trip limits and the bag limits and things like that, I think those are all very well received and I understand the need to expand, but I think we need to also make sure that we understand the risks of going into an area that's been closed 20 years and starting to retake that area and have adequate oversight and understand the equity between the sectors as well. So I'm just, that's my concern and I'm hoping that we can address that in the future and understand the added encounters and the added discards of the added effort and making sure we keep a tight rein on that and understand we're doing an adequate job, because a big reason why this has been, in my opinion, why these stocks have recovered is because of our efforts to rebuild it. I do notice in that at some point, not now, but at some point I'd like to understand better about we've opened up some RCA but we've, you know in the trawl sector RCA part of it is that, there's the EFH negotiated settlement that they came up with, its coastwide and reserved areas of concern and there's closure's and I don't know, it looks to me as a few of those have been exposed, particularly down off the California coast and are they part of the restrictions that, you know, is it on both sectors? And I don't know if it's been considered or not, maybe I didn't do all my homework on that, but I, it wasn't quite apparent to me. So those are my concerns but I am fully supportive of making sure that we, particularly now, particularly right now to take a chance and do this and we can always, you know, as Marci had pointed out, these are inseason, we can move up, we can move them down and we can move them in and we can move them out, so I'm not afraid of taking a chance. I just want to understand that we have the mechanisms in place for the reporting so that we can adequately analyze the effects of this going into the future and that's my thoughts. And I just wanted to add that, but I really do appreciate all the work that went into this and it's amazing that

all this got done in that quick and I think the, you know, the states have done an unbelievable job of supporting this, so that's my thoughts. And one other comment is, you know, we heard it all this morning from the, from the sectors that are, you know, about the observer issue, I know it's not relevant here, but from an equity point of view it really is and I think, you know to basically open up this and not, and particularly during this time under the COVID-19, not to also recognize the fact that observers are a big burden on the industry as well during this time, not just the health burden, but also a financial burden. So, thank you.

**Marc Gorelnik** [00:12:14] Thank you Bob. Rich Lincoln.

**Rich Lincoln** [00:12:17] Thank you Vice Chair. I just wanted to ask Marci for clarification on the motion since, and that question is that it's, while it's not explicit in the language of the motion, I wanted to understand whether it is the specific intent of the motion as had been discussed right before the motion was made that the intent is that NOAA would take these, this recommenda...these recommendations or this option to the things that were recommended in option 2, and in fact then would evaluate those to see what in fact was appropriate for inseason action and with the remainder being communicated back to the Council so it could understand what other, what other regulatory pathways it might want to pursue for things that weren't consistent with inseason action, and I'm guessing that was implicit in Marci's motion but I'd like to make sure that was, that that was clear.

**Marc Gorelnik** [00:13:37] Marci.

**Marci Yaremko** [00:13:39] Yes Rich. That's exactly right. We would transmit this package as our recommendations to NMFS for implementation as an inseason action. NMFS then will proceed in their process of reviewing the recommendations to evaluate if they are appropriate for implementation as an inseason action, and again, I understand that process is, it takes a fair amount of legwork for them internally and then as they normally would, they would reply back to us when that review was complete. If there were items that did not meet an inseason standard and then, we would then take them back up for consideration at a future time and consider potentially a different pathway. So, I think I have nothing more to add or that is different from the dialog following the interchange with Chair Anderson.

**Rich Lincoln** [00:14:55] Okay thanks, I just thought it would be helpful to be clear about that. Thank you.

**Marc Gorelnik** [00:15:00] All right is there a further discussion on the motion before us? Corey Niles. You may need to unmute your microphone.

**Corey Niles** [00:15:18] Thank you Mr. Vice Chair. I was joking with Peta this morning about I was going to stop saying 'can you hear me now' and wait for people to tell me if I, if they couldn't...and it worked there. So, I appreciate that. Yeah, I was talking with my mute button off. Yeah this is feeling very unusual, but again as Maggie said nicely at the beginning, WDFW did not decline to join this report, it was more just a matter of timeline and the circumstances here. We would much prefer in ordinary circumstances that this had time to go through the GMT but we had some of our, some of our GMT team members, well-seasoned GMT team members working on this analysis so and with the process that Marci laid out, I have a feeling we're going to get some, some good feedback from NMFS and those inseason criteria. I don't even quite remember what they are but I think Bob raised some really good points about the effects of some of these, if they're big changes and what we're with the observers data, we're not even going to know what the effects of those for some time. So, there is some uncertainty here, but I understand the circumstances and can support it. I am wishing we took a little more time to actually understand what we're voting on, but I understand that people want to do this now and I will support the motion.



**Marc Gorelnik** [00:16:57] Thank you Corey. Is there further discussion on the motion? Not seeing any more hands, I will call the question. All those in favor say 'Aye'.

**Council** [00:17:09] Aye.

**Marc Gorelnik** [00:17:09] Opposed no? Abstentions? The motion passes unanimously. Thank you. I want to do a time check here. We've got, we still need to address one other, at least one other issue under this agenda item having to do with the mothership sector. We also have to, we have salmon we need to hear before we go home and so, Phil Anderson I'm going to call on you. You probably have something wise to say.

**Phil Anderson** [00:17:56] Well I don't know about that. I know we have one other issue under, it was brought up under this agenda item having to do with the catcher processor mothership issue. I do have a motion prepared for Council consideration at the appropriate time. I don't want to jump in front if there's people if they want to have some more discussion first, but I wanted to let you know that I have one prepared when it's appropriate.

**Marc Gorelnik** [00:18:27] Well that is music to my ears because I was thinking we might need a break before we did that, but you know, I don't want to cut off discussion. So if you, if there's further discussion on that issue that you know, people want to have before we hear the motion, perhaps we could have some of that discussion during the motion, but Aja, please go ahead.

**Aja Szumylo** [00:18:54] Thank you Vice Chair Gorelnik. So, I just, I want to be clear with everyone, well I don't know Phil, what your motion is, but I want to be clear with everyone. The way that I'm interpreting the motion is that we're going to evaluate the list of things that's in the ODFW and CDFW report, implement what we can in inseason and unless we hear direction from the Council about how they would like to handle the things that we cannot handle under the inseason action, we are going to leave them aside until we meet again in June unless I hear other indications from you guys.

**Marc Gorelnik** [00:19:30] My recollection is that that's what we discussed. If someone has a contrary understanding raise your hand. Not see any hands, I think we're all on the same page there Aja, but thanks for seeking clarification. All right. Any other discussion before we hear Phil's motion? All right, Phil, please go ahead.

**Phil Anderson** [00:20:01] Thanks Mr. Vice Chair. I have sent it to Sandra. I will have an edit to it once it gets up on the screen. Sorry Sandra. So, I move to amend a previous action under Agenda Item A.4, Approval of Agenda. That we'll add, strike the, yeah that line, right, the rest of that line right through the word meeting. Just yeah get rid of that, that will add agenda item J entitled Mothership Catcher Processor Seasonal Processing Limitations. And the language on the screen accurately reflects my motion Mr. Vice Chairman.

**Marc Gorelnik** [00:21:35] All right. Thank you. Before he asks for a second I'm going to consult with Dr. Hanson and confirm that this is the correct parliamentary procedure to take the action intended.

**Dave Hanson** [00:21:48] It is. It could be worded differently but this definitely works as long and as all Council members are here is all it takes is a simple majority.

**Marc Gorelnik** [00:21:58] All right, thank you very much Dr. Hanson. Do I have a second? Seconded by Pete Hassemer. I assume Pete your hand was raised for that purpose. Please speak to your motion.

**Phil Anderson** [00:22:11] Yeah thank you Mr. Vice Chairman. As we've heard in public testimony

during our meeting here the last several days, an issue has been raised to the Council of a situation in the whiting mothership fishery for 2020 and that is that last week one of the mothership platforms decided to pull out of the mothership processing sector and only process catch via catcher processor versus acting as a mothership, and this left three catcher vessels that had been, had committed to that mothership with no market for the season that is scheduled to start in six weeks, and the gravity of the situation is illustrated by the fact that the amount of the fish that these three vessels own and lease is around 24 percent of the entire mothership allocation, and based on last year's ex vessel value has a value, an ex vessel value in excess of 5 million dollars. So, it is for that purpose and that circumstance that I am proposing that we add this as an agenda item for our April 2020 Council meeting. Thank you.

**Marc Gorelnik** [00:23:48] Thank you Phil. Are there questions for Phil or any discussion on the motion? I'm not seeing any hands, so I will call the question. All those in favor of this motion signify by saying 'Aye'.

**Council** [00:24:09] Aye.

**Marc Gorelnik** [00:24:09] Opposed no? Abstentions? The motion passes unanimously, and I gather with that, Chuck, the Council staff can get out an amended agenda so the public has this notice?

**Chuck Tracy** [00:24:33] Yes Mr. Vice Chair we will do that, and we will schedule this agenda item for some time tomorrow.

**Marc Gorelnik** [00:24:41] Thank you Chuck. All right. Is there further action on this agenda item? Okay I'm not seeing any hands. I'm looking again, I still see no hands. I'll turn back to Todd.

**Todd Phillips** [00:25:01] Yes, thank you Mr. Vice Chairman. So today you have forwarded a motion that will, or excuse me, you have adopted a motion that will forward the GAP report to NMFS for their review and recommendation, and implementation, and as well you have amended the agenda as shown on the screen at present. I believe the Council has taken care of this agenda item and you've covered all your bases, and with that I would conclude.

**Marc Gorelnik** [00:25:33] All right, thank you very much Todd. And with that I will turn the gavel, the virtual gavel back to Chair Anderson for salmon and maybe he'll give us a short break.

## H. Pacific Halibut

### 1. Incidental Catch Limits for 2020 Salmon Troll Fishery – Final Action

**Phil Anderson** [00:00:00] So that'll take us to our Council action, which is to adopt the final incidental Pacific halibut catch recommendations for the 2020 season and early 2021 non-Indian salmon troll fishery and let me ask if there is any initial discussion amongst Council members on this topic before I ask for a motion. Okay. I don't see any so in terms of a motion. Heather. Heather Hall.

**Heather Hall** [00:00:37] Thank you Chair Anderson. I have a motion.

**Phil Anderson** [00:00:43] Okay.

**Heather Hall** [00:00:43] And I believe someone's got it for posting but I can just read it.

**Phil Anderson** [00:00:54] Give just one moment to see if Sandra is probably working on getting that up.

**Heather Hall** [00:01:03] Okay.

**Phil Anderson** [00:01:11] I don't. I just want to make sure that I am pausing here appropriately, or I will ask Heather to go ahead and read her motion.

**Chuck Tracy** [00:01:26] I have, I just emailed what I had to Sandra, so it'll just take a moment.

**Phil Anderson** [00:01:31] Okay no sweat. We'll just standby here for a moment. I miss Craig's music. Craig you could unmute yourself and sing to us if you want. Heather, my guess is your motion may be similar to the report we received from the SAS?

**Heather Hall** [00:02:07] Yes, it is, and I could start by reading it if you like Chair Anderson.

**Phil Anderson** [00:02:20] There we go.

**Heather Hall** [00:02:21] There it is. Okay.

**Phil Anderson** [00:02:27] Okay. Does that look like the right thing that's up on the screen there?

**Heather Hall** [00:02:33] Yes it does.

**Phil Anderson** [00:02:35] Okay. Go ahead.

**Heather Hall** [00:02:38] I move the Council adopt Option 1 for incidental retention of Pacific halibut in the non-Indian salmon troll fishery from May 1, 2020 through the end of the season, the 2020 salmon troll season and prior to the effective date of 2021 management measures unless modified through inseason action as proposed in the SAS Report, Agenda Item H.1 at this meeting, and I would just explain that what that motion is, is that license holders could land no more than one Pacific halibut per 2 Chinook except one Pacific halibut may be landed without meeting the ratio requirement and no more than 35 halibut landed per trip during the period I just described in the motion.

**Phil Anderson** [00:03:35] Thanks Heather for that motion and is there a second? Seconded by Rich

Lincoln. Go and speak to your motion as needed.

**Heather Hall** [00:03:46] Thank you Chair Anderson. Definitely appreciate the input of the SAS. This seems like a reasonable starting point for the salmon troll fishery to begin and would recognize that these ratios can be adjusted inseason as needed and I think Robin spoke to that in the overview where that is often what is done to make sure they are keeping catch under prescribed quotas.

**Phil Anderson** [00:04:17] Very good. Thanks Heather. Is there discussion on this motion? I don't see any, so we'll go ahead and call for the question. All those in favor say 'Aye'.

**Council** [00:04:32] Aye.

**Phil Anderson** [00:04:32] Opposed no? Abstentions? Motion carries unanimously. And so, I'll turn back to Robin and ask if there is any additional business we need to conduct under to complete this agenda item?

**Robin Ehlke** [00:04:57] Thank you Mr. Chairman. You've adopted some rules for the halibut retention in the salmon troll fishery for the 20-21 season and also for the beginning of the 2021 season and so the work under this agenda item appears complete. Thank you.

**Phil Anderson** [00:05:19] Thanks very much.

## I. Administrative Matters

### 4. Future Council Meeting Agenda and Workload Planning

**Phil Anderson** [00:00:00] That will take us to I.4, our Future Council Meeting Agenda and Workload Planning. My recollection is that we went through the reports and comments from management entities and advisory bodies yesterday. We had a number of suggestions as well as we received public comment on this agenda item so we are to I.4.c, the Council Discussion and Guidance and for that I'm going to go, just go ahead as I normally do and turn the gavel or mic over to Chuck and allow him to walk us through the documents, the supporting documents that he has for our discussion.

**Chuck Tracy** [00:01:03] I want to share the presentations. Okay sorry about that. Okay, so I'd like to start with the June meeting itself, so I hope you all have your Quick Reference agenda in front of you. We've, again we've got the red text with the italics that indicates, and I'll put it up there, indicates what we've determined to be essential items. So we've got some time to fill theoretically but what we've got for that is a candidate box, so to the extent that we want to update what is on the June agenda with any of these items, we'll have to make room for them. So, in terms of making room, we might have, we've got a little bit of time, a couple hours here. We've got some, we've crossed out Legislative Matters so I guess according to this, we've got two and a half hours available and we've got 22 hours of candidate items from the Year-at-a-Glance and then in addition, we've also got nine hours of items that were postponed or eliminated from the April agenda, and so if there's any desire to take those issues up, those should also be considered and how to fit into the June Council Meeting, and again just as a reminder, all the time estimates here are based on our normal course of business, an in-person meeting. I think we had a little discussion about what it might take to accomplish the same agenda and in this sort of webinar type format and I think it would take longer to accomplish the same amount and I think we're just sort of ballparking it somewhere in the neighborhood of an additional, we're probably about 80 percent efficient as webinar compared to in-person is sort of my ballpark guess there. So, I guess take that into consideration as well. You know I think there's probably a better than 50/50 chance that we will be needing to conduct this meeting as the June meeting as a webinar so given that I guess I will see what people have in mind, if they have any suggestions for how we might fit our June agenda together. So maybe I'll just stop right there and open it up for Council discussion. Rich Lincoln.

