

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**255<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**June 10-12 & 15-19, 2020**  
 Online Meeting due to the COVID-19 Pandemic

Verbatim transcripts of the Pacific Fishery Management Council are prepared for reference and are limited to Council discussions during the Council Action portion of each agenda item. These transcripts are not reviewed and approved by the Council and are not intended to be part of the formal Council Meeting Record.

Contents

|  |     |
|--|-----|
| A. Call to Order .....   | 3   |
| 4. Agenda .....  | 3   |
| B. Open Comment Period .....   | 4   |
| 1. Comments on Non-Agenda Items.....   | 4   |
| C. Administrative Matters .....  | 6   |
| 1. NMFS Report.....  | 6   |
| 2. Fiscal Matters.....   | 7   |
| 3. Approval of Council Meeting Record.....   | 8   |
| 4. Membership Appointments and Council Operating Procedures .....  | 9   |
| 5. Future Council Meeting Agenda and Workload Planning.....  | 15  |
| D. Highly Migratory Species Management.....  | 53  |
| 1. International Management Activities.....  | 53  |
| E. Salmon Management .....   | 59  |
| 1. Southern Oregon/Northern California Coast Coho Endangered Species Act (ESA) Consultation Update ..... | 59  |
| 2. Southern Resident Killer Whale (SRKW) Endangered Species Act Consultation Update .....                | 61  |
| 3. Amendment 20: Annual Management Schedule and Boundary Change.....                                     | 65  |
| F. Groundfish Management .....   | 75  |
| 1. Final Action to Adopt Management Measures and Exempted Fishing Permits for 2021-2022 Fisheries .....  | 75  |
| 2. Stock Assessment Plan and Terms of Reference (TOR) – Final Action .....                               | 110 |
| 3. Electronic Monitoring Program – Final Action .....  | 119 |
| 4. Inseason Adjustments – Final Action .....   | 131 |
| G. Coastal Pelagic Species Management .....  | 133 |
| 1. Sardine Rebuilding Plan .....   | 133 |

## 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 then that'll take us to our consideration of approval of our agenda for this meeting and before I look for a motion, let me ask Chuck if there are any additions, modifications to the draft agenda that was provided to us in the briefing book.

**Chuck Tracy** [00:00:24] Thank you Mr. Chair. Just one to bring up and that is under C.4, the Membership and Appointments. There's under the action listed there we did, we accidentally omitted the election of the Chair and Vice Chair so that will, we'll need to add that to the action to occur under that agenda item. Other than that, I'm not aware of any other proposed changes to the agenda.

**Phil Anderson** [00:00:55] Okay. Thanks very much. Given that, let me look for a motion to approve our agenda and call on Marc Gorelnik.

**Marc Gorelnik** [00:01:08] Thank you Chair Anderson. I would move that we approve the published agenda with the addition under agenda item C.4 of moving election of a Chair and Vice Chair.

**Phil Anderson** [00:01:23] Thank you very much Marc. Is there a second?

**Bob Dooley** [00:01:24] I'll second. Bob Dooley.

**Phil Anderson** [00:01:29] Thank you Mr. Dooley. So, we have a motion to approve our agenda as amended with the addition of the action under the election of the Chair and Vice Chair. All those in favor signify by saying 'aye'.

**Council** [00:01:48] Aye.

**Phil Anderson** [00:01:53] And those opposed No? And are there any abstentions? Very good. Motion carries unanimously. We have an agenda for our meeting.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Phil Anderson** [00:00:00] That'll conclude our public comment under our open comment period, and it takes us to any pertinent discussion or comments by Council members that they have not already provided. Rich Lincoln.

**Rich Lincoln** [00:00:28] Thanks Chair. I just wanted to maybe start some discussion by acknowledging the public comment on the raising the concerns about the restriction of the form of that the Council potentially allows scientific information to be presented to the Council and I honestly find, I find some of the concerns and comments raised to be, merit some Council discussion, I'm not sure that I understand that the form of scientific information is somehow unique in terms of restricting that particular type of information, as compared to other information that's presented to the Council and it seems like perhaps the appropriate mechanism if the Council thinks that such information should be restricted in some manner in its form, it seems to me that the appropriate process for making that kind of decision might be in the Council actually considering some kind of Council Operating Procedure. So, I am concerned that, I mean as a Council member myself, I appreciate the ability to consider to understand and consider relevant, relevant information that might be out there. We always have to consider how we use that information but I think in this particular case there've been some comments of certain merit that would warrant some Council discussion and change or specification of procedure before it restricts access to information. I understand some of the comments that have been presented to us by the Council staff in terms of the rationale for some of the decisions made and understand that there may be utility in discussing some of those, but I think that it deserves some Council process before we restrict information. Thanks.

**Phil Anderson** [00:02:51] Yeah thanks Rich. I would just say that Chuck and I and Marc have had an opportunity to talk about this issue a little bit, and I know that the COP as it is currently written is, doesn't directly address this kind of issue and so I believe under workload planning Chuck was going to bring up this item in terms of looking at the COP more closely and having a deliberative discussion about it, but Chuck if you have anything more to add at this time on this particular topic please feel free to do so.

**Chuck Tracy** [00:03:39] Thanks Mr. Chair. Not no, not too much. I think I did mention under my Executive Director's report that I had a desire to update the COP's and SOPP's and this is one of the topics that I wanted to bring up and have an opportunity for the Council to discuss and so I think, you know, assuming we can find time on our agenda, again I was hoping to get this done by before the end of the year or at least start the process before the end of the year, so I would like to do that. So, there's this, there's this issue. There's a number of other issues as well, though, that need consideration in our SOPP's and COP's, but that was my intent there.

**Phil Anderson** [00:04:31] Okay thanks Chuck. Yeah I just would add my voice to Rich's that I think this is an important issue that we need to talk about and make sure there's clarity on it in our COP's, but before getting to that point I think some further discussion in the Council needs to occur so I'm hoping we can schedule some time to do that sooner rather than later. Louis Zimm.

**Louis Zimm** [00:05:00] Thank you Mr. Chair and I do agree with Rich's position on this and yours, and I really appreciate the clarification of this and our road forward. My comment is, is not on that at all. It is upon the deep-set buoy fishery and the recreational fishery conflicts that are, seem to be appearing off Southern California which I have actually witnessed myself in very small part, not near as much as the people that are out there daily. So, I just want to make sure that we keep this in mind.

It'll be very interesting here in this year to see how this develops. We've already had a situation where the first deep-set buoy gear swordfish that's been caught has been caught by recreational fishermen, so it's very interesting and I hope that we keep a close look on this matter and I appreciate it. Thank you.

**Phil Anderson** [00:05:59] Thank you Louis, and Vice Chair Gorelnik.

**Marc Gorelnik** [00:06:04] Thank you Chair Anderson. Just quickly on Louis' point. You know the Council currently does not regulate the recreational swordfish fishery and so to the extent the open public comment relates to further regulations, it's not clear to me whether the request is that the Council undertake that or whether that comment is really directed to the Fish and Game Commission. I think we were concerned for the very start about gear conflicts in the deep-set buoy gear fishery, although I think at the time we were concerned about other billfish and not necessarily recreational targeting of swordfish. With regard to the point made by Oceana, I think I'm sympathetic to the notion that we need to have, you know, an open discussion and we shouldn't be censoring any scientific information. I think that was the term that was used, and I just would like to distinguish between consideration of scientific information that's brought to the Council versus republication of that. I think those are two different things and hopefully later in the year when we discuss perhaps amending the COP, we can discuss that, and I'll just leave it there.