**Rich Lincoln** [00:04:36] Yeah thanks Chuck. I might start off trying to give a little relief to the agenda on the ecosystem front. Seems like, as I might have alluded to yesterday, that we could not have this on the agenda as a discussion item but simply have the community, Climate and Community Core Team just provide a status report under future workload planning on just the status of things moving along if that seems appropriate.

**Chuck Tracy** [00:05:18] Okay so that's item one here, so we could do that as an informational report or a workload planning report. All right well that's great now we're down to 19 and a half hours or 20 hours, okay with two and half hours to go so Marci.

**Marci Yaremko** [00:05:55] Yeah thank you Chuck. I just wanted to acknowledge the.....actually you know what, I'm going to hold my comments till later in the discussion. I apologize.

**Chuck Tracy** [00:06:11] That's all right. Pete.

**Pete Hassemer** [00:06:17] Thanks Chuck. Just one question here to make sure I'm looking at this correct. On the, I don't know what we call this list, the candidate agenda items?

**Chuck Tracy** [00:06:31] Yes.

**Pete Hassemer** [00:06:32] Sardine rebuilding plan is red italics, characterized as essential but I'm not seeing that built in yet. Do we need to give that serious consideration?

**Chuck Tracy** [00:06:51] Yes, I think we do. I guess this was, we were supposed to have an agenda item at this meeting to kind of scope this out. We, in our discussions with NMFS, we determined that that particular, the scoping step does not require, but certainly getting the rebuilding plan done in time for it to be in effect, you know there is a timeline associated with that so I don't if Ryan would like to speak to exactly the timing, whether that range of alternatives needs to be done in June or not or in order to get the plans approved and implemented in time, so Ryan do you have some thoughts on that? Ryan can you unmute yourself?

**Ryan Wulff** [00:07:52] Yes can you hear me?

**Chuck Tracy** [00:07:53] Yep.

**Ryan Wulff** [00:07:53] Yeah. Are we talking about sardine?

**Chuck Tracy** [00:07:54] Yes.

**Ryan Wulff** [00:07:55] Yes, so I think whether or not a PPA is picked, I mean some form of that agenda item would need to stay on that agenda to allow us to shoot for a September final so I think that's pretty important from our perspective.

**Chuck Tracy** [00:08:14] And September is the latest that the Council could take final action and still get that implemented is that...do we have that correct?

**Ryan Wulff** [00:08:22] That's correct.

**Chuck Tracy** [00:08:24] Okay. Well if we move that on to the agenda that takes up a couple hours of the two and a half we have identified so we've got another half an hour. So maybe the next question is, is there anything that is on the June agenda that we want to trade out, and Ryan I see you have your hand up again do you have another comment?

**Ryan Wulff** [00:09:11] Yes. I was going to ask a clarifying question so now maybe is the time. We were showing Supplemental Attachment 6 before, at least the top half looking at those candidate shaded items but my understanding you're looking for input, not just on that document, but you just switched to the overall calendar, so really just anything as it relates to June? So, would now be appropriate point for me to make some overarching points, both on what would be pulled from Supplemental Attachment 6 and what would be potentially removed from Attachment 5?

**Chuck Tracy** [00:09:49] Yes.

**Ryan Wulff** [00:09:51] Okay. So, from NMFS perspective a few things. I do think that overall, this virtual meeting has gone significantly better than I expected. I think we've heard that a number of times. I think we've also noted that even with a reduced agenda, we have had some late days and some pretty full days. I know that also not just on the federal government side, but you know for everyone, there are folks that are working flexible hours trying to balance family, personal and et cetera and that's the general availability and business as usual in these current times, so I do think that reflects NMFS kind of overall perspective. I think from my opinion, I think we heard some of this in public comment

yesterday, but I do think we need to be planning for a virtual meeting and if that is the assumption, so basically the rest of my comments will be made assuming we are doing a virtual meeting in June, and with that I would recommend not stacking our agenda with eight hour days across the board. So from a groundfish perspective, I'll start there, I think that NMFS would strongly only want to support items that are identified in red here and mirrored in the GMT report, on the June agenda I'm looking at Attachment 5, so the items that are in red and tentatively characterized as essential, we would support those going forward with some of the GMT recommendation on like having inseason over two days for example, but we would not support any other groundfish item other than those that are in as essential. I'll make one other overarching comment too, I think that has been a challenge for NMFS, this come up with the observer waiver discussion in particular, but I've realized how important the agenda item of a NMFS report is for a number of different things, and especially in these times the things that we would want to communicate, especially what could be happening between now and June, so I'd like to propose instead of putting it under FMP's that we have on the agenda, maybe there's a way, I don't know if it's another administrative or a separate agenda item, but maybe an overarching NMFS report where we could cover broader things as well as cross FMP issues and I would defer to Council staff of how that might be accommodated and why I think we could do that under one agenda item and incorporate everything as it relates to all of the FMP's or Council related business. For highly migratory species, same thing as groundfish, I do believe that international management activities is probably the only essential item for it. It's still, as of now, is looking like there will be an August IATTC meeting and with potentially postponing a virtual meeting of the SAC, excuse me the SAS and the rest of our advisory bodies, this may be the Council's only time to give input and we do have some pretty significant issues going on, not just the observer issue on the international scale. There will also be other pretty significant proposals I would expect on the IUU side as well as bluefin tuna and all tropical tuna measures expiring and with stock assessments there so I do think that that is an important agenda item to have. When it comes to salmon, which is not currently on the Attachment 5, this is an area where I would recommend..... for CPS as we just discussed I would support sardine rebuilding plan as essential and therefore adding that to the agenda. For salmon Amendment 20 is already listed as essential here, I completely agree. If we were to push that to September and November you're going to run the risk of final rulemaking getting well into the 2021 season and have a serious chance of jeopardizing having that in place by the start of the May 2021 season and as we have seen with last year and now this year missing the deadline, I do think it's pretty imperative to discuss that on this June and September schedule. And then finally, they aren't marked essential here so the only things I think I am recommending moving forward that are not essential are the other two salmon items, most importantly the SONCC Coho Consultation Update. We did say that, that group would come back with the terms of reference and I do think waiting all the way to September to have the reference moving forward and discussed by...(garble)....long and challenging and then when with killer whales I believe June and Miss Nayani correct me if I'm wrong, but I believe that's when the conservation recommendations were going, going to come from the workgroup to the Council. I expect lots of public interest in that and that the Council may want to discuss that but we do need a final set of recommendations by November, and I understand there will also be a discussion on that in September, so those two I'm happy to hear a debate or what folks think, but when it comes to the other points of really just trying to set this agenda with all of these italicized red characterized as essential agenda items is strongly NMFS preference. And last and probably in this case least, I do have an update which I promised at last workload planning, you can't see it on the screen, it's at the top, but it's the Regional Electronic Technology Plan Review, which is only 30 minutes. It's A.1 at the top of Attachment 6, I don't know if the announcement has gone out but we, headquarters will be extending that deadline to February 2021 so that's definitely not an overall priority. We have some significant time on that, and most other Councils are de-prioritizing that at least in the near term here for meetings around this time. And I will stop there and see if there's any questions?

**Chuck Tracy** [00:17:49] Thanks Ryan. I did have maybe one question in regards to groundfish. So,

one, one thing that is identified by the management team as a high priority for them and was Groundfish Exempted Fishing Permits, final action on that. Again this is something that I think, you know, is considered in the spex and management measures so I wanted to check in with you or Aja about your thoughts about the essential nature of including that?

**Ryan Wulff** [00:18:35] Yeah Chuck can I respond?

**Chuck Tracy** [00:18:38] Yeah. Yeah go ahead.

**Ryan Wulff** [00:18:38] Oh sorry. We agree. My perspective is we think those can be lumped in with the spex agenda item and not necessarily needing their own agenda item because we've already analyzed them to date.

**Phil Anderson** [00:18:56] Chuck?

**Chuck Tracy** [00:18:58] Yes.

**Phil Anderson** [00:18:58] I can't raise my hand, so.

**Chuck Tracy** [00:19:01] Oh yes. Go ahead.

**Phil Anderson** [00:19:01] I wanted to just speak to the E.8, the SaMTAAC business, excuse me E.7, that's currently on the schedule for Tuesday. My recommendation here, at least put it out there for some thought is to not take a deep dive, what I'll call a deep dive on this but instead have this item limited to a report out from the committee. We are anticipating we will be ready to present the Council our final report so that's what we would do, but we would not initiate, you don't have, we would not be asking for any action. We would not be asking for any, relative to the alternatives or the purpose and need and all of that, but just present it to the Council. Let people take a look at that. Add it over the summer and then take it up in a more serious way in September and over the summer, of course, people would have an opportunity to take a look at what the committee report entails, the alternatives, the existing analysis that we have, that type of thing, but be very deliberative about limiting public comment to not get into the specifics of the report but so it's either that or take it off and leave it hanging until September. I think my preference is to let the committee provide the Council their final report but ensure that our public comment period on the topic is very limited and doesn't get into the specific, any of the specifics that are contained in the report so that was my thinking around the SaMTAAC business.

**Chuck Tracy** [00:21:36] Thanks for that comment Phil. I guess I will note that there was having something on that was a priority of the GAP as well so if we were to approach it as you suggest and I do notice there's a little discrepancy between what we've got here on the agenda and what we have under Attachment 6. Maybe we didn't have....I guess, my mistake there, yeah so we've got five hours on here so if we were to go as you suggested, what do you think about the time requirement for that, or maybe I should ask Jim.

**Phil Anderson** [00:22:24] I'm thinking an hour at the most and it's just the person that's got the gavel is going to have to make it very clear as to what the scope of public comment is on the agenda item so we don't allow people getting into specific remarks about the content of the report because that's not, that would not be the intent, there wouldn't be a Council action. It's an opportunity for the committee to submit its final report and then through future workload planning schedule the follow up Council activity on it post June.

**Chuck Tracy** [00:23:10] Okay. All right well let me just pause there for a moment. So I'm just going



to, because it's easier for me to keep track if I, maybe for you too. So what I've got from National Marine Fisheries Service was basically adding five hours' worth of stuff, so I guess this is beyond the sardines, which I think was already kind of taken up a little bit, but they added another five hours with the salmon business. They saved us an hour by eliminating at least one NMFS report on HMS so that's a net of four additional hours. Phil just suggested saving us four hours with SaMTAAC so I guess we're basically kind of back to, back to neutral with pretty much five and a half days, full days right now, so I'll pause right there, that's kind of where we stand right now in terms of hours so I think if we're still looking to add things from the candidate agenda items then we'll need to think about eliminating some stuff. We might have saved a little bit of time with groundfish EFP's as well. Maggie Sommer.

**Maggie Sommer** [00:24:46] Thank you Chuck and thanks Phil. I just wanted to make a comment on the SaMTAAC approach. I very much appreciate the input we heard from the GAP and in public comment to move forward with this item. It's been a lengthy one. It's been a very high priority. It has suffered some delays already. I do think that the approach Phil proposed is the best way to move forward at this time, given what we're looking for at for a likely June meeting and also given the complexity of the SaMTAAC issue and the alternatives that are being developed. I think it will actually be very helpful for the Council process to have an initial presentation of the committee's alternatives and then have some time to really give those some thought and digest it and hear, you know work through their own process and hear from stakeholders before taking action by selecting a range of alternatives. It could be helpful for the process. I guess my last, just a couple other thoughts to offer on that. One is if we are looking at a webinar option in June, it does seem likely to me we may have the opportunity to hear from some additional folks who might not normally be able to travel to a meeting so, you know, I keep that in mind as I think about what we might be anticipating in terms of public comment. I agree on not getting into the details. I think that's a fine balance because we certainly will want to hear from people with any useful comments that the Council, that can help shape the Council's thinking over the summer as we go through this but I'll just leave it with even if we limit the kind of the expectations for public comment and what we are doing with SaMTAAC, I'm not sure an hour feels like quite enough, so maybe just put that out there for your thought. It is, even though there are, there is not a large number of alternatives, they are pretty complex and so I think even just describing them so that everybody understands where we are is likely to take an hour in itself. Maybe I'm overestimating that, but there are my thoughts. Thanks.

**Chuck Tracy** [00:27:27] All right. Thank you, Maggie. I think that's a legitimate viewpoint and I guess I would just state that, you know, we have had a lot of people that have engaged in public comment during this webinar that we, I think people we might not have heard from in other, on our normal format, so I think that's a distinct possibility. I will also note that, you know, anytime we have high profile items I think we increase our vulnerability to that. Okay Ryan.

**Ryan Wulff** [00:00:00] Chuck I wanted to reclarify because I don't think I understood your math. So, I wanted to make sure I was very clear. What I'm recommending is taking off every single black item in the June agenda, which is Attachment 5 rolling, other than rolling in EFP's somewhere in the groundfish spex process and having one NMFS report stay but have it be overarching, not under a specific FMP. So my quick math that's removing 19 plus hours from the agenda and then recommending adding Supplemental Attachment 6, both the two it reads, essential item sardine rebuilding plan and Amendment 20 as well as under Table 1, salmon 1 and 2, the Southern Resident Killer Whale Workgroup Report and the SONCC Coho Consultation Update. So that's two, four, six, so minus 19 plus 7 is my recommendation.

**Chuck Tracy** [00:01:13] Okay. Okay thanks for that clarification Ryan. So well with that are there any thoughts about that approach? Marci.

**Ryan Wulff** [00:01:25] Chuck.

**Chuck Tracy** [00:01:25] Oh sorry Ryan. Go ahead.

**Ryan Wulff** [00:01:27] Sorry I forgot to mention. I don't want that.....that is what I said earlier. I don't have an issue with the proposal made by Phil.