**Phil Anderson** [00:07:40] Okay thank you. Thanks Marc. Corey Niles.

**Corey Niles** [00:07:48] Yeah thanks Mr. Chair and thanks for the discussion on that and Chuck for the plan on moving forward. There is a number, there were a number of issues raised during this item. I just wanted to quickly say on the HMS Advisory Subpanel's report and their request for data on the recreational type vessels in the albacore commercial fishery, I just want to say I think we have been looking into that and talking to the other states and NMFS about it and so we'll be looking for a place on the Council's agenda to bring up that data request, so we heard that and I'll again be looking for urging us to think about that at the appropriate time.

**Phil Anderson** [00:08:36] Okay thanks Corey. Any other Council discussion or points that you want to bring up relative to topics that were raised under the open comment period? All right. Thank you.

## **C. Administrative Matters**

### **1. NMFS Report**

No discussion.

## 2. Fiscal Matters

**Marc Gorelnik** [00:00:00] No public comment so that takes us straight to Council discussion and action. I see Virgil has his hand up. Go ahead Virgil.

**Virgil Moore** [00:00:12] Mr. Chairman, I'm ready to make a motion if there is no discussion.

**Marc Gorelnik** [00:00:16] Well let's just pause for a minute and see if there's any discussion before we proceed to a motion, and I'm not seeing any hands so Virgil you have the green light.

**Virgil Moore** [00:00:27] Mr. Chairman, I move we approve the Budget Committee recommendation labeled 1, 2 and 3 in Agenda Item C.2.a, Supplemental BC Report 1.

**Marc Gorelnik** [00:00:44] Thanks for that, thanks for that Virgil. We have a motion. Do I have a second? Looks like I have a second from Christa Svensson. Would you like to speak to your motion as necessary?

**Virgil Moore** [00:00:58] No Mr. Chairman, I think the report clearly shows what needs to be done.

**Marc Gorelnik** [00:01:04] Terrific. Any questions for Virgil or any discussion on the motion? I'm not seeing any, I will call the question. All those in favor of the....pardon me? Was there, does anyone have a question or discussion on the motion? Okay so all those in favor say 'aye'.

**Council** [00:01:28] Aye.

**Marc Gorelnik** [00:01:28] Opposed no? Abstentions? The motion passes unanimously. Patricia or Pete is there anything further on this agenda item?

**Pete Hassemer** [00:01:47] Mr. Vice Chair. No.

**Marc Gorelnik** [00:01:49] All right. Thanks very much. That concludes agenda item C.2.

### 3. Approval of Council Meeting Record

**Phil Anderson** [00:00:00] Let's go ahead and back up to C.3, which is the approval of our Council meeting records and we'll see how Virgil's voice is doing now. Virgil Moore.

**Virgil Moore** [00:00:12] Mr. Chairman, can you hear me okay?

**Phil Anderson** [00:00:16] You're sounding really good now.

**Virgil Moore** [00:00:19] Okay. Mr. Chairman, I would like to make a motion relative to the minutes, and I move the Council approve the March 2020 meeting record as shown in attachments C.3, Attachment 1, Draft Council Meeting Record, 253rd Session of the Pacific Fisheries Management Council March 3 through 9, 2020 and the April 2020 meeting record as shown in C.3, Attachment 2, Draft Council Meeting Record, 254th Session of the Pacific Fisheries Management Council April 4 through 10, 2020.

**Phil Anderson** [00:01:07] Thanks very much Virgil. I believe the language we have on the screen accurately reflects your motion?

**Virgil Moore** [00:01:15] It does Mr. Chairman.

**Phil Anderson** [00:01:22] Is there a second? We have a second by Pete Hassemer. Speak to your motion as needed.

**Virgil Moore** [00:01:33] Motion stands as stated.

**Phil Anderson** [00:01:35] Thank you. Any discussion? All those in favor say 'aye'.

**Council** [00:01:40] Aye.

**Phil Anderson** [00:01:40] Opposed, no? Abstentions? Motion carries unanimously. Thank you very much Virgil and Pete.



#### 4. Membership Appointments and Council Operating Procedures

**Phil Anderson** [00:00:00] Takes us to our Council action. Why don't we take them in the order that they're presented on the screen and so the first one would be consider adopting any changes or additions to our operating procedures? We've had a recommendation from the Groundfish Management Team brought forward. Understand through the interchange between Marci and Lynn that the recommendation coming from the GMT hasn't been vetted with the GAP, so I think the recommendation is a sound one. I think the question is ensuring that when we make the decision on the potential changing that, that we have provided an opportunity for others to provide their opinions to us first is my general thought, but if there is a desire to move forward on that recommendation today, obviously that is certainly an option. Maggie Sommer.

**Maggie Sommer** [00:01:26] Thank you Chair Anderson. I want to thank the GMT for bringing that up. I understand the benefits that could provide with finalizing the set asides required for it to accommodate the EFP's before the final work is done on management measures. I appreciate Marci raising the question of the Groundfish Advisory Subpanel input on the recommendation. I think that's a good idea so for now I would support the GMT recommendation. I think it's a great idea and I would love to just hear from our advisors and any members of the public who would wish to comment first before we make a decision on that, so I would suggest we keep it in mind for action at a future meeting.

**Phil Anderson** [00:02:21] Excuse me, thank you Maggie. Marci.

**Marci Yaremko** [00:02:24] Yes, thank you Mr. Chair. I appreciate your remarks earlier Chair Anderson and I guess I'm wondering if the step that we would take here today would be to put a proposed change to a COP out for public review, to then allow opportunity for advisory body and other public comment on the proposed changes. Is that what you were potentially suggesting?

**Phil Anderson** [00:02:57] Well, I hadn't gotten that far along in my thinking. I was, I guess my thought was that we would put this on our agenda under administrative matters for our September meeting and as a result, thereby noticing when with, when we publish our agenda, as well as the supporting meeting documents that would provide the opportunity for any member of the public, as well as our advisory bodies to provide us comments when we took that agenda item up in September. I wasn't specifically thinking about a motion to send it out for public review, rather to agendize it as I described.

**Marci Yaremko** [00:03:53] Okay, thank you very much. That clears it up for me. Thank you.

**Phil Anderson** [00:04:00] Okay. Ryan Wulff.

**Ryan Wulff** [00:04:02] Thank you Chair. Good morning everyone. I just wanted to support the report of the GMT. Support kind of the proposed way forward as you just laid out Phil, but while I know this Council floor has heard me say this before, just need to reiterate here and I feel I'd be remiss if I didn't because looking at the GMT report, we have the word approval multiple times, both Council approval and NMFS approval so just to make sure that it's clarified that approval in the Council sense says it's incorporating EFP allocations into the overall spex process, Council recommendations, et cetera but the EFP evaluation and approval is under NMFS authority. Thank you.

**Phil Anderson** [00:04:54] Yeah thanks Ryan. I appreciate you bringing that thought forward. We, I know we're, at least all of us around the table here are aware of that fact but thank you. Christa Svensson.

**Christa Svensson** [00:05:11] Thank you Mr. Chairman. I am going to pivot just a bit on the COP side of things away from the EFP's and GMT to the testimony we heard this morning from Tara and Oceana

and I, I do think that this is probably something we should look at and I don't know if that was part of your thought process in terms of adding this to September items but I do think it's something we should look at. I know that there's been confusion from industry on a number of occasions, at least from you know groups that I've participated in as to how to put forward scientific information or other types of things to the Council process, I do think some clarity there as to what we're trying to achieve would be helpful.

**Phil Anderson** [00:06:05] Thanks very much Christa for bringing that forward. Take seriously the issues that Oceana's brought forward both today and previously on this matter. I know Chuck Tracy, our Executive Director, has a plan in mind for us to deal with that issue and make sure that we're clear that I believe was going to come up under the workload planning item as to where to place that but I would, I'll turn to him just to make sure I'm understanding that correctly, so Chuck.

**Chuck Tracy** [00:06:53] Yeah thanks Mr. Chair. Yeah, so we've discussed this a number of times over the last few months and we would like to bring a number of actually proposed changes to our Council Operating Procedures and SOPP's to the Council for consideration, you know sort of in a two-meeting process, one for preliminary adoption and public review and then a final. So, it's a matter of staff having some time to collate and assemble all those, all those issues. There's more than just the issue that Miss Brock brought up, which is how scientific information is presented to the Council, not whether it is, in my opinion, anyway that's how it, that was my thoughts about that particular item but so I don't know hopefully we could do that by September, but certainly by November I would like to have something in front of the Council to talk about those various COP issues.

**Phil Anderson** [00:08:05] Thanks Chuck for that response.

**Chuck Tracy** [00:08:08] And the plan would be that they would occur under this agenda item, the Council meeting agenda workload planning. But again, just to sort of reiterate what Mike mentioned is that, you know, it's good to have these things come up. This is, you know the EFP example, it would be good to have that come up you know as a substantive discussion amongst the groundfish folks under, you know, a groundfish EFP item or a spex planning item or something like that, so not that I'm saying that step has to occur for that particular issue now that it's out there, but just as a general approach. You know bring it up under the substantive item and then have the Council take action as, you know in terms of setting up a process for review and potential adoption of change under this agenda item.

**Phil Anderson** [00:09:06] Okay thanks Chuck for that response. Back to you Christa.

**Christa Svensson** [00:09:12] I'm sorry I didn't have my name lowered but that is definitely a great response and I'm very appreciative. Thank you.

**Phil Anderson** [00:09:23] Thanks Christa. Okay anything else on our first item under the COP piece of this agenda item? Okay then that'll take us to the second item, the consideration of appointments and membership. So why don't we first take up the matter of the vacancy on the HMSAS for the northern charter boat operator position and I will turn to Corey Niles.

**Corey Niles** [00:10:08] Yeah, excuse me. Thank you, Mr. Chair. I have a motion to make here. I move the Council appoint Mr. David McGowen to the vacant northern charter boat operator position on the Highly Migratory Species Advisory Subpanel formerly held by Miss Linda Buell.

**Phil Anderson** [00:10:32] Thank you Corey. I believe the language on the screen is accurate. Seconded by Rich Lincoln. Speak to your motion as needed.

**Corey Niles** [00:10:46] Thanks Mr. Chair. Just briefly. We're grateful that Mr. McGowen's willing to serve. Has a long history of participating in the albacore charter boat fishery out of Westport and we'd be grateful to have his input in the process and really appreciate Miss Buell's long, long service in that position.

**Phil Anderson** [00:11:10] Thank you Corey. Any discussion on the motion? Maggie Sommer.

**Maggie Sommer** [00:11:18] Thank you Mr. Chair. I also look forward to Mr. McGowen serving, but wanted to take this opportunity as well to really appreciate Linda Buell's service on the Highly Migratory Species Advisory Subpanel. She has brought, really brought a very deep knowledge of the fisheries and the issues in our area to this process as well as others and we are very grateful for that.

**Phil Anderson** [00:11:51] Thank you Maggie. I think that it's echoed by all of the Council members, the contribution that Ms. Buell made to this subpanel. Any other discussion? Go ahead and call for the question, all those in favor.....oops sorry, Bob Dooley.

**Bob Dooley** [00:12:14] Thank you Mr. Chair. I just wanted to acknowledge Mr. John Yokomizo and his application to this spot as well and I would, I think both were very, very well qualified and I really want them to understand we appreciate his interest. I hope he reapplies again next time there's an offer of a place for him to be in the process and I know he was a participant at MREP and I valued his input there and I think he would be a very valued member of the Council family in the future, so I just wanted to acknowledge that. So, thank you Mr. Chair.

**Phil Anderson** [00:13:00] Thanks Bob. Any other discussion on this motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:13:12] Aye.

**Phil Anderson** [00:13:12] Opposed, no? Abstentions. Motion carries unanimously Thanks for the motion Corey. Let's next take up the position on the Groundfish Management Team, the vacancy there that was formerly held by Dr. Thompson. I will turn to Ryan Wulff.

**Ryan Wulff** [00:13:53] Thank you Chair. Actually, I was prepared to discuss both the GMT appointment as well as the HMSMT.

**Phil Anderson** [00:14:03] Okay so we will, thanks for that. We'll address both the vacancy on the GMT as well as the vacancy on the Highly Migratory Species Management Team that was formerly held by Mr. Carretta. So back to you Ryan.

**Ryan Wulff** [00:14:24] Thank you Chair, and I have a motion to make.

**Phil Anderson** [00:14:29] And that has miraculously appeared in front of us.

**Ryan Wulff** [00:14:34] Yes. I move the Council appoint Dr. Xi He to the Southwest Fisheries Science Center position on the Groundfish Management Team formerly held by Dr. Andrew Thompson and appoint Dr. Matthew Craig to the Southwest Fisheries Science Center position on the Highly Migratory Species Management team formerly held by Mr. James Carretta.

**Phil Anderson** [00:15:02] Thank you very much Ryan. We have the language in front of us. Is there a second? Seconded by Rich Lincoln. Go ahead and speak to your motion as needed.

**Ryan Wulff** [00:15:15] Thank you Chair. Yeah, I'll start with Dr. He. He is well known to the Council community. He's both led and contributed to a large number of stock assessments over his nearly 20 year career with the Southwest Fisheries Science Center and has previously served on the GMT, although back in 2003, 2004 so I do think it's very, I'm very confident his experience expertise would benefit the GMT and the Council process and while saying that, of course, I also want to thank as Lynn did in the GMT comments made earlier that I want to thank Dr. Andrew Thompson for all those years on the GMT and the contributions to groundfish science and management and note that he'll remain on the team until September and, of course, be available throughout the transition. Regarding Dr. Craig, he's has been involved in various aspects of highly migratory species research, field research, lab analyses, management policy, participated in numerous field settings, tagging highly migratory species, examining life history aspects, and then been involved in quite a large amount of genetic analyses of HMS species on a global scale and in addition to being the lead for NMFS in the Pacific Bluefin Tuna Biological Review Team. So in summary, his expertise and experience in HMS is pretty broad and I'm confident he would contribute substantially to the HMSMT. And then finally, of course, to thank Mr. Carretta for all of his years of service on the HMSMT, his contributions, his insight on protected species that interact with HMS fisheries and similarly would remain on the MT until the September meeting and of course be available in the transition in, on a consultation basis going forward, and I think that sums up my speaking on my motion. Thank you.

**Phil Anderson** [00:17:19] Thank you very much Ryan. Is there discussion on the motion? Thank you very much. We'll go ahead and call for the question, all those in favor say 'aye'.

**Council** [00:17:32] Aye.

**Phil Anderson** [00:17:33] Opposed, no? None opposed. Is there any abstentions? Motion passes unanimously. Thank you, Ryan. So that'll take us to our election of our Chair and our Vice Chair. We'll take the Council Chair first. Let me just say it's been a privilege to serve as the Pacific Council's Chair over these last three years and Vice Chair for a year prior to that. I also wanted to acknowledge the Vice Chair, both Marc Gorelnik and David Crabbe, for which I served with and they were great to work with as well as serving with Herb Pollard as his Vice Chair. I think this Council is widely recognized as the best. It is the standard by which other Councils are judged and so it's indeed been a privilege to serve as the Chair. So, with that, I will look for a motion for Chair and I will turn to Marci Yaremko.

**Marci Yaremko** [00:19:14] Thank you Mr. Chair and I believe Sandra has a motion. Thank you, Sandra. I move the Council elect Mr. Marc Gorelnik as the Council Chair for the August 11th, 2020 through August 10th, 2021 term.