**Chuck Tracy** [00:01:33] Okay. So that one would, would stay. But with at a reduced scope and time. Marci.

**Marci Yaremko** [00:01:43] Yeah. Thank you, Chuck. First, I really want to echo Ryan's suggestions. I feel very strongly that we can only handle the essential items that are shown in red both on the revised June agenda as well as the red candidate items that we discussed earlier. I really like his idea about a comprehensive NMFS approach under an administrative agenda item. I think that is a very effective and efficient way for them to bring us information in one comprehensive report and receive public comment on that report and acknowledging that we likely will have needs arise out of that report and discussion that we then need to deal with in our agenda during the course of the week so I think I'd support hearing that report early in the Council week, recognizing that times are changing, the needs are changing and if we can hear that early and then give ourselves a number of days to work on responding, I think that's a pretty good approach for how we work through the issues and effectively provide Council recommendations to NMFS on those items. I really want to echo the GMT's remarks about their ability to take on more than the essential items. Regarding the question of EFP set asides, they've suggested that we need to have an EFP agenda item in order to settle those set asides. There was some business back in March where we actually had indicated that we would be allowing revised EFP proposals. One was Real Good Fish that have requested additional fish be added to their set aside that I think we have some final business left to do on. I'm not sure of that. I'm not sure if there is an efficient way to incorporate that into our final action on management measures. Maybe we can just give some guidance to the GMT to deal with that so that we don't need to comprehensively take up the question of EFP's again. I'd just leave that as an open question. But one thing that I think would really help would be to instead of scheduling the GMT to start two days before the meeting, which is what they were kind of proposing, I would sure like to have GMT start two weeks ahead of time with a webinar based discussion just on management measures, and the reason for that is they have a whole lot of analysis to prepare and compile. We've seen the enormous magnitude of the documents they've already produced. There is a lot of work that is going on behind the scenes to get the documents in shape for our final action on management measures. I would like them to have the time to do that much earlier, much far in advance of the Council meeting as possible and potentially maybe they schedule a webinar that starts on like a Tuesday and runs through the week scheduled for a reasonable amount of time in a day and then add a GAP, you know, adding a GAP discussion as needed to coordinate with the GMT so that they can have the, the GAP can have meaningful informed discussions of their own after the GMT has had some time to work. I think the GAP, my sense is that there were a number of items where they were really rushed and there was not adequate time for consultation with the GMT and they were waiting for the GMT to prepare materials, so I really support those groups starting much earlier, perhaps the end of May or somewhere in those, in that timeframe to get them going on that big, you know meaty analytical lift that we know they'll need to do. On the matter of eight hour days and GMT days, while the Council was scheduled for this webinar meeting for days that were four or five hours in most cases, the GMT was scheduled for eight hour days based on the schedule that they were keeping to, now yes they had some breaks in between those times to prepare reports, work on analyses and such, but I really don't want to see that. I don't want to see the GMT's day be completely scheduled for them with Council business. I can't say that strongly enough. I want to just spend a second to go through some of the stateside obligations that California is currently dealing with. We've heard a number of folks, we heard Ryan earlier speak to additional obligations that the current crisis situation

has presented for he and his staff. We heard Maggie talk about it earlier under the EM agenda item and I just want to spend a second to add to that. In California for CDFW supervisors, we are responsible now for daily COVID absentee reporting and following a regimented process for reporting absences that requires daily communications both with staff and HR folks. We also are responsible for daily staff performance under new telework arrangements that we have had to sign by DocuSign. That is meant that we need to change up a lot of assignments for folks that traditionally have been office-based, field-based, lab-based, to ensure that they are meaningfully working at home and building in daily reporting on folks tasks and performance so that we are adhering to the terms of those new telework agreements. We are dealing with changes to fishery monitoring plans. We've heard a lot about that this week in various discussions on salmon and on groundfish and certainly we've needed to make quite a bit of adjustments to how we monitor fisheries both on the sport and commercial side. Those discussions are ongoing and we're doing our best to change with, deal with the changing needs. We also have on our upcoming plate a lot of work with regard to disaster relief planning and expected federal disbursement of funds, that there will be an expectation that we help develop plans for to administer those dollars in very short order. We also have state legislative needs to tend to. There are a number of pending urgency bills that we will be tasked with reviewing. With regard to closures on access and or on fishing, there are discussions and decisions being made ongoing by counties, municipalities, state and even federal agencies on closures to access to ocean waters that we are needing to track and stay on top of and evaluate as to whether additional actions or mitigation is needed in the fishing side of the equation. So the impacts to fisheries and fishing access, those are, that's a significant new monitoring task that we didn't have before, and then we also are needing to address new state workplace safety considerations through our Cal OSHA office, as well as discussions about necessary PPE for staff in various environments. So I just wanted to take a second to kind of outline a number of the new things on our plate and just really reiterate how important it is not to schedule full days with Council business because we cannot delegate these tasks. We cannot say no to these tasks. We have to do them. They're our first obligation so I certainly appreciate the need for the Council to conduct its essential business. We're very committed to being a part of that process. We will do everything we can to meet the desire to conduct business as usual, but I just can't see how we can commit to taking on more than the absolute bare minimum. Thank you.

**Chuck Tracy** [00:12:02] Thank you Marci. Yeah understand that we're in an unusual situation. Hopefully a once in a lifetime situation and that the burdens being placed on all of us are in addition to our normal work and not just work burdens, but home burdens as well so understand that we need to take that in consideration during our planning. I will make, let me make a couple comments. I'm going to back up a little bit on the EFP business. It sounds like there is also potential requests from Emley, for the Emley/Platt EFP to have a cowcod adjustment, so there's a couple of things there. You know, and I think in the past we have separated out EFP's I think at the request of the GMT in order to let that, let the decisions for EFP set asides to be considered when they develop their management measures reports, so while that's not read that is a pretty customary approach to have that as a separate agenda item in advance of their other, rather management measure business. Also, so there's that. In terms of the GAP, or the GMT webinar, you know the GMT meets by webinar quite a bit in between Council meetings. That's a fairly common occurrence and I'm sure that they and Council staff have already got that in the works in terms of planning that to the extent that the GAP is able to.....you know I don't know if you were suggesting a joint meeting or I'm not sure what that might look like or when that might, when they might be ready for something like that but I think that's something we could consider already, so I will stop there with those comments. And so maybe I'd like to just get back to confirming with the rest of the Council Ryan's suggestion that for the most part, all those black items on Attachment 5 would be pretty much struck except for some sablefish business and keeping a single NMFS report, so let me just see if there's any anybody else has any thoughts about that approach? Marci.

**Marci Yaremko** [00:15:30] Thank you Chuck. I just would support the Council staff's initial

determination that the sablefish item was not.....

**Chuck Tracy** [00:15:40] So you recommend.....so are you suggesting that we not have sablefish but the SaMTAAC business at all?

**Marci Yaremko** [00:15:52] Thank you Chuck. Yeah like I said it appears to me that from the staff's initial review of that item there, it was not deemed as essential. I realize there are differing perspectives on that but that's mine. Thank you.

**Chuck Tracy** [00:16:14] Okay well I'm not seeing a bunch of hands being raised so I guess I'm going to.....well now I do. Okay so Corey Niles.

**Corey Niles** [00:16:32] Sorry Chuck. Thank you. Your estimation of being at 80 percent capacity on webinars, I'm well below that today but yeah, I think I'm, I was supportive of all the discussion so far. Marci brought up a question about SaMTAAC and we're all planning as if the webinar is going to be the reality, which that sounds very sensible. I do want to, had a couple thoughts. In the past I've been skeptical about this idea of having an agenda item, but then limiting public comment, kind of along the same thoughts as Maggie spoke, but I've seen it work a couple of times and I'm a believer so I would be supportive of that. At the same time the thought I had and want to recognize is on the mothership utilization issue that was raised in public comment and by the GAP and I don't know, the other thought dancing around my head now is as before this meeting the Council staff is going to have to be nimble in how it plans so I'm wondering if there is an outlet or an opportunity for at least updates from folks under a meeting planning or what not on issues. The mothership utilization, again, the thought there is people have put a lot, we ask them out of workload considerations to keep working on it at the GAP and elsewhere despite the fact that we weren't going to bring it up on the floor, a lot of work has been done and really encouraging progress has been made so looking for an outlet for maybe at least an update there and also if it weren't a webinar and more room were to come available, I would highlight that one as a priority for Washington.

**Chuck Tracy** [00:18:40] Okay thanks Corey. Brad Pettinger.

**Brad Pettinger** [00:18:45] Yeah thanks Chuck. I really like the idea of keeping the....or at least keeping Phil's suggestion on there for SaMTAAC. At the very least we get it out there for people to see and when that comes up later in the year when we get into the details I think it'll take, doing a little bit now will take a lot more time off down, you know in September. Hopefully, we'll be in person then, but I'm for keeping that on there. It's only an hour of Council time and it doesn't, the report doesn't lay around for four months after the SaMTAAC has kind of finished its work so I would strongly.....I'd ask your strong consideration to keep that there. Thank you.

**Chuck Tracy** [00:19:39] Thanks. Marci, your hand is still up. Do you have more comments?

**Marci Yaremko** [00:19:43] No, I'm sorry.

**Chuck Tracy** [00:19:46] Okay. Brad your hand is still up. Do you have more comments?

**Brad Pettinger** [00:19:52] My bad.

**Chuck Tracy** [00:19:53] Okay. No problem. Okay so now I don't see any more hands up so I guess I would like to kind of bounce back to again just not seeing any comments sounds like I'm gaging this as general support for NMFS's proposal to basically eliminate virtually all of the black text agenda items on Supplemental Attachment 5 with a couple of exceptions, and that is making a sort of universal NMFS

report somewhere to cover all FMP's and then I guess still a little bit of question about EFP's, groundfish EFP's as a separate agenda item. A little bit of back and forth on the SaMTAAC, sort of a streamlined SaMTAAC agenda item and then just a note from WDFW about groundfish workload and new management measures in some form, so that's what I've got in terms of Attachment 5 and then again for Attachment 6 NMFS is recommending that we be sure and include the sardine rebuilding plans, the killer whale consultation report, SONCC Coho report and salmon Amendment 20, at least the management schedule, so that's how I read things right now so I guess if that's, if people are in general agreement with that I guess I'd like to confirm sort of the things that are still maybe slightly up in the air and that's groundfish workload and new management measures, exempted fishing permits and SaMTAAC, streamline SaMTAAC, so let me just pause there and you guys can think about it or Corey you can start talking and I'll start doing some math here. Go ahead Corey.

**Corey Niles** [00:22:26] Thanks Chuck. Yeah maybe it'll buy you some more time and a question for Ryan if he's, and if he's ready, if he has an answer and if not understandable but Ryan, and you might have said this and apologies if you did, but on Attachment 6 under the groundfish number 5, the humpback whale incidental take statement, if you have any, could you elaborate a little bit what we might be losing out there if on a delay. I'm hoping, the thought there is we are very encouraging and supportive of integrating these ESA-type issues with the Council process and just wanted to make sure that we're not missing that opportunity. It's been a major issue for the states and other fisheries the, the entanglement issue and so just, yeah just wanted to see if you might speak to that briefly and thank you.

**Chuck Tracy** [00:23:33] Go ahead Ryan.

**Ryan Wulff** [00:23:36] Yep thank you Corey for the question. We knew when we delayed this off of April, June already, regardless of our current situation was going to be a packed agenda item and so we were prepared to discuss this as a potential September agenda item. You know from our perspective we will need the biological opinion in place before authorizing the 21-22 spex so we have a little bit of time. I can give that probably a general report of where we are under this broad NMFS report, but I think it's okay still to try and bring this back in September.

**Corey Niles** [00:24:13] Thank you.

**Chuck Tracy** [00:24:14] Okay. Well I have done a little math and so if we assume that sort of the things with question marks like workload and management measures and EFP's for groundfish and streamlined SaMTAAC go forward as well as the salmon and salmon essential items and sardine rebuilding plan, what I've got is a, well let's see by day approximately five hours on day one, six on day two, seven on day three, six on day four, six on day five, and four on day six. So that's pretty dang close to about 80 percent of our what we normally schedule for so just pause and see how people feel about that, 34 hours total, 34 instead of 44. Bob Dooley.

**Bob Dooley** [00:25:38] Thanks Chuck. Got a couple of comments but I first ask a question. Is the mothership utilization contained in the new measures or not? I'm just curious.

**Chuck Tracy** [00:25:52] Yes.

**Bob Dooley** [00:25:53] Okay good thank you.

**Chuck Tracy** [00:25:56] Well maybe I'll just pause there to say, so that's 2 hours. So that would include the assignment to the GAP for to provide scoping comments which basically purpose and need and a list of issues to be addressed, should the mothership utilization gain traction and should the non-trawl RCA business gain traction so those two would be covered and then the additional work of deciding

what would go forward and identifying a schedule for those priority items and again the other two current priority items are the Emley/Platt into regulations and Amendment 21 allocation business.

**Bob Dooley** [00:26:56] Thank you for that. Comments are probably more general than that. It really appears to me we're not going to be doing an in-person June Council meeting. I think that's almost out of the question. Whether we can or not, whether who will attend is another issue from a purely you know, concerned issue, a concern of health so I don't think we're going to have a day when we just say everything's good, run outside, everybody's good. I don't think it took a long time to get where we're at, we're not even at the mountain yet, at the top of the mountain, and I think it's going to be a long time before we get to that point. I'm really, really concerned if you look at the totality of how much stuff is being thrown off the bus here and how much work is being deferred that we're going to, you know we keep talking September and all of these to push things down the road. We're going to end up in a place where we're log jammed and I do appreciate the fact that this webinar has worked much better than I ever thought it would and I don't know the way we possibly could pick up some time here with possibly some or even the procedure, if it's possible to have some interim cleanup from the Council somehow to try to keep us on track and back into some semblance, but I realize staff time, I realize analysis time and all of that stuff is very, very hard and we're asking a lot from, from our, you know, our advisory panels and management teams and I see that but I think we need to really step back and look at this and say it's great that we're making room and figuring out what's in June but we put a lot of things off in June that aren't even making it that should be there. We took a lot of stuff off of this meeting and it's not making it into June and I think by the time we get to September, we're going to have a full meeting's worth of things we've foregone. So just, that's just some comments and I'm concerned. I think, you know, we have some hard things that actual essential things we have to do but then from a perspective of keeping our fisheries and addressing the needs, the critical needs of some of the things that have been presented and in addressing those as a responsibility of the Council and the agency too is, is in my mind. So, I just wanted to bring those thoughts forward. So, thank you.

**Chuck Tracy** [00:00:01] Thank you Bob. I agree, I think those are some important strategic planning points that we need to start thinking about, think about how to tackle. Ryan Wulff.

**Ryan Wulff** [00:00:17] Yeah thanks Chuck. You've mentioned it a couple of times now, so I just wanted to clarify. I was proposing that we do not have a separate EFP agenda item. I think that can be absorbed into the current timeframe for its spex. We just need the final numbers before we finish our spex report, those off the top amounts and that can happen I think in the specifications process that's already slated for the next day. Thanks.

**Chuck Tracy** [00:00:50] Okay. Rich Lincoln.

**Rich Lincoln** [00:00:52] Thanks Chuck. I was just going to support the scenario you laid out is fine. It seems fine to me thanks.

**Chuck Tracy** [00:00:59] Okay thank you. Virgil. Virgil we can't hear you yet.

**Virgil Moore** [00:01:13] Sorry about that, raised my hand but didn't unmute. An observation, given the conference call or the webinar style, we seem to be getting more public comment. Not that that's a bad thing, but we're, I think we need to adjust our guidelines relative to the time allowed for public comments to adapt to the fact that more people are using that opportunity to dial in than usually show up in person. Thanks.

**Chuck Tracy** [00:01:44] Thanks Virgil. You know we do, we do address that at the Chair's opening remarks and we have done in the past, you know, reduced the time allotment, particularly if we have a

high volume of public comments. So that is always available to us and I would certainly think we want to consider that going forward. Stop there. Okay so not seeing any more hands raised it sounds like we have a general approach. Maggie Sommer.

**Maggie Sommer** [00:02:38] Thanks Chuck. Just a quick comment in response to Marci's thoughts earlier on the GMT schedule. I agree they were very overloaded at this meeting. I just wanted to urge Council staff to work closely with all of the GMT members as they set up a schedule in preparation for June. I know they're, my GMT members also have concerns about starting early and trying to pack too much in the pre-Council time. They also have other obligations then so I don't want to hash it out now, but just wanted to flag that and you know I'm sure staff will work together with the GMT to develop something workable. Thanks.

**Chuck Tracy** [00:03:23] Yes thank you. I think once we settle on a June agenda here, I think there's probably going to be some more discussion between staff and the committee chairs to develop appropriated agendas and timing of those. You know I think yesterday the GMT requested another half day meeting on Thursday, June 11th to lead this off so I don't know if that would still be their preference giving a reduced agenda, but they'll be working that out. That being said, I think I take your point in regard to scheduling full day meetings and then we schedule a full day meeting and even that doesn't do it and we variably end up working late. I mean, we can do our best to schedule, you know, just some structured downtime so that they could perhaps address some of their other non-Council related duties so we can maybe see about that so I don't know what that would look like, you know instead of scheduling a meeting till five schedule it till three and then break for sure from three to five and if they feel like they need to work late and I know there isn't much we can do to stop them, but at least to provide some structured time off, so I don't know if there's any thoughts about doing something like that we might consider it. Okay well I'm not seeing a lot of other comments here, so it sounds like we've got a plan for June. All the red items. The additional salmon and sardine business that National Marine Fisheries Service included, a reduced sablefish item and then so then the last two was a WDFW priority for the workload and new management measures. I think we heard some other support for keeping that on and then the groundfish EFP's incorporating that up into the management measure process. So, I'm not sure how much time realistically we gain by doing that. I mean, if it's still something you have to do, it's something you have to do, so whether it's listed as a separate agenda item or not, I don't think it necessarily saves us a whole lot of time on that but we could take that approach. So how does that sound? Does anybody object to having a reduced SaMTAAC agenda item on the agenda? Maggie Sommer.

**Maggie Sommer** [00:07:05] Thank you Chuck. I'm not objecting just observing that my emails are already suggesting that there could be some confusion about what the sideboards will be around public comments online, so just a note that there will need to be some very clear description of that as we put out materials for the June meeting.

**Chuck Tracy** [00:07:29] Thank you. Dave Hanson.

**Dave Hanson** [00:07:34] Yes. I just wanted to let people know as they're planning dates and such that the North Pacific is going to be meeting the 8th, 9th and 10th of June. The Groundfish Advisory Board will be meeting on the 4th and 5th of June. It would be nice if we can avoid overlaps.

**Chuck Tracy** [00:07:58] Thanks Dave. It looks like right now we're in good shape in regard to that. I guess in terms of the public comment, is this, I guess I'm not, I don't know that we need to take any preemptive steps there but that I think we might provide some notice if that's a possibility, but I.....maybe the Chair has some thoughts about that.

**Phil Anderson** [00:08:36] I have two thoughts. Well let me go back to the SaMTAAC business again for a moment, and if there's going to be, which sounds like there already is confusion about the breadth of public comment that would be permitted under that agenda item, then rather than get ourselves into situations where the Chair is having to interrupt members of the public because they're taking their comments beyond the sideboards that we tried to describe, the alternative is for the SaMTAAC to submit their report to the Council and that it be published as a, under and perhaps it's under the informational report piece and that we not have it on the agenda, but that we give the SaMTAAC the opportunity to present, or to provide their report to the Council, and at that time then it of course becomes public and people can chew on it or whatever they want to do with it over the course of the summer and then we can take it up in September. That's the other, to me that frankly gets, in my mind, gets us to the same place that I was hoping for us to get, which is to allow the SaMTAAC to submit its final report to the Council and then not have it scheduled as a specific agenda item. I mean I understand that there, you know that under open public comment that there is an opportunity for somebody to comment on something that's contained in the informational reports. So I mean there is I suppose if somebody wants to play the system, there is a way to do it, but that might get at my objective of having the committee get the report out, not have a scheduled agenda item and also would maybe get a little bit closer to where Marci was thinking as well. So that's my suggestion based on the conversation and to avoid confusion about us trying to put some sort of side, communicate some sort of sideboards around public comment that may be confusing so we'll eliminate that confusion by not doing it.

**Chuck Tracy** [00:11:56] Thanks Phil. I guess I would say one thing, and that is you know if there is a report in the June agenda, even if it's an informational report, there's still that opportunity for open comment there.

**Phil Anderson** [00:12:14] Well and I acknowledge that, that is a possibility but so you know.

**Chuck Tracy** [00:12:21] Probably reduces the likelihood of...Bob Dooley.

**Bob Dooley** [00:12:28] Yeah thank you Chuck. Yeah, I support that direction from Phil. I'm not sure if it would be appropriate or whatever, but to maybe in that informational report specify the Council's not looking for comment at this meeting, whether open public comment or any comment at this meeting, but more as informational period just to try to, and due to the fact that this is a webinar based most likely that we're trying to you know limit that, so somehow to guide that, because I think you're right Phil, I think that there will be a gaming the system, so to speak. So, thank you.

**Chuck Tracy** [00:13:18] I guess well, I'm not sure I quite, if I've got this right or not Bob but I don't think including something in the report from the SaMTAAC about whether Council does or doesn't or how it takes public comment, I don't think that's an appropriate role for the SaMTAAC and so maybe I'll just pause there and again open comment is open comment. So what about the idea, though? Informational report as opposed to an abbreviated agenda item? Rich Lincoln.

**Rich Lincoln** [00:14:16] Sounds fine to me and, definitely, I mean Virgil's comments seem relevant here if we get a huge list in that venue. I mean I don't think we should be bashful about using restricted time to manage that situation.

**Chuck Tracy** [00:14:36] Brad Pettinger.

**Brad Pettinger** [00:14:38] Yeah, I agree. I think it's probably an appropriate way given the time frames we have and.....(garble)....with Phil that we just need to get it out there for public viewing and we can deal with.....



**Chuck Tracy** [00:15:01] I do have one other, one other thing I think I've kind of been remiss in bringing up, and that is we do have a, as one of the black items, we've got fiscal matters and I guess I did want to bring up that we do not have an approved budget yet for Council to use. We've got a, I can't even remember the term now, but provisional budget. I will note that we've received our funding for this year so that's normally a fairly short agenda item. I think it would probably be, well I guess I just from my perspective I would like to have the Council approve our budget for this year. So maybe I'll just toss that out there. Maybe if Pete Hassemer is the Chair of our Budget Committee, if you have any thoughts about that I'd welcome those.

**Pete Hassemer** [00:16:10] Thanks Chuck. I was thinking about that and how we would accomplish that, finalizing the budget. Typically, well as you know, the Budget Committee would meet and I know our provisional hasn't changed too much so I'm just struggling to think right now how we would do that if we could do it either via email or a very short webinar or something with the committee to prepare the materials, but if you have different thoughts on that I'd sure be open to hearing it.

**Chuck Tracy** [00:16:50] Yeah you know I think in terms of the Budget Committee meeting, how we could, to develop the recommendations, we could do that a number ways. We could do it as it's displayed here and just have a meeting on Friday, June 12th. We could meet prior to that you know if we notice a meeting of the committee, we could do that and, and have those materials developed well in advance of the Council meeting, so you know the alternative if we don't do it in September, I mean in June, we, we could do it in September. It's getting pretty late. You know, on the other hand, you know, I don't think there's, there's no danger of us running out of money this year so I'll put that out there. We've got a fair amount of money in our no cost extension. We got about the same amount of money that we got last year for our regular budget and, you know, these webinars are pretty cheap compared to a Council meeting.

**Pete Hassemer** [00:18:09] Chuck this is Pete. Yeah maybe what we can do is a doodle poll amongst the Budget Committee members to see if that Friday before or an earlier date is preferable. I don't think it would be a very long meeting, but to give the committee members some flexibility in when to do that because, you know, the day before the meeting might be stacked up, so that's one option. Thanks.

**Chuck Tracy** [00:18:45] Okay thanks. John Ugoretz.

**John Ugoretz** [00:18:48] Thanks. Can you hear me?

**Chuck Tracy** [00:18:50] Yes we can.

**John Ugoretz** [00:18:51] Okay. Earlier there was a very brief discussion about the addition of CPS rebuilding to a June agenda. We've had lots of discussions about the essential items that are on here. I don't know where we are in the game, but I'm concerned that you've got a full agenda and we have yet to discuss that item.

**Chuck Tracy** [00:19:21] Thanks John. So, I believe the discussion to this point includes the sardine rebuilding plan in June as an essential item so that's been included in our evaluation of time and essential items. That is however the only CPS item that has risen to that level at this time. John.

**John Ugoretz** [00:19:50] Thanks. I guess I would just have us consider the option of postponing sardine. I'm trying to dig through Magnuson as we speak about the specifics but I believe that perhaps a course of action that the Council could undertake for sardine would be to make a request to NMFS that NMFS make a request to the administration for additional time to prepare a rebuilding plan given the current.....

**Chuck Tracy** [00:20:26] Thanks. Ryan Wulff.

**Ryan Wulff** [00:20:30] Thank you Chuck and thanks John for the question. You know this two-year clock is statutory. It cannot be waived, and Council is supposed to be sending us final action in October so we need a two-meeting process. We need to have that final action in September, although we do understand our workload and all the other things going on but attempting to have the initial part of this discussion in June is pretty important to NMFS, so we would not support removing that from the agenda.

**Chuck Tracy** [00:21:03] Thanks Ryan. John.

**John Ugoretz** [00:21:06] Yeah thank you Ryan and I understand where you're coming from. I guess I would just point out that agencies miss statutory deadlines with quite regular frequency. The question to legal counsel would be what is the litigative risk of missing that deadline and what NMFS is willing to take in terms of that litigative risk and what a court would say given the current situation if we decided to intentionally miss a deadline by three or six months.

**Chuck Tracy** [00:21:52] Maggie Smith.

**Maggie Smith** [00:21:56] Thank you. So under the Magnuson Act, the requirement is to, for the Council to submit based on Council action to implement a rebuilding plan within two years. If the Council does not complete and submit a rebuilding plan in that time frame, the statute directs NMFS to begin the process for a secretarial amendment and implement its own rebuilding plan within nine months. So that's the requirement. I'll certainly be instructing my clients that you know that's their obligation under the act and, you know, I can take any questions, but that is the lay of the law.

**Chuck Tracy** [00:22:51] Thank you Maggie. Corey Niles.

**Corey Niles** [00:22:55] Thanks Mr. Chair and not seeing CDFW's reason for delaying here and so missing something, no one has from the team or the Science Center has raised concerns about June so absent missing John's reasoning and I'm sure I'm missing something but could he elaborate?

**Chuck Tracy** [00:23:21] John.

**John Ugoretz** [00:23:21] Thanks and thanks Corey for the question. Yeah the reasoning is exactly the reasoning we've been discussing all morning and the very eloquently described situation that we were under from Marci, workload is a significant issue for everybody right now. The agenda is already too heavy, even with the reduction from the non-essential items and my concern is that we are adding a difficult agenda item to June that will further impact an already too full agenda, so it has really nothing to do with sardine and nothing to do with the rebuilding process, it has to do with workload and I just, you know, want to be sure that I'm on the record saying that I am concerned about the June meeting even with the reductions that have been discussed.

**Chuck Tracy** [00:24:22] Ryan Wulff.

**Ryan Wulff** [00:24:24] Thank you and thanks John, I appreciate that. I think we've all discussed a number of issues and pulled a number of things off the agenda here due to workload. I would argue, though, that kind of the definition of essential are things that are statutory in nature and things that have to be done and this falls directly into that category and not just necessarily discretionary in our opinion. It's only two hours as agendized here on the other document. We could probably even reduce that I think and just at least have some discussion even if it was an hour but I think that is definitely, for lack

of a better term, essential and therefore if you're really worried about workload, look at other non-statutory issues to remove versus this one. Thank you.

**Chuck Tracy** [00:00:06] Thanks Ryan. I guess I would say that I don't think we could get away with less than two hours for this. I mean this is essentially preliminary action adopting items for public review. I'm sure there'll be a fair amount of public comment even if we constrain the time limits there. I don't see that falling below two hours, but I will say that I think this is an essential item, and I think it's, I guess I would not like to see the Council go down that road for what that's worth. I know that I'm not a Council member. I don't get to vote but I think in terms of identifying Council responsibilities I think this is a very high one. Okay so Maggie Sommer.

**Maggie Sommer** [00:01:13] Thanks Chuck. I have two questions back on groundfish items.

**Chuck Tracy** [00:01:16] Me too. Go ahead.

**Maggie Sommer** [00:01:23] One is that I would support the idea if we are leaving SaMTAAC on the agenda, put it as an informational report and I think it would be very helpful if that included a presentation to the Council and an opportunity for Council members to ask questions so that everybody has a good understanding of the alternatives and just wondered if that was part of the concept envisioned for this. I'll ask my second question and then I'll just mute my mic. The second one is on a different topic. I am just unclear, I think I missed where we are with the groundfish new management measures, whether it's on or off or part of workload planning, so sorry some reiteration there would help me. Thanks.

**Chuck Tracy** [00:02:20] Thanks Maggie. Yeah, those are kind of my two questions. Well, certainly the workload management there's been some support expressed for including that, but I don't think we've got Council consensus on that. Regards to the SaMTAAC business, if it's an informational report we typically don't have a presentation to the Council. I think if we have a presentation to the Council, the Council is going to engage in these sort of discussion about something. I think it's incumbent upon us to allow public comment on that and comments from advisory bodies. I just, we just, at least we haven't in the past taken these sorts of things up that are you know at.....(audio drop).....that are topics of Council action I guess or potentially Council action, I guess I just don't think that would fit in our open, transparent process model.

**Phil Anderson** [00:03:40] So can I. I'm sorry, I can't raise my hand but.

**Chuck Tracy** [00:03:43] Yeah. Go ahead.

**Phil Anderson** [00:03:44] So that's not the proposal. The proposal is to simply have it as an informational report. So I don't know.....so anyway.

**Chuck Tracy** [00:04:06] Okay. Maggie.

**Maggie Sommer** [00:04:12] Thank you for clarification then Chair Anderson does that just mean it would only be a written report in the briefing book under informational reports, and that is the full extent of it?