**Phil Anderson** [00:19:38] Thank you Marci. We have the language accurately reflected on the screen and I'll look for a second. Seconded by Bob Dooley. Go ahead and speak to your motion as needed Marci.

**Marci Yaremko** [00:19:52] Yes thank you Mr. Chair. It is my pleasure to nominate Mr. Marc Gorelnik as our next Chair. These are very big shoes to fill but Marc has studied hard and been trained by the best. I'm looking forward to Marc's leadership in the next term and we'll really look forward to him holding our real gavel instead of a virtual one.

**Phil Anderson** [00:20:19] Great. Thanks very much Marci. Is there any discussion on the motion? Marc Gorelnik.

**Marc Gorelnik** [00:20:27] Thank you Chair Anderson. I just wanted to take this opportunity to thank you for your leadership and your tutelage. You do provide some very large shoes to fill, and I certainly

hope that the Council members, when considering my performance, will appreciate my relative lack of time on the Council compared to you, but I will do my best for the Council and will try to, will aspire to do as well as Phil, but it may take me a few meetings to get up to speed. Thanks very much.

**Phil Anderson** [00:21:10] Thank you very much Marc. I think we all have a great deal of confidence in your ability. Any further discussion on this motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:21:25] Aye.

**Phil Anderson** [00:21:26] Opposed, no? Abstentions? Motion carries unanimously. Thank you for that motion Marci. We'll now go to the election of the Vice Chair and I will turn to Maggie Sommer. The trick is to unmute yourself first.

**Maggie Sommer** [00:21:57] That's a good trick. Thank you. I believe Sandra has a motion. Thank you. I move the Council elect Mr. Brad Pettinger as the Council Vice Chair for the August 11th, 2020 through August 10th, 2021 term.

**Phil Anderson** [00:22:17] Thank you and the language of the screen does accurately reflect your motion? I'll be looking for a second? Seconded by Virgil Moore. Speak to your motion as needed.

**Maggie Sommer** [00:22:33] Thank you Chair. I am also pleased to make this motion. It has been my great pleasure and honor to serve on this Council with Brad, although I have only been here for a short portion of his long tenure in this process. His depth of knowledge of West Coast and U.S. fisheries, as well as the fishery management process, will serve us well and I think his skill at guiding groups through challenging issues and reaching out to stakeholders and constituents and management partners will really be an asset to the Council and I look forward to Brad joining the leadership team of the Council and is tremendously pleased to be here, part of our current Oregon delegation of Council members and the breadth of knowledge and leadership potential brought by the whole group here. Thank you.

**Phil Anderson** [00:23:41] Thank you Maggie. Is there discussion on the motion? We'll go ahead and call for the question. Before we do that Brad Pettinger.

**Brad Pettinger** [00:23:54] Sorry Phil. Hard to find the button. I'd just like to say it's a great honor to be nominated in this position and you know the Council process is about as great a public process as there is and I'll do my best to keep that moving forward with all your help, and also Phil I'd like to just say thank you for your outstanding leadership during this last 3 years. Thank you.

**Phil Anderson** [00:24:19] Thanks Brad. Any other discussion on the motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:24:28] Aye.

**Phil Anderson** [00:24:28] Opposed, no? Abstentions? Motion carries unanimously. Congratulations to both Marc and Brad. Look forward to working with you. So, let me turn back to Mr. Burner and ask Mike if there's anything else we need to do to complete this agenda item.

**Mike Burner** [00:24:58] No, thank you Chair Anderson. I believe we have completed all our business. I will work with the Executive Director and the rest of our staff to schedule something on considering those COP revisions we heard of from the GMT and in public comment. I will get these new appointments to the management teams for HMS and Groundfish and the HMS Advisory Subpanel

going, and we will continue to solicit someone for the vacant seat from Washington, for Washington on the Ecosystem Advisory Subpanel. I also just want to take a quick minute to express my appreciation to Mr. Lincoln for his contributions to the Council. It's been a pleasure to work with him in that capacity and also Phil thank you to you for your work as Chair. I've really enjoyed your tenure, particularly our trips to the CCC meetings. You've done a great job up there and just congratulations to Marc and Brad. I look forward to their leadership and working with them in that capacity. So, thank you.

**Phil Anderson** [00:26:00] Thanks Mike. Appreciate those remarks. So that'll take us to the end of this agenda item and take us into our next one. We'll see if we can make some progress here through some reports.

## 5. Future Council Meeting Agenda and Workload Planning

**Phil Anderson** [00:00:00] I believe that brings us to the end of our public comment period on our future Council meeting agenda and workload planning item and it's going to take us to our Council discussion and guidance on this item.

**Chuck Tracy** [00:00:29] Pete has his hand up.

**Phil Anderson** [00:00:32] Okay. Go ahead Pete.

**Pete Hassemer** [00:00:36] Thank you Mr. Chair. I was just assuming we were going to continue moving forward here, so if that's the case, I just wanted to put this one thing out there. I know the big lift we have here is the September meeting and some of the other work. This one, maybe it's just to put something on the radar screen, but it goes back to what I had asked the Habitat Committee related to a number of these permitting things and I do want to make sure it's focused on workload, and I'm really looking at future workload maybe a long ways down the road. You know I had mentioned this concept of co-location. I really appreciate Mr. Mike Conroy's public comment that it reinforced some of my knowledge on that. I know on the East Coast and just a slight hand and you're on that, this co-location energy and aquaculture projects got a little attention. Nothing has been done to date but that the benefits for that so far have been identified as being really going towards the aquaculture side, so I can understand the energy side's opposition to it, but in the Habitat Committee report, and if we look at the executive order, there's identification of aquaculture opportunities, areas. That NOAA was identified as the lead agency for the aquaculture permitting. There's a core permitting process in there. There's a one Federal decision process that is referenced, that's on the aquaculture side and on the energy side, I think we saw the renewed interest or the interest that's occurring at least off the California coast right now on the West Coast and probably other areas in the nation. So my thoughts on this were, you know we can stand down and do nothing because it's really hard to figure out where to engage but our workload in the future is pretty much defined, be similar to what we're doing now. When we get these energy projects for a particular area, we'll ask the Habitat Committee to review that, look at habitat impacts and comments and if we get a habit or excuse me, an aquaculture project, we go through the same thing and it's very much separated and I was, it occurred to me that there might be a way or an opportunity to engage now that could influence how these activities are reviewed and permitted in the future and that would affect our workload and how we're able to do it. It might be a little presumptive right now to think that if you could co-locate these projects that you reduce the footprint of the projects on the ocean because instead of two separate sites, they could be combined into one and certainly there's a bunch of hurdles there but there, it seems like there is an opportunity now to look at how these decision processes are moving forward and provide some input that would give us the opportunity to consider actions that would be beneficial to our Council and protection of fish habitat for the fishing activities themselves out there. So, I just wanted to express my thoughts on that. As I reviewed some of our other things in the Executive Directors report earlier, I would note even in the CCC annotated agenda, there is a very brief parenthetical reference to this co-location comment, but my thoughts here are just being a little proactive in seeing if there is a way that our Council or at least our Council leadership could provide input on this, that we could shape how the future looks in terms of reviewing and permitting processes that would make things simpler for us to engage at this time. So I know it's difficult to guess how to engage and maybe just putting it on the radar screen for at least our leadership if it comes up at the CCC meeting that at those high levels, we can provide some input that down the road would benefit the Council. So, I will leave it at that. Thanks for the opportunity to state that.

**Phil Anderson** [00:05:49] Okay thanks, thanks Pete and I see we have a few more hands, so just a moment. So we have our Council action that's divided up into these four categories and my preference would be to go through these sequentially in the order in which they're on the screen and my preference

would be to turn, turn it over to Chuck and have him walk us through these. Relative to the Habitat Committee piece, they had some, I believe there were four different recommendations which included the potential of the Council moving forward with some letters. There was one that dealt with the matter that I think Pete was just speaking to in terms of whether or not the CCC was a good, a good body to bring, bring that up in or whether we wanted to do something individually, but I was thinking that we would take that up under the fourth Council action item so I'll go ahead and call on Ryan Wulff.