**Phil Anderson** [00:04:23] Yes. Just so we, the committee has delivered its report. It can be provided as an informational report. There will be, we won't speak to it. We won't talk about it. I guess when Chuck goes through his overview of what's in the informational reports he'll indicate that that's in there, but it's not something that would be discussed by the Council or presented by the committee or anything

else, so I'm not trying to.....all I'm trying to do is get the final report in the hands of the Council and the public and with the understanding that we're not going to be discussing it until September at the earliest.

**Maggie Sommer** [00:05:10] Thank you. I appreciate the clarification. That would work for me.

**Chuck Tracy** [00:05:18] Corey Niles.

**Corey Niles** [00:05:22] Thanks Chuck and moving to your other question or Maggie's other, or both of your other questions. You've mentioned the not being consensus under the workload and new management measures. I didn't hear anyone speak up in opposition and you mentioned there not being consensus, but I just wanted to make clear that my comment was narrower in terms of just providing an opportunity along the lines of the GAP and public. We heard in public comment about an opportunity for an update on some of the efforts that have been underway, so point being there wasn't suggesting we need to take up new management measures discussions in terms of new, new brand, but the updating ones, the efforts we've already asked people to be working on as a check-in so I didn't hear any opposition and so if there was opposition, I'd be good to get that out.

**Chuck Tracy** [00:06:27] Thanks Corey. Well I guess it would be good to know what we're talking about here. So, you know, so the question I think I guess in my mind is, you know, we had scheduled something for April to take up the management workload planning for groundfish. It was going to include reports from the GAP on their two assignments. So that's what was placed, that was the concept when we put this on the June agenda here with two hours. So if there's, if we're going to do something besides what we had originally planned for, for this, then I guess like to get clear what, what we're talking about and then I agree, I did not hear any objections to that, but I didn't, I don't think I really asked for, well maybe I did, but I haven't heard any objections. It could happen anyway, so let's get clear what we're talking about. Are we talking about our sort of plan A with this that we were hoping to do here in April, or is there something else that we're talking about and if so, how does that fit into our, you know the whole purpose of this I think was to decide what items were priorities for work during this sort of off spec year, you know dealing with new management measures, so you know so that was the purpose. So what if that's not it, what is the purpose of what you're proposing? Corey.

**Corey Niles** [00:08:33] I'm not, I think I'm on your plan A. Your purposes is what I had in mind.

**Chuck Tracy** [00:08:40] Okay. Louis Zimm.

**Louis Zimm** [00:08:45] Thank you Chuck. I am still unclear as to the disposition of this new management measures and workload. I just wonder if we need to consider something similar to SaMTAAC report, informational report for the GAP. I would certainly, I really need to have input from the GAP on these things so I'm unclear where we are right now on that. Could you illuminate me? Thank you.

**Chuck Tracy** [00:09:21] Thanks Louis. Well, so again what's on the agenda is what we originally planned for this meeting, which was to have a robust discussion of groundfish workload planning. To identify which items the Council wanted to move forward with during this sort of off spec year cycle. That was going to be informed, at least in part by the assignment's that the GAP received to develop sort of a scope of action and purpose and need statement for the mothership utilization and the non-trawl RCA business. So that's what, that's what this agenda item would be and I believe Mr. Niles said that that's what he was thinking of too. So if this didn't go forward, are you perhaps suggesting that if this doesn't go forward to include informational reports from the GAP on their work to date and just so people would have some information that we could use going forward when we do get around to doing that workload planning step perhaps we put off till September, so good to see if there's any thoughts

about that approach. Louis.

**Louis Zimm** [00:11:11] Well thank you Chuck. My first preference would be to include it in the agenda planning for June, however I understand the reason, the constriction, restrictions on the various departments at this time so that's why first preference. My second preferred preference would be the fallback that you mentioned, so I would look for input from the departments on this. Thank you.

**Chuck Tracy** [00:11:49] Any reaction to sort of those two scenarios for groundfish workload and new management measures? Okay well I guess I'm not seeing people jumping in about this. I think we had....our original discussion on this was the proposal to keep this two-hour agenda item on here as Corey proposed. I haven't heard any objections to that, and I haven't heard any support for Louis' proposal, and I see Ryan's got his hand up.

**Ryan Wulff** [00:13:12] Yeah thank you Chuck. Thanks. I'm happy the if the Council wants to continue to have this as an agenda item. I think that's fine. I just want to be clear would be my understanding that's a place for people to alert the Council to emerging issues in the fishery, which right now should be focused a little bit more on COVID support and not necessarily as an agenda item that's designed to bring other brand new things, as those are not the type of issues that we would be able to take on in our current state of environment. Thanks.

**Chuck Tracy** [00:14:01] Marci.

**Marci Yaremko** [00:14:01] Yeah thank you Chuck. I had kind of expected that with the NMFS report item, that would be a general update of activities under all FMP's. That the content of COVID response would probably be quite prevalent in that report and I would expect that we would be receiving public comments about that report as well as related items that our public bring to us and based on that input, coupled with whatever information we might hear out of open comment, kind of similar to how things went this meeting, I would expect the Council then to be considering whether there was a need to schedule additional emergency action items later in the week after taking that testimony and considering possible paths forward and necessity to take a path forward. So I guess I would like to see us compart....or channel all of this discussion into one kind of central place or central places and I think the NMFS report item is probably a good start, at least for NMFS to give us information and then consider that information as well as input from the public. So, I feel like that covers the necessary scoping that we need to do with regard to new management measures in this time of crisis.

**Chuck Tracy** [00:15:59] So let me ask a clarifying question then. So, are you saying that the reports from the GAP should be delivered under the sort of NMFS, the umbrella NMFS report?

**Marci Yaremko** [00:16:18] Or open comment as appropriate. I believe we received some reports from agency under open comment this meeting and that seemed to be effective so I, you know rather than scheduling additional agenda items to receive comments, it seems like that's a nice catch all place that already exists.

**Chuck Tracy** [00:16:46] Well, let me just kind of talk a little bit about where, about that process or those processes. So we did have some updates from NMFS on COVID-19 related business under open comment. That happens periodically. There is an option for agency reports there. That is not a Council action item. Typically the NMFS report is not a Council action item either, so that's why, you know, things that come to light there usually end up here in workload planning as assignments to staff to, or you know, recommendations based on the discussions heard there. So that is why, for example, that we've got the letter that we're going to take up when we're done with this part of workload planning. So to the extent that, that process is satisfactory then I don't think, I don't know that we need to add to that,

that being said, you know the workload planning, the groundfish workload planning process, you know I don't know if.... I guess I'm not sure what you're proposing that we not do that and incorporate that into you know the open well the NMFS report or the open comment or just kind of let the informational reports ride and then the Council, I guess I'm just not sure what, how we would handle GAP reports through the NMFS report or the open comment. I mean if you're suggesting that maybe under open comment we have an advisory body report because it's not on the agenda, I think we could do that. So maybe that's what you're suggesting. I'm struggling to see what you're suggesting.

**Marci Yaremko** [00:19:19] Hi Chuck. I think you're talking to me?

**Chuck Tracy** [00:19:22] Yes, I am.

**Marci Yaremko** [00:19:23] Yeah thank you. I guess after further thought maybe all we need is just one open comment and we can hear the NMFS reports there. We can hear GAP reports there. We can hear a number of public comments and then I liked the process this week where we took in the information and then like with the observer waiver issue and we had some time to think about it over the course of the week and probably here in agenda planning we will have some further action to take on it that we you know have kind of developed through some sidebar discussions and planning, so I think keeping that flexibility in our schedule is important and I think that when we should just expect to hear things very early in the meeting and then give us a little time to figure out if something like emergency action discussion is warranted to add to the agenda as we see with the item that is now added to our agenda for later today. So, I think having one central catch all place for all of that to come forward early, whether it be open comments or some other appropriately labeled agenda item is, seems like the most efficient path.

**Chuck Tracy** [00:20:54] Thanks. Well let me just say, before I call on Aja that I think the NMFS report should be that. It should be a report from NMFS on their activities and I don't think that's the proper catch all place for the GAP to report on what they're doing about something unrelated to what's on the NMFS report, so I think let me just put that out there. We do have open comment if it's not on the agenda, that's where it belongs. I'm not real fond of the idea of putting a bunch of stuff in there and having the Council have to deal with it on the side throughout the meeting. That adds a tremendous amount of stress to staff and Council members and other people's workload that we weren't planning for so you know, if we go to a lot of work to eliminate a bunch of things and then just let them all come back under open comment and then have to deal with them on the side I don't think that's a good way to do business. That's just my opinion. Aja.

**Aja Szumylo** [00:22:05] Thanks. You can hear me?

**Chuck Tracy** [00:22:08] Yes.

**Aja Szumylo** [00:22:09] Okay. I, so I do in some ways like what Marci mentioned. I do agree with you Chuck. I don't think that the NMFS report should be a place where people bring emerging concerns up. I think open comment is a good place for that, but I also think that we need to create enough time on the agenda to hear what people are saying from a lot of different stakeholder groups. The groundfish workload item as it is right now is a place for people to bring up groundfish concerns, but I don't want to create the false impression for people that we can take up a lot of new items right now other than dealing with this crisis. We're again strained already with the things that are coming out of this meeting and the things that we had going on before, so if we hold that up to our agenda time just to take in the new groundfish concerns that are outside of dealing with this crisis I don't know that that's the best use of that to hours. I do kind of like the idea of having a space at the beginning of the meeting to hear about things and then a space at the end of the meeting to respond to things. I think that we needed that

flexibility this time and we didn't really create it, so if there's a way to structure that chaos over the course of the meeting I think it would be really helpful. I also think that without clearly connecting that for the public, I think people you know, the messages I got from people were that they struggled to understand where we were going to bring up you know, these sort of stray things that came up through the meeting. So if there's any way to channel that message that beforehand, just anticipate that in the world we're living in right now, there are going to be things other than our essential items that we might need to handle and deal with and then communicate that plan to the public well in advance I think that would be wonderful. Holding that groundfish agenda item again, if you were looking for a space to talk about new fishery needs, I don't think that that's just a groundfish need, it might be a broader need so, you know maybe that two hours is better spent with you know, yeah maybe that two hours is better spent on the open comment period or something like that, but I again really am leery of the false impression that we can take on a lot of new groundfish workload or even necessarily handle the things that were on the list before because of the emerging things that we've got going on right now. Thank you, that's all.

**Chuck Tracy** [00:24:32] Yeah. Thanks and again, I would just say that you know I think that open comment served us well this time, but I think it served us for things that we didn't anticipate coming into this process so, and I'm fine with that. I think that's, I think it served us well. On the other hand, if we're talking about something that we've got on our agenda, but we want to take off the agenda, but then include it back in open comment so that we can deal with it, you know I don't see that as good process. To me it's, I think if you know, you know you want to deal with it, I think you should put it out there. I think if you're not sure you want to deal with it, I guess I would think it'd be better to, but you'd like to, I think you should put it on the agenda and then if it's not ripe when you get to June then you delete it from the agenda, but I think if these are things that we're anticipating, I think they should be dealt with upfront, but that's my thoughts. Phil Anderson.

**Phil Anderson** [00:25:47] Yeah, I'll try to constrain my comments here. I'm growing increasingly uncomfortable with this conversation about open comment and how we're going to use that and how, you know, we were thinking state agencies are going to use that as a way to bring new stuff forward, that that's an acceptable use of open comment. I just, I don't, you know we're on one hand we're people are rightfully so stating their extreme concerns over workload and on the other hand talking about bringing new items up under open comment that we haven't talked about so there's no question that we're in unusual times here and we won't be able to anticipate everything and it's perfectly acceptable and understandable that if there are truly emerging issues that need to be addressed quickly by the Council that we didn't schedule time for that, the time to do that to me is when we formulate and approve our agenda at the start of the meeting if there are things that need to be put on there but I am just, I'm not sure where we're going with this conversation. It just seems like we're totally reinventing what the purpose of the open comment item on our agenda versus what in the future versus what it has been so I just, I'm concerned with where this is going and I'll just leave it there.

**Chuck Tracy** [00:27:30] Marci.

**Marci Yaremko** [00:00:00] Thank you Chuck. I just want to make sure that my remarks earlier weren't misconstrued. I think that we must acknowledge that we are going to get public comments because this is a public forum and that's unavoidable so whatever agenda items we schedule, that is going to happen, particularly comments in response to the current crisis. I again reiterate that we can only manage the bare essentials, the absolute most critical items here. I'm concerned with the amount of hours already that Chuck has identified that are scheduled, that's already more than I can commit to. I'm looking for the most efficient way to receive those emergency type comments and requests and then have a way for the Council to respond in some manner. So, I think this might warrant some additional thought after we leave our discussion today on how to make that most efficient. My initial thinking is something like

take the comments at the very beginning of the meeting and then find a way to provide any response as needed at the end of the meeting, in other words, you know, a non-action item upfront where we listen and then potential for some action at the end as needed. Again, I just, I want to make sure that I'm not giving the wrong impression. I want less red, not more. I think one of the key red items, however, is the need to be immediately responsive to the emergency and the only way to do that is have some way of taking that input in and providing some output as needed. I, you know I feel like that's this Council's highest obligation is to provide recommendations based on the input we receive through our public process and I think our public process right now is more challenged than it would be so whatever we can do to channel all of that information, you know, in one place early, and this again this is pertaining to the emergency and nothing else. I can't see room for anything else. So anyway I just, I didn't want to leave anything unclear but I do, you know I have strong confidence that the Council staff can figure out the best way to design that in the course of their planning on the agenda after we leave the discussion today.

**Chuck Tracy** [00:03:13] Thank you Marci. Maggie Smith. Maggie you'll have to unmute yourself. There you go.

**Maggie Smith** [00:03:21] Apologies. I wanted to clarify. I think folks are aware of this, but just in case there's any confusion. The Council's agenda can't be changed within 14 days of the Council meeting except to account for action under the emergency provisions as we've done here, so as you're thinking about taking public comment at the beginning and potentially having responses at the end, just be aware that you know how the agenda is set up we'll need to take that into account and can't be changed based on that public comment unless it is an emergency.

**Chuck Tracy** [00:04:04] Thank you Maggie. Corey Niles. Yeah Corey.

**Corey Niles** [00:04:14] Thanks Chuck and just want to say again and not disagreeing with what Marci's saying there, but what I was asking for again was something much more narrow. I would also, I mean I would look at the inseason item for groundfish as a place where we were looking for maybe or maybe I'm wrong, but when are we going to get feedback on the action that we took today? But beyond that, all I was asking for, the distinguishing factor as kind of Louis said, was assignment's we've already given to the GAP and the place for them to bring back an update and then generally, and I'm talking about your plan A Chuck so I just want to, and I hadn't heard a response back to the plan A of let's hear what they say and yes the workload management measures is there for us, is another opportunity to have a discussion of this type on priorities and timelines, et cetera so that's what I was asking for. I think anyone that comes to that has to recognize, as Ryan and Aja said and Marci and others, that they have to recognize what the workload realities are with all the concerns being brought forth by our sister agencies here. So again, just that narrow request was for updates on assignments already given.