**Ryan Wulff** [00:07:07] Thanks Chair. I put my hand up before you made those remarks so if you would like to try and structure this differently, I was ready to comment on mainly the September agenda item, however, kind of one in three blend into that at times so I'm happy to follow your lead on how you would like to proceed.

**Phil Anderson** [00:07:26] Okay well I'm just, I'm going, my preference to give deference to Chuck who he and the staff have thought this is a fairly complicated issue, there's a lot of things for us to work through. We've had a lot of comments from the advisory bodies and committees and teams and I know they've been trying to keep track of those and so given that he has given a lot of thought as to how he thinks that we might best address these things and working through our action here, that that would be my preference, so Chuck I'll give it over to you.

**Chuck Tracy** [00:08:15] Thank you Mr. Chairman. Yes, I would like to kind of step the Council through this. I provided Supplemental Attachment 7, which kind of lays out some issues I want to talk about. It also lays out kind of the order which generally follows the Council action here. So again just briefly I think let's, I think we should start with agenda planning, starting with the September Council meeting and then work into some of these other workload assignments and how to handle things after we complete that. So you know looking at Attachment 7 for the September meeting, I think the first thing we need to do is kind of settle on a format so we know, so we've got a template to fill in with agenda items. You know we've got the quick reference, which you know is based on an assumed five and a half day in-person Council meeting. So, I guess the first thing I'd like to do is have a discussion about that. Obviously, we've had the April and June Council meeting. We've, because of the Council's choice to restrict things to essential items, we've done a lot of changes to the agenda, what we're going to deal with, so I think the first thing we need to do is just kind of think about how we're going to handle the September Council meeting and then once we've got that established then we can go about sort of filling in the, you know, the agenda items that will fit within that, within that framework. So I think, you know, I mean, we've heard a little bit of testimony about the desire to have an in-person meeting, but also the desire to have, or the perhaps the need more to have webinar formats. So, you know, I guess from Council staff position, there's been also been some talk about kind of a hybrid of doing both or perhaps at least for the management, for the advisory bodies just you know in consultation with staff from a logistical and technical approach or considerations, you know, it's hard to do an in-person meeting and it's hard to do a webinar meeting, but it's going to be twice as hard to do both. So, I think in terms of a hybrid approach, I don't think we think that's feasible. So, I think the Council needs to weigh in on whether, you know, an in-person meeting is, you think that's feasible. I personally have my doubts that it is. You know Spokane I think is, they're still trying to go to phase 2. They haven't reached that objective yet, but I think they'd need to make it to phase 4 by September in order for us to have an in-person meeting with groups larger than 50 and then we've got a hotel deadline of the first of August, first week in August so I'm just not sure that we have sufficient or going to have sufficient information at that, you know, by then to make a, you know make a firm call, but I want to provide the Council an opportunity to comment on that and see what other folks think about conducting September in-person versus not.

**Phil Anderson** [00:12:03] Well, let me just give my initial thought. I think we need to plan for a virtual meeting. I don't, I wouldn't want to go down the road of planning for an in-person meeting and then



getting two or three or four or five weeks away from that and have to change. I'm with you I don't, I think the possibilities of Spokane being in this, even if the only thing we were thinking about was what phase they are relative to Governor Inslee, that has enough uncertainty in itself, but I just think we need to move forward with the virtual meeting. Marc Gorelnik.

**Marc Gorelnik** [00:12:49] I'll just add that I agree completely with you Chair Anderson. It's a bit premature at this point and better safe than sorry. As much as I miss the in-person meetings and as much as these virtual meetings, while they go well, they are not as efficient as meeting in person.

**Phil Anderson** [00:13:10] Thanks Marc and Ryan Wulff.

**Ryan Wulff** [00:13:11] Yeah, I completely agree. I mean from a Federal government travel perspective, our phases kind of recently came out, so even if we were, it would be mission critical, which Council would be, but limited staff would only be able to travel, which would severely inhibit our participation, especially in advisory bodies and other aspects of the Council meeting. So I fully support planning for a virtual meeting at this point and I guess since it is process wise I strongly, strongly support that being our next Council meeting and not one virtual meeting prior to September, and then I think another couple of things we've learned from this one that I would encourage us to continue to try and utilize, and we heard some of it through testimony, you know we're operating at less than a hundred percent, as I'm sure everyone else is working from home and the challenges there and I can't stress enough how helpful it is to folks especially that are co-parenting or have other challenges in kind of our new environment to have some sort of reliability with our agenda. So, I really appreciate how, for example things weren't necessarily brought forward, especially if we finished early. I really appreciate the at least attempt where we can, to maintain kind of a standard break times or lunch breaks and I think it's extremely helpful also not to meet on the weekends and to the way that at least this agenda fell out to have the FMP agenda items bundled together on the same day or at least in the same proximity, unless of course, you need to break them apart on different days for advisory body purposes, but if there's really no rationale to spreading, you know, a salmon, two salmon items on Monday and the other two on Thursday, it is really helpful because, it again, the more that people can know that in advance planning and have that reliability, it really helps plan out not just the advisory body and the Council discussion, but of course how folks can arrange so they can fully engage, so I'll stop there.

**Phil Anderson** [00:15:33] Thanks Ryan. Virgil.

**Virgil Moore** [00:15:36] I want to make sure you can hear me fine.

**Phil Anderson** [00:15:39] You're sounding good.

**Virgil Moore** [00:15:40] All right. I got it fixed. I, too, support this. Looking around, the National American Fisheries Society meeting has been gone virtual. The Association of Fish and Wildlife Agencies meetings, both I think are in September, have also decided to go with a virtual meeting as well and I think from a professional standpoint, it is in our best interest to be conservative on this issue and plan ahead and so I support moving forward with planning for the virtual online meeting.

**Phil Anderson** [00:16:22] Thanks Virgil. Brad Pettinger.

**Brad Pettinger** [00:16:26] Yeah thank you Chair Anderson. You know I was really, really hoping that we would meet in September as I'm sure all of you are with me on that, but it is what it is. So I'm on board with that, but I'm also worried about getting further behind with the load we've got on the meeting schedule we have and I do like the idea of maybe the next meeting, that we can.....but I do like the idea of the Council, the meeting broke up by weekend, and I would suggest maybe we add a day to the

Council meeting because we don't know how long this is going to go on and I think we need to think about that and prepare for more of these than less until we get some clarity here on this issue. Thank you.

**Phil Anderson** [00:17:21] Yeah thanks Brad, and we do have that on our, even our Council action here on this topic is to look at how we're going to deal with these postponed agenda items and I think we really do need to set aside some time to think about those things. Bob Dooley.

**Bob Dooley** [00:17:44] Thank you Mr. Chairman. I really appreciate Chuck that you laid this out in Attachment 7 in a really easy way to go down and understand all the issues and I do agree that it's premature to start an in-person meeting. I think we need to make that decision and not have it. I mean, even if, even if in Washington, Spokane, we have the ability to do it there, we still have people coming from far and wide traveling, different restrictions in different communities, different levels of rates of infections of this pandemic and I just think we're, it will be a while. We may have permission to do it, but it'll be a while before we have the buy-in by even Council members that will want to take a chance and do this, so I agree totally that we should make the decision now and I think that doing that virtual is a way to do it. One other thing I would say is that I noticed that it seemed like we were able to cover things pretty well this time better than last time and I'm, I share the same concerns that Brad had on that is that we need to start thinking about how to catch up and I liked the fact that we had the weekend off. I would not be personally opposed to adding another day there to catch up a bit and to make sure we're getting our work done. It's a different way of doing it. I believe our staff has done an unbelievable job of making this usable and better than usable, being, you know it's a good, good platform that people are getting more comfortable with it, so I think that that's a good way to go. So, I'll stop there and thank you very much Chuck for laying this out in such a comprehensive and easy to understand way.