**Chuck Tracy** [00:05:44] Thanks Corey. So if, I guess to me if all we're looking for are updates on assignments given, I think we should treat it the same way we've treated the SaMTAAC, which is to put it in an informational report and it'll be there for future consideration. If you want to go beyond that then I think you need to schedule an action item or put it on the agenda as it is now. So, to me those are those are the two best options. I don't know, I'll just leave it at that. Corey.

**Corey Niles** [00:06:28] Yeah that would be fine Chuck. I still, and Heather is probably going to not be happy for what I said, but I'm still not fully absorbed how we use the groundfish workload and new management measures process versus what we're doing now. So yes if we get an informational report that would be good, but if it just shuttles the conversations to this agenda item, which may just be well and fine and so I'm happy with your suggestion and having workload planning during workload planning.



**Chuck Tracy** [00:07:08] So let me, so I guess what I was suggesting was that it's sort of an either-or. So I think either we have under groundfish workload and new management measures and we go through our established although poorly understood process or we allow the GAP to report out using the informational reports just as written reports and if anything comes out of that under workload planning I think we still.....well, it's up to the Council, but I would think that we would want to schedule a groundfish workload and new management measures agenda item in September to carry out our established process of setting priorities and doing direction there so that's I guess, that's how I would like to see it play out. I don't think it would be appropriate to have informational reports and then just have the Council decide to prioritize one or the other or anything else on the Council agenda and circumvent the, you know the established poorly understood groundfish workload and new measurement measure process.

**Corey Niles** [00:08:54] Sorry Chuck just a real quick response. Yeah either-or information report would be fine without the agenda item recognizing reality that we then would deal with any kind of workload planning during our workload planning. So yeah.

**Chuck Tracy** [00:09:14] Ryan Wulff.

**Ryan Wulff** [00:09:14] Thanks Chuck and I think Corey just said it for me too. I just wanted to strongly support the latter there.....(garbled).....the agenda item itself, but allowing those, the GAP's work to be submitted as an informational item similar to the SaMTAAC issue. Thanks.

**Chuck Tracy** [00:09:35] So does anybody object to that approach? Informational reports from the GAP on their two assignments and no F.2? I'm not seeing anybody object to that so that we're going to say is the plan. So, I'm thinking that we've got a, an approved approach for our June agenda. We're going to plan for a webinar at this point and we're going to limit the agenda to essential items and those that we've discussed and have the SaMTAAC and the GAP if they have reports for the Council to provide them as informational reports. I did want to touch on inseason. I heard Corey mention something about would that be where we would hear a follow-up from the observer waiver coverage requests assuming that goes forward, which we are going to deal with here shortly and I guess my thoughts would be no, that the inseason action would be our normal inseason action agenda item and that the response to the request to NMFS should it go forward would come under that NMFS report. So that, I guess that was my thought there. Ryan.

**Ryan Wulff** [00:11:28] Yes, I would strongly support that because keep in mind we have observers in more than just the groundfish fleet so it would be more under the kind of cross FMP NMFS report.

**Chuck Tracy** [00:11:43] Okay. Any other thoughts about June Council Meeting Agenda Planning? If not, it's 10:11. I think we're due for a break. I guess I would like to say that, you know, typically we kind of look out ahead at the Year-at-a-Glance, I'm reluctant to do that today, frankly. I don't think it's going to be too useful at this point given the uncertainty involved in looking that far out. The amount of items that are going to appear on what is now Supplemental Attachment 6 we're going to need a two-page Attachment 6 to figure out what's going to happen in September. So unless there's something specific that we might talk about perhaps, you know something as simple as unshading the sardine rebuilding plan final action, we might consider something like that, but I don't think, other than that I'm not sure that we have too much business mucking around in September so those are my thoughts about that. Again, we've got the Supplemental Attachment 7, which is the draft letter on a request for waiver observer coverage to deal with under this agenda item. So, my plan, unless I hear otherwise, would be to go directly to that after a break. So, Mr. Chair.

**Phil Anderson** [00:13:27] Yeah thanks very much Chuck. Totally agree with you on the utility of trying

to look at the future agenda planning given the set of circumstances we find ourselves under. Thanks to everybody and thanks to you Chuck for working our way through our getting a June agenda formatted and put together. We will take a break here. I've got 10:12. Let's try to get back at 10:25 and we'll take up the issue of the observer waiver and the potential letter, so we'll get back at 10:25.....(BREAK)

Welcome back folks to our Pacific Fishery Management Council meeting here on Friday, April 10th. We are on our Future Council Meeting and Workload Planning agenda item, we have completed our discussions regarding the June Agenda as well as we had an abbreviated discussion about the future meeting agenda given the uncertain circumstances that we find ourselves in around the country. We do have one more item to take up under this agenda item and that is to consider a letter to National Marine Fisheries Service concerning observer coverage given the COVID-19 pandemic that we find ourselves in. So, I think I'm going to turn this over to Jim Seger for a brief overview of I'm not mistaken?

**Chuck Tracy** [00:15:27] Thanks Mr. Chair. I think I'm going to take it from here if that's all right.

**Phil Anderson** [00:15:32] Okay.

**Chuck Tracy** [00:15:34] I don't know if Jim, if you're listening in feel free to, to chime in, but so again this came up under inseason management yesterday to, there was some direction to draft a request to National Marine Fisheries Service. Several folks, including Jim worked quite a bit last night and this morning to provide a draft. It's included in your briefing materials as Agenda Item I.4, Supplemental Attachment 7. So, this is a draft letter. I did send out notice that it was available. I hope people have had a chance to at least briefly look at it, if not perhaps we could get a quick summary of it by one of the authors if people would like that or I could read it into the record if you would like that, but I think the approach here would be to, to consider this and if so direct staff to complete the letter and submit it to National Marine Fisheries Service for their consideration. So, I'll stop there and see if there are any other comments about this, about this letter from Council members.

**Phil Anderson** [00:17:22] Okay thanks Chuck and thanks to the Council members who worked on this letter over the evening hours. As Chuck mentioned it is posted on the website and is available for review under Agenda Item I.4, Supplemental Attachment 7. So, let me just pause there and ask the Council members whether they would like to have it read into here, which we can do. It's right at two pages long so it wouldn't take very long in comparison to some of the other reports we get but if people have had an opportunity to review it then and so if you would like to have it read so that you could fully consider its content, happy to do that. If you would like that, if you would please raise your hand and so indicate. Okay, I'm not seeing any hands. Let me pause there and ask Chuck if there are other procedural steps that we need to do prior to having a potential motion come before the Council on this letter?

**Chuck Tracy** [00:19:04] Thank you Mr. Chair. No, I don't think so. This topic has been the subject of quite a bit of public comment up to this point so I was, that was what generated this under other agenda items so I think at this point this is the results of Council consideration and the development of this proposal, so I think we are ready for the Council to consider this.

**Phil Anderson** [00:19:39] Okay thanks Chuck. Appreciate that. So, I'll turn it over to the Council for discussion on the letter and would, and we can also obviously entertain a motion as appropriate. Marci Yaremko.

**Marci Yaremko** [00:20:00] Yes thank you Mr. Chair. I was wondering if someone might describe for me what is meant specifically by shoreside catch monitor. That term is used in the letter and I'm just making sure we're clear on what the scope of that term includes?

**Phil Anderson** [00:20:20] Okay thanks Marci. I would turn to one of the authors of the letter to provide a response to that question. So looking for a volunteer from one or more of the authors. Brad Pettinger.

**Brad Pettinger** [00:20:44] Thank you Mr. Chairman. Yeah Marci I believe that's for the dock monitors I believe in the processing plants. That's my understanding.

**Phil Anderson** [00:20:57] And so just to be clear, Marci, I'm seeing, for example on page one, the bottom of the third paragraph where it talks, speaks to by temporarily suspending requirements for at-sea observer coverage and shoreside catch monitors, that is the term you were asking about, is that correct?

**Marci Yaremko** [00:21:21] Yes and the reason I ask is because as I read this recommendation, we are suggesting a temporary suspension of all at-sea observer coverage for all West Coast fisheries and I believe the term shoreside catch monitor as we commonly discuss it in Council circles, we're referring specifically to the trawl IQ catch monitoring program and I just wanted to understand if there was an intent to suspend all catch monitoring that might be going on in all of our West Coast fisheries.

**Phil Anderson** [00:22:09] Maggie Sommer.

**Maggie Sommer** [00:22:11] Thanks Chair Anderson. Thanks for the question Marci. The intent was to refer narrowly to the catch monitors that are required under the West Coast groundfish trawl IFQ program so thanks for pointing that out and that could at least use some clarification if it is the Council's will to retain that in the letter. I know we've had some discussion about the difference between at-sea observers and shoreside catch monitors in terms of their operations and potentially ability to maintain appropriate distances during this situation.

**Phil Anderson** [00:22:55] Okay thanks. Thanks Maggie. So, the reference to shoreside catch monitors is specific to those required under our catch share program and the West Coast groundfish fishery as I understand it. I guess I would in terms of at-sea observer coverage, is there any limitations around or is that intended to be a broad coverage for any and all at-sea observers? And I'm not sure who would be willing to answer that question, but Christa can you address that question?

**Christa Svensson** [00:23:42] Yes thank you Chairman Anderson. So, we did have quite a bit of discussion about that when we were drafting the letter and the intent was for at-sea coverage for all West Coast fisheries. So DGN for example uses observers as well as the groundfish fishery, so the intent was to cover all of our West Coast fisheries that do have observer coverage at this time.

**Phil Anderson** [00:24:11] Thanks Christa for that response. Marc Gorelnik.

**Marc Gorelnik** [00:24:15] Thank you Chair Anderson. I guess I want to express some reservations about the change in scope reflected in this letter versus the discussion we actually had on the Council floor. The discussion had been very specific as to a certain sector and as to that sector's specific concerns and now I'm seeing this broadened not just to include not just those sectors, but sectors, other sectors in the groundfish fishery, in effect, the HMS fishery and I'm not comfortable with that, but we've not had that discussion and as to the need. I think a case has been made with regard to, you know by the public, such as comments by Heather Mann. I've not heard that with regard to other sectors. Also, I would point out that there is at least a proposal for inseason change to open up some additional area for the fixed gear groundfish fishery. The areas that have not been open for some time and I think that in the context of that discussion at the time, there was no mention of lifting the need for observer coverage. So, I guess I'm going to express my reservation. I don't have a problem with this if it were limited to the discussion we actually had and the sectors that actually came forward.

**Phil Anderson** [00:26:00] Okay thanks Marc. Further comments on the letter? Marci.

**Marci Yaremko** [00:26:09] Yes thank you Chair Anderson. Just wanting to convey some thoughts from the State of California. Our fishery managers did kind of huddle on the topic of West Coast observers. We have a number of fisheries in California that have some level of observer coverage, fisheries that include EFP fisheries, open access fisheries, of course the trawl IQ program and with regard to the need for suspending at-sea observing requirements it's our position that all fisheries in that sense are created equally. We have small boats that operate particularly with deep-set buoy gear in our open access groundfish fisheries and then other fisheries that are subject to some level of observer coverage like our California halibut trawl fishery or other state fisheries like our trap fisheries on occasion. So, in terms of maintaining the need to protect public health and safety and recognizing the extensive testimony that we heard, we certainly support kind of an across the board blanket suspension for at-sea observer coverage. I appreciate the discussion we had earlier regarding what the term shoreside catch monitor means. I appreciate Maggie's clarification that it was specific to the monitors in the trawl IQ fishery. I would appreciate before this letter is sent that that be clarified and specifically defined. I just didn't want there to be any misinterpretation about what that term meant because we do have other monitoring programs that are shoreside for other sectors of the groundfish fishery, as well as for other fisheries like coastal pelagics and salmon so I don't, I didn't hear the authors of this letter indicate that the intention was to suspend those monitoring requirements. I think I'm very comfortable with sticking specifically to the shoreside catch monitors for the IQ program and so I would just appreciate that additional clarification made to the text. Thank you.

**Phil Anderson** [00:29:04] Thanks Marci. So if we had temporarily suspending requirements for at-sea observer coverage in all West Coast fisheries and shoreside catch monitors as required by the groundfish catch share program or something like that, that would address the issue you're bringing forward?

**Marci Yaremko** [00:00:00] Yes thank you. You got it exactly right.

**Phil Anderson** [00:00:04] Okay thanks. Christa.

**Christa Svensson** [00:00:06] Yes. I just want to know with regard to HMS that they were not participating in this particular Council meeting. You know had they been here I think after the initial public commentary, it would be likely that we probably would have heard from some folks. Obviously, I can't guarantee that because they didn't but I do think it is worth noting that, you know this was not a HMS meeting and to preclude them based upon we didn't hear from them I think is not a direction that I would like to take.

**Phil Anderson** [00:00:47] Thanks Christa. I did also get an email from Bob Alverson representing Fishing Vessel Owners Association expressing a similar interest associated with the fixed gear fleet so, so we've had a suggestion for one clarifying edit to the letter on page 1 at the bottom of paragraph 3 so I will, are there other comments or discussion on the draft letter? Rich Lincoln.

**Rich Lincoln** [00:01:33] Thank you Chair. And maybe I'll just chime in here as opposed to discussion if this comes up to a motion and a vote, but I guess my mind at this point is being supportive of the letter given in a kind of in a short term temporary sense given the, you know the acute concerns that have not only been raised in the Council discussion, but I think that we've all been aware of in our own communities. At the same time, I think in terms of our Council expectations or my hope would be in terms of if the agency does proceed ahead with some temporary suspensions of some of these requirements, that during whatever time those suspensions were in effect, I think we do need to talk about the, do need to have people thinking about the medium to longer term situation that Barry raised

in his opening comments on this topic the other day with respect to what, you know, what does a long term look like and in some cases and in some fisheries, given this is a, given now that this letter is broadly, I guess broadly constructed across a number of fisheries, there may in fact need to be mitigating kinds of responses to a situation where there isn't adequate monitoring in place in certain fisheries and so I think we, I think a reaction to an acute circumstance does make some sense but I think we really do need to have some kind of longer term thinking about what we might look at in the, you know, in the not too distant future in terms of really kind of rationalizing approach across a number of fisheries that maintains our management capacity, balance conservation needs with while we're ensuring human safety and in some cases that might require certain restrictions in fishing activity. So anyway, just wanted to get those points out.