**Phil Anderson** [00:19:46] Thanks Bob. Louis Zimm.

**Louis Zimm** [00:19:48] Thank you Mr. Chair, and I just wanted to support the statements that Brad and Bob just made. In addition, I want to support the GMT's recommendation for having these earlier meetings. I was very happy to listen in on those meetings and be able to come into the, onto the floor virtually with a lot more information than I would have had otherwise so I hope we consider continuing to do that. Thank you.

**Phil Anderson** [00:20:28] Thanks Louis. Back to you Chuck.

**Chuck Tracy** [00:20:31] Okay thanks. Well okay so that was, that was the easy decision and as other people mentioned, you know, as we kind of work through this and talk about addressing some of the things that we've postponed and getting to other items, there's a couple of ways to approach that. I've heard a couple mentioned of maybe adding a day to a webinar-based Council meeting. So I don't know if that means six full days or seven days, but the other aspect, I think, is the time per day, so we have been targeting something less than eight hours a day for both the April and June Council meeting. We've generally been accomplishing that objective. Some days we ended pretty dang early and some days we've gone a little over but I think it's also worth considering committing to a little bit more time per meeting day to try and get additional business done. Be a little more efficient with our time during the day and then hopefully that'll allow us to address some of those issues without adding too many more days to any particular Council meeting. You know, maybe I'll just move on a little bit and just mention that, you know, the idea of addressing these issues that have been postponed, that are still important, but not essential, you know precipitated my query to Council members about the possibility of having a July webinar to address just specifically some of those, you know, four or five issues that have been postponed and not doing our regular inseason business or regulatory business so, and that, you know, met with a fair amount of support, but also some resistance. So, you know that was the purpose of that,

just to kind of get the conversation going about how we're going to, how are we going to address these otherwise not essential but important agenda items. So, I guess maybe I'll just, we'll put it up to some thoughts about targeting, you know, an eight-hour day for the webinars. Adding another day. Sounds like I haven't heard any opposition to the weekend off. I've heard some support, but I don't know if we've heard from everybody, so there's certainly, you know, there's pluses and minuses for all of those options. So maybe I'll pause there. I think one thing that is helpful is to have the advisory body, advisory bodies meet a little further in advance of the Council meeting and not rely on them doing their work during the Council meeting as much. We have that, I think we have that flexibility generally and to the extent in particular that their statements could be produced in advance and give the Council the time to digest those, I think that's a real benefit of that, in addition to obviously having them be able to spend some more time listening to the Council meeting itself and not be having to be in their meetings. So, what about, what about some of those thoughts about the number of days per week, weekends off, number of hours per day?

**Phil Anderson** [00:24:43] Just my reaction is I would go for eight-hour days that continue weekends off as a start and I would support your idea of having the advisory groups meet in advance so they can prepare statements giving us, potentially giving us time to review their statements before they come before us. Bob Dooley.

**Bob Dooley** [00:00:00] Thank you Mr. Chairman. My thoughts Chuck on that, specifically on the eight-hour days, it could be a little bit too aggressive. It could, it could be that. You know I'd certainly defer to your knowledge. It looks like we've been somewhere around 70 percent at this meeting and I think most of them were five-hour days and we had a seven-hour day, we had a five and a half hour day that were agendized, and it seems like something maybe less than eight might be more prudent, maybe even like seven, you know that seemed to work on the day that we did have a long day. That seemed to be...but you know that was a pretty complicated issue as well. So, I you know, I would defer to that. On the subject of the advisory panels and management teams and all of those, I, I really valued, I echo what Louis said, I value being able to tune into those and being able to get a little understanding of how they were making the soup and their guidance and I believe that was very beneficial, and I also was very concerned about the workload that the particularly the GMT was tasked with this time, and I know that was extraordinary, but I was concerned that you know, had they've a had maybe more formal meetings prior maybe it wouldn't have been as bad, I don't know that that's the truth or not but I just think that giving them time to work is important and that particular management team was really burdened with all of the change in personnel there that we've experienced and are experiencing, we need to give some real attention to that and understand how we might be able to ease that burden on a real time basis, particularly if we're meeting virtually and the family concerns and all of those, so I'll stop there. So, thank you.

**Phil Anderson** [00:01:57] Maggie.

**Maggie Sommer** [00:01:59] Thanks Chair Anderson. My own preference would be for a slightly shorter than eight-hour days. I think along the lines of what Bob Dooley was just suggesting, I certainly could live with eight-hour days and I know that everybody's situation is different as we are all trying to manage, you know working from home and those of us with kids who might be looking at different kinds of schooling approaches in the fall, so for me the shorter days are a little bit better, particularly given that it is just a little more challenging to try to do the connection with other Council members or stakeholders after the Council meeting adjourns for a day and so having a little bit of extra time built in to do that I found helpful, at least at this meeting. For again, in my situation, I would be willing to take maybe an additional day as a tradeoff for those slightly shorter days but again, I could live with it either way, recognizing that situations are different. I would also be in favor of weekends off like others. I was not sure I loved that idea coming into this meeting and in the end it worked out well I thought, and

I would also suggest that when we get to looking specifically at the agenda, big items for example, when we talk about the gear switching item on September, if we keep that there, that might be a good one to think about splitting over the weekend so that the Council has you know, receives the information and then has that additional time over the weekend to digest and have any additional communications before we move to whatever Council action we might be taking on it. The, I would just support comments about the advisory body starting earlier. I know we had some discussion of that in our delegation meeting this morning and in addition to the members of those advisory bodies and management teams who would appreciate starting early and not having their meetings times overlap with when their FMP topics are on the Council's agenda, we also had some comments from the public who really like to be able to listen to both so trying to avoid overlap when possible will be helpful. Thank you.

**Phil Anderson** [00:04:27] Thanks Maggie. Ryan Wulff.

**Ryan Wulff** [00:04:31] Thank you Chair. And I'll be very brief because Maggie very eloquently said most of what I was going to say. I fully support all of that. I definitely support less than eight-hour days for reasons I mentioned earlier. The certainty and the lower risk of spilling over into additional days. I also think it adds just a little bit of a buffer. I think we need to more realistically plan for public comment. We get a lot more folks in this, in the virtual arena and we do have some items that I think will have some pretty heavy public comment time, especially on the potential September agenda. And then finally, I fully support having the advisory bodies meet more in advance for all the reasons outlined here, and I'll stop there.