**Phil Anderson** [00:04:12] Thank you Rich. Bob Dooley.

**Bob Dooley** [00:04:22] Sorry. Thank you, Mr. Chairman. I appreciate it. I just wanted to agree with Christa on this that this is extended to the, to the shoreside monitors as well and I also we have seen not at this meeting, but I've been in receipt of and seen a request that this be extended to the HMS sector as well and the other sectors that are involved so I would think that we might want to make sure that that's included. Also, I'm looking at this, it was a late night putting all this together and I don't know if we specifically included the CP's and the motherships but I think it should to that. This is not about accountability, which I know it will affect it in science in the long run but right now, immediately, it's about safety and health and so I'm not in favor of limiting it so much, so thank you.

**Phil Anderson** [00:05:32] Thanks Bob. Other comments on the letter? I would just, I guess add a little bit to what Rich was saying. You know we, I think we have deemed observer coverage as essential to implementing our fisheries and whether it's a 100 percent observer coverage or something less than that, but in particular the 100 percent observer requirement in some of our groundfish fisheries we've deemed as essential to effectively implement that program and I think there are, I think there are arguments that support the thought that we could go without observers for a period of time, but not for an extended period of time, at least in my mind. So I think this is a, with all of the things that we are having to deal with here in terms of public health and the COVID-19 virus and the vulnerability that our fishing industry has and their crews that this is an appropriate request to make of National Marine Fisheries Service in the short term. I don't think it's a long term solution that I would be comfortable with and exactly where the break is between short and long term I'm not sure, whether it's a couple months or, but it's probably not a lot more than that in my mind before the essential nature of observer coverage would then be become a problem with implementing and managing our fisheries as designed under our fishery management plans and I do think tying the length of time to the state and local jurisdictions associated with stay-at-home orders is a good use of that tool here in terms of the length of time that the waiver would stay in place and I would also support in the event that this waiver is granted that we have an opportunity, sorry all, to think about it again in June, that's the sorry part. I suspect that we will have something in the National Marine Fisheries Service report about this in one way or the other and that might give us an opportunity to think about where we are. So those are just a few of my thoughts. So, Maggie.

**Maggie Sommer** [00:08:52] Thanks Chair Anderson. I just wanted to go on record as supporting your comments. I share those thoughts on the importance of observers, both in terms of accountability for our fisheries and for effective implementation of our fishery management plans. They're a critical piece of catch monitoring as well as biological data collection, so I also very strongly believe that a waiver is the right thing to do right now in the public health crisis situation but I certainly would not intend any support of this letter to be interpreted as any potential erosion of our need for or thoughts on observers or observing in the big picture in the long run. Thanks.

**Phil Anderson** [00:09:50] Thanks Maggie. Marc Gorelnik.

**Marc Gorelnik** [00:09:53] Thank you Chair Anderson. I just want to briefly say that I found the comments from Bob and Christa regarding HMS persuasive. I do intend to support this, but that's in consideration also of the edit made at Marci's request as well as Chair Anderson's comments that this be a short term issue. I think we're going to see additional testing, additional both for infections and antibodies available and I do think that there will be a better way to manage this in a couple of months' time, but time will tell.

**Phil Anderson** [00:10:28] Thank you very much Marc. Ryan Wulff.

**Ryan Wulff** [00:10:35] Thank you Mr. Chair. I had a comment and a clarifying question about the intent just so I understand what the Council's intent here is. Regarding the scope of the request so is the scope when it says all at-sea observers for all West Coast fisheries, is that not only of course the hundred percent coverage fisheries we've been discussing but also all of the partial coverage of fisheries and federally funded observers coverage fisheries and exempt fishing permits. Is that the full scope and intent of this letter? And then just to note, of course, if this was tied to shelter-in-place and shelter-in-place were lifted and we got into the resumption of business as usual, so to speak, just to note then we would be, have to see whether we had observers available at that point and if we didn't, that would potentially have other consequences on the fishery. I'll stop there. My most important point is the question of overall scope. Thanks.

**Phil Anderson** [00:11:56] Thanks, Thanks Ryan. Let me turn back to one of the authors. My understanding was it was all encompassing, given that the circumstances that we're trying to address here in terms of the close proximity and the other issues associated with having observers on board in this, during this coronavirus crisis is the same regardless of the species of fish that is attempted to be taken but so I don't know if Christa if you'd be willing to answer that question and confirm that my understanding is correct or offer another opinion?

**Christa Svensson** [00:12:51] Thank you Mr. Chair and yes, your understanding is correct, at least in the discussions that we had, it was to cover all fisheries. So, all you know whether they were full coverage, whether they were partial coverage. I will say we didn't speak to EFP's specifically, but the conversation was around, you know, this being really fair and equitable across fisheries. I don't want to cut off discussion. I do have a motion whenever folks are ready for it but I do think that the discussion that we've been having has been very helpful in terms of helping people to understand the contents of the letter, et cetera.

**Phil Anderson** [00:13:40] Okay thanks Christa and Marc Gorelnik did you have another comment or? Okay Corey Niles.

**Corey Niles** [00:13:59] Yeah thanks Mr. Chair. Since everyone spoke, a lot of people spoke before a motion. I didn't want to wait till the motion to speak. So first, thanks to those who put this together last night, that's impressive bringing all these thoughts together and that quickly and with little sleep apparently. Just making a couple of comments. First off, I think I'll start off by saying that we know our advisers, a lot of our advisers have been longtime participants in this process and you know we have known for a long time about their dedication to good fisheries management and good monitoring and good data and know that the observer program has been fundamental to what we've done in many of our fisheries, groundfish for a long time and we've come a long way in conservation because of that data and I know they all recognize that so we hear their concerns about health and know that does not mean that it's not a commitment to good data. So also looking to how the various states have approached this crisis and other agencies and the tribes, and everyone is taking a slightly different approach on what

is essential in terms of work and employees. If this were my agency, the observers would be home teleworking. We have a very limited, as we put in our report under open public comment, we have a very narrow definition of essential because we're highly weighing the public health really highly, so but that, just one thought there in terms of what others have said and the question of how long, you know as this continues, my understanding is our agency is going to have to think case by case pretty hard about whether a fishery can remain open and for how long if it is unmonitored and you may have all talked about that some as part of your salmon discussion, so that's just the reality. As we know we've closed all our recreational fisheries and it was, it's a very tough decision. So just speaking here about recognizing all the concerns and that NMFS, this sounds like a reasonable request of NMFS to make so I can support the letter, we can support the letter and believe people will continue to make the right decisions here, so yeah thank you again for those who put it together and I will stop there for now.

**Phil Anderson** [00:17:09] Okay thanks Corey. I'm looking for any other hands. Not seeing any so Christa, I believe you mentioned that you had a motion to put before the group?

**Christa Svensson** [00:17:27] That is correct and I believe Sandra has the bulk of the motion. I would like to add just a brief, it's not even a sentence but component I guess that says.....

**Phil Anderson** [00:17:47] Just hang on just one sec until we get it up on the screen.

**Christa Svensson** [00:17:54] And I apologize I only have one screen so I can't see what's on your screen at the moment, but I will switch back and forth as I work through this. Okay.

**Phil Anderson** [00:18:10] Sorry I apologize I was...

**Christa Svensson** [00:18:12] No, no, it's okay. So, I think we've got it up there now, so after Attachment 7, which is kind of the very bulk middle and it's in blue, I'd like to add 'with clarifying edits from Council discussion'. Okay so my motion as it appears is, I move the Council approve and send the letter requesting observer coverage waiver for West Coast fisheries, I.4, Supplement Supplemental Attachment 7 with clarifying edits from Council discussion to National Marine Fisheries Service West Coast Regional Office.

**Phil Anderson** [00:19:07] Thank you Christa and the motion on the screen accurately reflects your motion. Is that correct?

**Christa Svensson** [00:19:13] That is correct.

**Phil Anderson** [00:19:15] And just so I'm clear, the clarifying edits are the ones that we discussed at the bottom of the third paragraph on the first page having to do with at-sea observer coverage in all West Coast fisheries and the shoreside catch monitors being specific to those required under the catch share program. Is that correct?

**Christa Svensson** [00:19:35] That's correct although I am also going to recommend that we run this through spell check.

**Phil Anderson** [00:19:41] Okay. All right.

**Christa Svensson** [00:19:41] Just because I will admit as one of the authors, my spelling occasionally leaves something to be desired.

**Phil Anderson** [00:19:49] Yeah there'll be a.....I'm sure the Council staff, if approved, would be

formatting and ensuring that everything looks good. All right. Is there a second?

**Chuck Tracy** [00:19:57] Mr. Chairman?

**Phil Anderson** [00:19:58] Yes.

**Chuck Tracy** [00:19:59] Before we go for a second, I just I'm not quite clear does this cover just federal fisheries or does it also cover state fisheries?

**Phil Anderson** [00:20:16] Well. Let's see. Well I need to ask the maker of the motion that question.

**Christa Svensson** [00:20:29] The maker of the motion I think needs to help phone a friend, because initially when we talked through that we do not necessarily have that discussion so I am going to ask Miss Sommers and maybe some of the state agency folks what the repercussions on that would be. You know so far what we had spoken about were federal fisheries such as the groundfish.

**Phil Anderson** [00:20:52] Well my unders.....if I can and I'll defer to others as well, is that it wouldn't make any sense to be asking National Marine Fisheries Service to waive observer requirements under state jurisdiction and under and required by state law. That would be under the authority of the individual states so but that would just be my perspective. Let me see I'll just go call on you as you have raised your hands in order, which is Mr. Dooley's next, and please this is just to address the question of the scope of the motion federal versus state or some combination thereof.

**Bob Dooley** [00:21:42] Phil I was just raising my hand for a second, that's all.

**Phil Anderson** [00:21:44] Okay I'm going to hold off on that just to make sure we have clarity on the intent of the motion. Maggie Sommer.

**Maggie Sommer** [00:21:51] Thanks Mr. Chair. I would, I was thinking about this motion and the letter as specific to the National Marine Fisheries Service's deployment of observers under federal observer requirements.

**Phil Anderson** [00:22:15] Thank you. So if there is, if you have a different opinion about the intent of the motion and it really it is the maker of the motions responsibility to clarify questions about the intent so I'm having, struggling a little bit to ask others to clarify the intent of the maker of the motion.

**Christa Svensson** [00:22:44] And pardon me for interrupting, but that would be my intent. I mean I don't think that we can ask people to enforce things that are not within their jurisdiction or make recommendations for them to try and do that otherwise, which is why I initially did ask state agencies but I do feel comfortable with the discussion that we've had around that specific point.

**Phil Anderson** [00:23:19] Okay thanks. So, before we get into further discussion, I'm going to ask for a sec, if there is a second, and Mr. Dooley has indicated that he is seconding this motion. So, we have a motion with a second. We have clarification that it applies to observers that are required under federal regulations or other requirements so now we will open up, we will ask, I will ask Christa to speak to her motion.

**Christa Svensson** [00:23:56] Okay thank you Mr. Chairman. I'd like to start by thanking everyone for the public testimony throughout the week surrounding both observer coverage and the impacts of COVID-19 and I hope most, if not all of you can find some comfort that Council members have been actively listening to your concerns about providing more opportunity in the California salmon and fixed



gear fisheries, as well as on the need for a letter from the Council regarding an observer coverage waiver. My discussion comments earlier in the meeting focused on human life and the need for safety and I consider that paramount in my decision to recommend a letter from the Council. For brevity sake, I'm not going to reiterate those comments here. I will say that I've heard from a number of boats and processors in the Pacific Northwest that they're working on approximately 50 percent capacity, so economic considerations do play a part in my thought process. A temporary waiver would generate approximately 2,000 dollars of savings per trip and that goes a long way towards paying the bills of our essential workforce during a time of crisis. In reflecting on Mr. Thom's comments surrounding this being a tsunami and after the tsunami passes, we need to be wearing extra tuffs rather than tennis shoes. I agree. In the following months extra tests are in order along with a lot of hard work to rebuild stronger than before the pandemic. However, I found myself thinking as we're in the tsunami phase, the thought of fishermen wearing boots, weighing them down rather than being thrown a life preserver is not the image I want our industry to be left with. I'm grateful that the Oregon delegation is unanimous in agreement to send a letter, and I hope that other Council members will support us on a yes vote requesting a letter in favor of an observer waiver for West Coast fisheries. Thank you.

**Phil Anderson** [00:26:11] Thanks Christa. So, we'll open it up for discussion on the motion? Ryan Wulff.

**Ryan Wulff** [00:26:25] Thank you. This is obviously the Council's letter on this issue so I'll be abstaining from this when it comes to the vote, but I do want to say, which is behind my questions for clarification earlier that we would interpret this to be for all West Coast fisheries, including state fisheries and broader EFP's that carry federal observers for on the state side, for example, halibut and pink shrimp, so I just want to be clear that that is our intent. We would be.....(garbled)....coverage if granted where we are exercising authority to place observers on the vessel whether it be state or federal fisheries. Thank you.

**Phil Anderson** [00:27:09] Thank you Ryan. Is there further discussion on the motion? Seeing none I'll go ahead and call for the question on the motion so get ready to unmute yourself. All those in favor say 'Aye'.

**Council** [00:27:29] Aye.

**Phil Anderson** [00:27:29] Opposed no? Abstentions?

**Ryan Wulff** [00:27:38] Abstain.

**Phil Anderson** [00:27:42] The motion passes. Thanks to everybody who worked on this issue over the last twelve hours or so, well actually less than that, well no, it's been about that. So, I believe, and I'll check with Chuck, I believe that completes our work under I.4.

**Chuck Tracy** [00:28:14] Thank you Mr. Chairman. Yes, I believe that does complete our work.

**Phil Anderson** [00:28:17] Okay.

## **J. Mothership/Catcher Processor Seasonal Processing Limitations (Emergency Action)**

### **1. Emergency Action To Consider Changing Seasonal Processing Limitations – Final Action**

**Marc Gorelnik** [00:00:00] That takes us to our Council action, which is to consider this emergency action to amend the Groundfish FMP to allow the relaxation of these processing limitations. Let me see if there is a hand. I see a hand. Pete Hassemer.

**Pete Hassemer** [00:00:19] Thank you Mr. Vice Chair. This is just a question for NMFS relative to emergency actions and the duration of them being 180 days. Is there a process, and I know it takes some time to go through the process of getting it implemented, but if it happened quickly is there a way by which NMFS could specify that that action would become effective either May 14 or 15? Looking at my Julian calendar 180 days after May 15 would take us to November 11th, so just specifying is if with an emergency action you could specify a future effective date. Thank you.