**Phil Anderson** [00:05:19] Thanks Ryan. Marci.

**Marci Yaremko** [00:05:23] Yes thank you Mr. Chair. And just a couple of remarks from us. I definitely support the idea of shorter than eight-hour days. I would lean more toward five in terms of what the Council tries to agendize. We had a number of five-hour days scheduled this meeting and I, I think we ran long on most of those days. I recall us having a few late nights. I know I had a couple of late nights. I think the time that is required, particularly for folks in the state seats that need to confab with other states, with members of management entities, and then the time necessary to draft motions, have Council staff review motions, get feedback on talking points, et cetera, it is laborious and lengthy and while the Council session may end at five o'clock most of the time, those evening discussions went on this week until eight, nine o'clock. Then folks went to work on their computers writing and went on into the evening and early morning and so I, I can't say enough that I would like to try to avoid this. It's too much. So, I think that the first place to start is by scheduling Council days, floor days that are not more than about five hours. I really like the recommendations of the Groundfish Management Team to start their meetings early and not overlap that seemed, at the Council sessions that seem to work very well, though I would note that for the GMT, you know they've been at full time dedicated Council work now for eight days straight. That's quite a lot. A couple of things I just want to reference, some earlier remarks from Ryan and Maggie that are, I think, particular to agencies that I just want to highlight and bring up to date since our last discussion on this in April. In California we've, since we last met, our department, along with every other State Department in California, has been directed to reassign five percent of its workforce to contact tracing activities. So that is something that is very real for our staff in the marine region of the department. Those impacts have, are just beginning to be felt in terms of workload reassignments and that's on top of trying to juggle with other work and scheduling. We still have not felt the fallout from California's 54 billion dollar budget deficit and what that's going to mean to employees and pay and furlough, that's not yet clear. We also have some mandated requirements for use or lose with regard to leave time, vacation time, and particularly in the case of the GMT, we have passed them with work solid since November and the spex has been their top priority and they have done a heck of a job and I think we all agree they need a vacation and I don't want to see our staff lose their mandated vacation days because they can't schedule them. So, I am very concerned about

scheduling activities through the summer and it's time for a break. I took a look earlier today at the Council's calendar. This is a neat little feature and I really appreciate the Council staff maintaining this calendar on the website. It's a really useful tool to show the entire schematic of Council activities across all FMP's and I just totaled up the days and the activities that we've been undertaking this spring and in March we had a seven day Council meeting, including the advisory bodies that met ahead of time plus five other scheduled meetings in the month of March, so those were largely the salmon hearings. In April we had seven days of Council meeting plus three meetings outside the normally scheduled advisory body and Council meetings. Then we went to May and we had 12 meetings that were outside where there was no Council meeting in May, but we had 12 meetings that were undertaken for Council activities. These were things like the SSC groundfishes review of data limited methods and then their workshop. We also had a number of webinars on scenario deepening. Looking to June we've had now an eight-day advisory body and Council meeting session, along with seven additional meetings that have taken place or will take place through the month of June. So, I am just signaling again that the State of California cannot maintain this level of commitment and it has been on the increase. I think we all recognize that springtime is a very heavy for Council activities, but as we start, you know we're continuing more work on Southern Resident Killer Whale Workgroup work. Now we have a SONCC Coho Workgroup and so I'm just extremely concerned with filling the calendar and filling the plate any further and I think the way to address that is to maintain the approach we took in March and April and June, rather, April and June to stick to the essential items. In any case I just support for with regard to the September meeting, the shorter days are preferable because what's scheduled on the Council's schedule doesn't necessarily mean a short day for the staff and those of us engaging in other discussions so I appreciate the consideration. Thank you.

**Phil Anderson** [00:12:20] Thanks Marci. Back to you Chuck.

**Chuck Tracy** [00:12:28] Okay. Thanks for those comments everybody. Well, so we've heard I guess in terms of what to plan for, we've had a little bit of diversity in preferences there. It does sound like there's some areas of agreement meeting, getting the advisory bodies to meet early and skipping weekends. It does not sound like we've got agreement on extending the hours per day or on whether we should limit the agenda to essential items or non-essential items, so....well go ahead Phil.

**Phil Anderson** [00:13:18] I would just interject that you know I heard a lot of commonality amongst approaches. I mean, I don't, I've been hearing people advocate for shorter than eight-hour days, whether it's five or six or somewhere in there, but for the most part I heard consensus around that and I think, you know, whether when we get to talking about the agenda items and limiting them to, quote, essential items, we might have a difference of opinion on what, whether an agenda item is essential or not, so we can have that debate when we get to building the agenda, but I heard a lot of commonality there Chuck. I think we've got, you know, the framework to move forward with that in general.

**Chuck Tracy** [00:14:19] Yeah. I was going to suggest that we take Attachment 5, which is the quick reference. Right now, it's got five and a half eight-hour days and I think we should.....

**Phil Anderson** [00:14:35] And just....could I interrupt just one more time and I apologize....

**Chuck Tracy** [00:14:38] Yep.

**Phil Anderson** [00:14:38] But just looking at the clock here and I want to make sure we give ourselves time for a lunch break, given that we've got a ways to go here so if you see a reasonable time or a break within the flow of the things we need to discuss that we can take our lunch break at that time.

**Chuck Tracy** [00:15:02] Yeah, I think that's good advice. So, what I was going to suggest is that we

take a look at Attachment 5 with those, you know, basically 44 hours of time. If we look at those eight-hour days and think, well, maybe let's cut those back to a seven-hour day, and maybe have six full seven-hour days or six to seven-hour days. We could probably fit, you know, I think almost all of what's on here into that timeframe, so I guess I'd like to take that as sort of our baseline approach that we've got that many hours to agendaize. We've got a list of things that staff has considered essential. Some other things that were, that are shaded, a couple of things that aren't shaded that aren't essential, and then we've got the list of postponed items in Attachment 6. So I guess what I would suggest is that we take our lunch break and come back and plan on deciding what we want to keep and what we don't want to keep out of agenda items, or Attachments 5 and 6, and then I guess to the extent that there's any, there's maybe a couple other things to think about and one of those is the executive order and perhaps allowing to schedule some time on the September agenda to come up with a response to that requirement from the executive order, so I don't think that is on either one of these attachments 5 or 6, and I'm not sure if there's other things that might fall into that category but that, that's at least one that I think we need to include in the list. So, think about that over lunch and maybe we just come back and start moving things around.

**Phil Anderson** [00:17:29] Okay. And I'm just, the other thing, you know we can just think about this over lunch, you know, maybe it's essential items plus one or essential items plus two or something like that, if there's time within the number of days that we have. So I'm going to, feel free to raise your hand if you don't, if this isn't going to work for you, I'm going to suggest we come back at one o'clock, so that would give us 45 minutes for a lunch break. Let me pause for a moment to see if any hands go up that, that doesn't work for you. Okay I don't see any, so let's plan to come back at one o'clock and we'll work from the, our meeting at a glance for September and we'll see you then.

**Phil Anderson** [00:00:00] Okay, welcome back everybody. One o'clock here on Friday, June 19th. Pacific Fishery Management Council 255th meeting nearing conclusion on our last agenda item, which doesn't mean it's short. We are on C.5, Future Council Meeting Agenda and Workload Planning and when we took our break for lunch we were looking at the quick reference draft agenda for our September 2020 meeting and so I will turn it over to Chuck.

**Chuck Tracy** [00:00:46] Thank you Mr. Chair. So hopefully you've had a chance to look at those a little bit. I did want to say I have to and mention a couple things that might play into our thinking here as we try and I think basically, I think our target was to fill in up to six, seven-hour days so about 42 hours. I mentioned before we broke that a couple of things that aren't on the either the quick reference or the postponed non-essential items or some time to deal with the executive order of promoting seafood and then another one that I also wanted to mention was there's been a couple strong calls for groundfish methodology approval of methodologies, particularly the data limited methods, so that is not on the agenda. There is a groundfish methodology review final priorities, that's for selecting new agenda items or new topics, so I just wanted to point out that those two things are not on there. In terms of the methodology business, my personal preference is to keep the topic selection and the approval separate agenda items. Just so we're clear on our process, particularly with adoption of new methods for use in the future. A couple of other things I wanted to just kind of put out there for thoughts. At the June, this meeting, we had a singular NMFS report that covered all FMP's, so if there is some thought about that. Right now, we've got two half-hour NMFS reports, one for HMS and one for groundfish and so if there's any desire to combine those into one one-hour agenda item. It wouldn't save us any time but necessarily, but maybe just a little feedback on how that worked this time around, and one other I wanted to mention was groundfish, I'm sorry for salmon methodology review we have final priority selection so the idea in that process is that you know in April potential topics are identified in September depending on what works gone on over the summer. Methodologies are selected for review and then the Council approves the methodologies in November. We did not have the topic selection in April and my understanding is that no real work has been done or is planned on salmon methodology reviews at this point so I think,

unless I hear otherwise, it might be safe to consider that that Agenda Item G.2 on the quick reference would probably be foregone and likewise in November, the final approval would also be forgone, and so I guess the only thing that might play into that is if there are some SONCC Coho risk assessment or something along those lines that was ready for review, I think that's probably even questionable too. So I will stop there and well, maybe not quite stop there, but I guess from there we'll see what the, maybe let's start with the red italicized items that are considered essential by staff or were identified so by staff, see if there's anything in there that the Council wants to discuss or if not, then we can move on to some of the other items and see if there's items that the Council is willing to forego and therefore we can start moving things from the postponed list onto the schedule list. So, I'll stop there and see if there's any thoughts or questions about that? Ryan.