**Marc Gorelnik** [00:01:19] Thanks for the question Pete. I see Aja has her hand up, so Aja.

**Aja Szumylo** [00:01:26] Thank you Vice Chair Gorelnik. I'm actually not.... I imagine we could specify a later date, but I'll have to ask Maggie about that. I'm not, you know I think given the statutory requirement for it to be 180 days and given the workload that we have ahead of us in the near term, I think, you know, it's most likely that the action would, if we went forward with it, go into place sometime in May, so you know we'd probably end up sometime in that November period anyway, and at that point we could reevaluate doing another extension for the emergency rule to cover the duration of the fishing year. I wouldn't necessarily try to game it by tinkering with the front end of it. The truth is the process is going to take the time it takes and so I can tell you that most realistically, given all the work that we have to do to evaluate it, it would happen sometime in May anyways and end up ending sometime in November no matter what. So, I don't know if that answers your question. I'll also kick it over to Maggie just in case I'm wrong about whether we can specify a start date.

**Marc Gorelnik** [00:02:44] Maggie do you have something you wanted to add there? Please go ahead.

**Maggie Smith** [00:02:51] Thank you Vice Chair. You know I haven't given that particular thought, so this is a bit off the cuff, but no the rationale for an emergency. The thing that justifies it is that there's not enough time to go through notice and comment rulemaking so my kind of thought is that if you were to specify a start date that was too far in the future, that would undermine the rationale for taking emergency action altogether when you could have done a regular notice and comment rulemaking. But if we're talking about something really short like a week just to try to get the dates to line up with the fishing season better, I think that potentially is an idea worth looking into.

**Marc Gorelnik** [00:03:47] All right thanks very much Maggie. Phil.

**Phil Anderson** [00:03:51] Yeah thanks Mr. Vice Chair, I'm looking at the Magnuson Act and I'm seeing that there's caveats that remain in effect for no more than 180 days after the publication and may be extended by publication in the Federal Register for one additional period of not more than 186 days, provided the public has been provided an opportunity to comment on the emergency regulation or interim measure, and then it goes on to say, and in the case of the Council recommendation for emergency regulations, the Council is actively preparing a fishery management plan, plan amendment or proposed regulation to address the emergency. So I guess my question to Maggie is, given that

provision is, isn't there an opportunity to rather than try to mess with the front end, there is an opportunity to extend it for another 30 or 60 days to get us through the whiting season if that were needed?

**Marc Gorelnik** [00:04:59] Maggie.

**Maggie Smith** [00:05:00] That opportunity does exist if the criteria are met.

**Phil Anderson** [00:05:11] Okay thank you.

**Marc Gorelnik** [00:05:15] Is there further discussion on this motion?

**Phil Anderson** [00:05:19] We need a motion first.

**Marc Gorelnik** [00:05:21] Oh excuse me. You're right. I'm somehow getting ahead of myself. So further discussion on this agenda item and then maybe Phil has his hand up to offer a motion.

**Phil Anderson** [00:05:36] Yeah, I don't want to jump in front of the discussion piece, but I do have a motion when you are ready for it.

**Marc Gorelnik** [00:05:45] Well, let me make a last call for discussion to be had ahead of a motion.

**Chuck Tracy** [00:05:52] Mr. Vice Chair.

**Marc Gorelnik** [00:05:54] Yes Chuck.

**Chuck Tracy** [00:05:54] I just, I'm not sure about the proper order for this, but I think it would be helpful for the Council to consider the emergency criteria in Attachment 1 to make sure that all those items have been properly addressed, so I don't know if we need to do that before the motion or after, but that step I think needs to be taken. That's usually what we do in such circumstances speaking primarily from a salmon experience perspective. Thank you.

**Marc Gorelnik** [00:06:37] All right. Well, maybe I could ask John DeVore to review for us those criteria so that they're all top of mind, and if you need a moment there, John, let me know.

**Phil Anderson** [00:06:52] Mr. Chairman.

**Marc Gorelnik** [00:06:54] Yes Phil.

**Phil Anderson** [00:06:54] I plan to address those in my justification of my rationale, so I am going to walk through those but if you'd rather do it in front of the motion that's fine.

**Marc Gorelnik** [00:07:11] Well, I think that in the interest of brevity, since you have anticipated the issue that Executive Director Tracy has raised, and provided we do consider those factors before we take action, I think it's appropriate to do it as part of your motion and discussion on the motion unless Mr. Tracy disagrees.

**Chuck Tracy** [00:07:37] No, that's fine. I just wanted to make sure that we were going to address this.

**Marc Gorelnik** [00:07:43] Very good. All right, well let me make one last call and see if there's any discussion to be had ahead of the motion and its subsequent discussion, and I'm not seeing any so, Phil,

if you have a motion, I suggest you put it forward.

**Phil Anderson** [00:08:07] Thank you very much Mr. Vice Chair and allow me a little latitude here. I've got a lot of things going on here on my computers, but so my motion is on the screen and it is I move that the Council request that the National Marine Fisheries Service initiate an emergency rule to allow an at-sea Pacific whiting processor platform to operate as both a mothership and a catcher processor in the same calendar year during the 2020 Pacific whiting fishery.

**Marc Gorelnik** [00:08:54] All right, so the language on the screen accurately captures your motion?

**Phil Anderson** [00:08:59] Yes it does. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:09:03] All right, I'll invite a second. Seconded by Corey Niles. Please speak to your motion.

**Phil Anderson** [00:09:12] Thank you Mr. Vice Chair. So, as we're all aware the whiting industry brought this issue forward to us previously this week and provided us a lot of good information about the circumstance and so appreciate that very much. We also had a letter I believe from Heather Mann and Brent Paine that also did a very thorough job of explaining the situation and the justification of the Council potentially taking action on it by way of requesting an emergency rule. Section 305c of the Magnuson-Stevens Act allows the Secretary of Commerce to promulgate the emergency regulations when the Secretary finds that an emergency exists involving any fishery. NMFS has followed up with some policy guidance that defines an emergency situation. There are three primary categories. One, that the situation results from a recent unforeseen event or a recently discovered circumstance. Two, it presents a serious conservation or management problem in the fishery, and three, can be addressed through emergency regulations for which the immediate benefit outweigh the value of advanced notice, public comment and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process. NMFS guidance further states that if the time it would take to complete notice and comment, rulemaking or complete a fishery management plan or amendment would result in a substantial damage or loss to a living marine resource, habitat, fishery, industry participant or communities or substantial adverse impacts to the public health, emergency action might be justified under one or more of the following situations. The first has to do with the ecological and that is to prevent overfishing as defined in the fishery management plan or is defined by the Secretary in the absence of a fishery management plan. The second, which is pertinent to the issue we have before us, is economic to prevent significant direct economic loss or preserve significant economic opportunity that otherwise might be foregone. And the third is also applicable to our situation, and that is social, and that is to prevent significant community impacts or conflict between user groups. There is also a fourth dealing with public health to prevent significant adverse effects to the health of participants in the fishery or their consumers of seafood products. So I think given the information that we have been provided and that is, and I think the circumstance that we are in, that the industry is in is due to the COVID-19 pandemic has created a situation where a company that is a critical component of the mothership sector has had to make the difficult decision of withdrawing a vessel from participation in the mothership sector because of the current set of regulations we have that does not allow a vessel to participate in the mothership processing sector and the catcher processor sector in the same calendar year and so they obviously the, this proposal for an emergency rule would remove that limitation. We've heard from the industry, it's been reflected again in the GMT report and the GAP report what's at stake here and what's at stake is stranding about 51 million pounds of whiting, which has a value in excess of 5 million dollars. It also, this situation will result in the owners and crew of at least three vessels that are immediately impacted by not being able to remove, catch the fish that they have and deliver it to a processor. We also know that they have crews. The crews have families and so there are significant both economic and social consequences that will result in the absence of

implementing this emergency rule and we still don't know that what may happen within the industry as a result of the COVID-19 pandemic. It could, this is, there could be other situations that is yet to come for other processors that may have the same effect on some vessels in stranding their catch. Don't know that yet, but we certainly have a circumstance here where we know we have about 24 percent between what they own and lease of the mothership sector's quota that's going to be stranded in the absence of us taking, or in the absence of NMFS taking action on this request for an emergency rule. So in closing, I just, I believe that this emergency rule is consistent with the circumstances that was, that were in the minds of Congress when they passed the act and set up this procedure for an, to enact an emergency rule. I think it clearly meets the guidelines from an economic perspective that NMFS has set forward, as well as the social implications associated with stranding this amount of fish worth this amount of money affecting this number of jobs. So, it is for those reasons Mr. Vice Chairman that I put this motion forward for the Council's consideration.

**Marc Gorelnik** [00:16:31] Thank you very much Chair Anderson for your motion as well as your thorough justification for the motion. Let me see now if there are any, if there's any questions for you or any discussion on the motion. Pete Hassemer.

**Pete Hassemer** [00:16:59] Thank you Mr. Vice Chair. Just wanted to speak in support of this motion. Thanks, Phil, for making that. I guess to my mind I see three critical elements in here. One is the immediacy of the need for the action, the emergency nature in that the whiting season opens May 15th and something needs to be in place by then, so I certainly encourage any process that meets that date. The second element is the term of this. The motion states it's for the duration of the 2020 whiting fishery, I think to achieve that we talked about the 180 day limitation of an emergency action that it is within NMFS process to find a way to extend that to cover the 2020 whiting season should the emergency actions expire while the fishery is still active and there are fish to be caught and that leads to the third element for the longer term that again NMFS within their process can deal with the entirety of the 2020 season, but this could be a problem in the future, in future years also and it is either a NMFS process, the emergency action, or a Council process to take a broader look at why the problem emerges that could solve that. So, I guess it in the future I would anticipate we look at the issue more deeply, but as it concerns 2020 this is the proper course of action. Thank you.

**Marc Gorelnik** [00:18:53] Thank you Pete. Joe Oatman.

**Joe Oatman** [00:19:01] Thank you Mr. Vice Chair. Can you hear me okay?

**Marc Gorelnik** [00:19:03] Yeah.

**Joe Oatman** [00:19:07] Thank you. First, I want to state that I appreciate the points that Phil Anderson just provided to the Council as the basis for this notion. I want to speak in support of this motion as a result. After discussing this with our tribal whiting participants, we do support this as an emergency one-time measure for the 2020 Pacific whiting season. We are sympathetic of these mothership catcher vessels not having a market for this season and I understand that the Makah catcher vessels may face the same problem of leaving a mothership market or their fish, as such this emergency rule as a one-time limited action for the 2020 season is necessary. I also want to mention that I recognize that any discussion beyond this 2020 season if there should be a mothership utilization agenda item to be taken up at a future Council meeting if necessary. Thank you, Mr. Vice Chair, for being able to provide those comments in support of this motion.

**Marc Gorelnik** [00:20:20] Thank you very much Joe. Christa.

**Christa Svensson** [00:20:31] Thank you Vice Chairman and I apologize I needed to take myself off of

mute. I want to thank Chairman Anderson for making the motion and particularly addressing the social and economic components. I think this agenda item really is a reminder that processors and fishermen's business plans are intertwined and more so than we really want to admit. In this case it's a processor who left their vessels in the lurch, but I do want to say that in 2018 one of the three impacted vessels made a substantially similar business decision and left my company a few short weeks before the shoreside whiting fishery opened, and he didn't give any prior warning of his intent. So, to the vessels scrambling I'm hopeful that it won't take 15 months and I think that this motion does provide a solution that will keep it from becoming that. I'm going to note that it took help from UCB, MTC, Evening Star Inc., and Butch Smith to bring whiting back to the community of Ilwaco, and that really did impact jobs there and the social environment, and because of that experience, I'm in favor of emergency action that can offer support to stranded vessels and stranded quota.

**Marc Gorelnik** [00:21:52] Thank you Christa. Aja.

**Aja Szumylo** [00:21:57] Thank you Vice Chair Gorelnik. I'd first like to ask a clarifying question regarding implementation? The GMT report states that a platform can not be both a mothership and catcher processor simultaneously and I'd like to ask Chair Anderson to clarify that this is his intent and that it's consistent with the GMT report.

**Marc Gorelnik** [00:22:20] Chair Anderson.

**Phil Anderson** [00:22:25] Yes, thank you and thanks for that question Aja. So, to just speak to that point and maybe a little bit more. The mothership sector would still need to lease one of the six mothership processing permits and a platform would not be able to be both a mothership and catcher processor simultaneously. So those two points, so I'm not proposing either one of those be, well I'm not proposing either one of those be changed and I want to make it clear that they would not be able to participate both as a mothership and a catcher processor simultaneously.

**Marc Gorelnik** [00:23:12] Does that answer your question Aja?

**Aja Szumylo** [00:23:15] Perfectly. Thank you. And then just one other comment for procedural reasons I'll be voting no on this motion to avoid a unanimous vote. Under the Magnuson Act the unanimous vote on an emergency measure requires the Secretary of Commerce to implement the action, and so my no vote is to preserve the discretion of the Secretary and it's NMFS policy for all emergency actions, and I'll note that this shouldn't be seen as an indication that NMFS is not in favor of the action and does not think it could be implemented. It's just for procedural purposes and I'd otherwise vote in favor of the motion.

**Marc Gorelnik** [00:23:49] Thank you Aja. Further discussion on the motion? Corey Niles.

**Corey Niles** [00:23:59] Yeah, thank you Mr. Vice Chair and thank you, Phil, for the motion. In support of course. I just wanted to say Phil went thoroughly through those criteria, I think this is just even could have been a you know it when you see it, it's pretty clearly an emergency situation but appreciate the very thorough rationale provided by Mr. Anderson and GMT, GAP, public testimony, and yeah, as Christa said, thanking the participants in the sectors for working together and coming to unanimous agreement on this is very much appreciated as well. And just lastly, I would emphasize that consistent with the inseason actions we requested yesterday, in Washington's view this is as high a priority if not more so than those and so just wanted to emphasize that priority for us and again, thank you for the motion.

**Marc Gorelnik** [00:25:01] Thank you Corey. Further discussion on the motion? I'm not seeing any

hands, so I will call the question. All those in favor of this motion signify by saying 'Aye'.

**Council** [00:25:18] Aye.

**Marc Gorelnik** [00:25:19] Opposed no?

**Aja Szumylo** [00:25:23] No.

**Marc Gorelnik** [00:25:24] No vote by Aja. Abstentions? No abstentions. The motion passes, although not unanimously. Thanks again, Phil, for your work on this and thanks to everyone around the table for dealing with this issue. I believe this concludes our action here under J.1 but of course I'll turn back to John DeVore to make sure that I am not jumping the gun.

**John DeVore** [00:25:58] Yes, thank you Mr. Vice Chair. You have indeed completed this action which is to allow or to recommend an emergency action to allow mothership and catcher vessel platforms to operate in both sectors in a given season, however not simultaneously. So, with that you have completed this action.

**Marc Gorelnik** [00:26:20] All right and let me just see if there are any hands, if anyone wants to offer any last comments or maybe they perhaps have additional direction? And I'm not seeing that either. So that will conclude Agenda Item J.1.