**Ryan Wulff** [00:05:15] Yeah thanks Chuck. Well I was prepared to go on the whole agenda, but it sounds like you want to start just with the red italicized so I'm happy to do that. I don't have any comments. I mean, I support everything that is marked in red. My two main comments on this have to do with the way to, has to do with wording and the way it's noticed. For on the three, for highly migratory species, the exempted fishing permits, it's noticed here it's final recommendations. You know we kind of skip the preliminary recommendations and we have had a number of occurrences in the past where an applicant, you know the Council may have wanted more information from the applicant, for example, and they wanted to come back in a second meeting, that's kind of why we had set up that way. I wonder, it's one way forward, there would be, we'd call it preliminary slash, final recommendations, that way you could do both if necessary or if something came forward where the Council really did want them to come back in November with more information. That's my only comment on stuff that's currently in red italics. I do have some recommendations for things that should be moved to red italics, but I can wait till we get to the rest of the agenda.

**Chuck Tracy** [00:06:51] Okay. Well let's see if there's anything else on the red italics then and Maggie, Maggie Sommer.

**Maggie Sommer** [00:07:02] Thank you Chuck. Two comments. One, I would just support the length, the adoption of the length based stock assessment and ROV methodologies as you mentioned earlier and I would just support you and Council staff determining the best place to put that on the agenda and way to get that in but the SSC recommended it and I understand that's important to be able to move forward being able to use those in our next assessment cycle. Separate comment on the red italicized Pacific halibut item. You have it described here as to a catch sharing plan preliminary changes and I wonder if we also want to consider any process for Council recommendations on to the IPHC on the directed commercial fishery in 2A for next year or not? I realize that would be probably expanding the scope of what we would be taking on and considering and you know those of us involved in halibut I think realize that our halibut stakeholders may have some comments for the IPHC on, for example, the trip limits and commercial opening structure that they ended up going with this year. I just thought I'd pose that question to the Council to consider whether we want to include that and make some Council recommendations this year or just direct stakeholders to make any comments they have directly to the IPHC next year.

**Chuck Tracy** [00:08:55] I don't know if I've got a response to that, but maybe Heather does.

**Heather Hall** [00:09:01] Thank you Chuck. Maggie I, I appreciate that and if it's possible to include that in the agenda item with the same amount of hours that we already have set aside, so just the one hour, it seems like given what happened with the commercial season this year, that it would be helpful if we could have a conversation and at this meeting, I think that's a smart, smart thinking rather than just have our stakeholders go directly to IPHC. Maybe we can avoid confusion by having a strong recommendation for the directed fishery at the Council.

**Phil Anderson** [00:09:47] Question if I could figure out how to raise my hand I would.

**Chuck Tracy** [00:09:50] Go ahead Phil.

**Phil Anderson** [00:09:55] So Maggie are you thinking? I mean I'm just thinking about the commercial fishing guidance to IPHC, potential guidance or recommendations to IPHC. We've got the you know midwinter meeting of the IPHC usually is in the first week of December or so, and then the annual meeting is the last part of January so I'm just wondering, are you thinking this is maybe a two meeting, you know take some initial thoughts from the participants at the September meeting and then also have it on the agenda on the November halibut agenda item and from that might come a letter from the Council to IPHC with certain recommendations about the commercial fishery structure?

**Chuck Tracy** [00:10:50] Is that a question to Heather or Maggie or...

**Phil Anderson** [00:10:52] Well it was a question of Maggie.

**Maggie Sommer** [00:10:56] Thanks. That is what I was thinking. I certainly recognize that we probably have the option to do it only in November if we wanted but it might if we want to take it on at all, it might be better to do it in a two meeting timeframe.

**Chuck Tracy** [00:11:22] I think it would be a good opportunity to just kind of review how it went in 2020 with the directed fishery and to maybe get some feedback from participants, but again I think that could be either in September or November. Marci.

**Marci Yaremko** [00:11:44] Thank you Chuck. I support the idea of adding something to be able to discuss our recommendations to IPHC in September and finalize in November. There's, I think it's important that we have that chance to take the testimony on how it went and then think about ideas and then finalize the recommendations in November so I think that's a good idea. I think I'd also note that maybe the other two IPHC items, the catch sharing plan, prelim changes and the 2.A transition, I don't know how much work we will have to do on the catch sharing plan. There are probably some details to work out like there always are but I don't know that we need a lot of time on that and I think with regard to the 2A fishery transition, I think I support we're thinking of that being a shaded item, so I feel like we probably have some room in that halibut agenda to take up discussions about IPHC in September. And another note, I echo Ryan's support for an item regarding the executive order. I think that's timely and I think our constituents are very interested in that. Then also echo Maggie's support for the impact assessment methodology following the hard work of the SSC Subcommittee and their workshop back in May. I guess I would ask if I see it's not shaded or in red, I think it is a red item sometime but whether it is September or November, I'm not, I'm not clear on the urgency on that. Thanks.

**Chuck Tracy** [00:13:54] Okay so, let me just to clarify then. So there, so again there's kind of two methodology review topics, one is the impact assessment methodology, that's selection of topics for future review, and then the methodology approval is for stock assess.....it's for the primarily I think for the data limited assessment methodology and ROV. So those would be the things that would be up for approval, so do you consider both of those essential or just the approval portion, the approval of the data limited and ROV essential?

**Marci Yaremko** [00:14:39] I don't know enough about the first to comment, but at least with regard to the second I, the reason I find that to be essential is that my understanding of what that will do for our ability to assess the number of stocks we have on the list for 2022, it's essential that we approve that methodology so that they can, they can do what we put on the list.



**Chuck Tracy** [00:15:09] Okay. Any other thoughts about the essential nature of items? If not, then maybe I'll go back to Ryan. He had some other comments about the agenda as a whole. Go ahead Ryan.

**Ryan Wulff** [00:15:24] Thank you Chuck. Yes, so yeah so thanks to Marci for also noting the executive order. I do support that going on. I also think I would support having a single NMFS report. I guess especially on day one. Easy for folks that want to hear that regardless of what they're FMP focus is to tune in. It is possible we may have something to update on the CPS or salmon side, probably not enough to warrant an entirely separate NMFS report agenda item under them, but having one overall report allows us to capture that. It's, we actually do that in other Council's as well so I would support that combining those. There's also a few these agenda items I go through that could be wrapped into that if that was the case. So, I'm going to kind of bounce around here. For groundfish, we support the GMT report on the ensuring that both the inseason and the impact assessment methodology review are on and I think they called, the GMT called the latter essential. NMFS would support keeping the gear switching and sablefish area management on for September, especially based on the testimony we heard today and I think even though it's not necessarily considered essential, we would support that toward a September agenda. Overall, I think all others, all the other groundfish ones who could be either postponed or wrapped into the NMFS report, for example the electronic monitoring update is easily something we can give under the NMFS report. It's just an update. I don't think it will need a separate agenda item. Humpback ITS is actually, we should be, we're on track to have something to present there, whether it's an informational item under the NMFS report or whether it's its own agenda item, I defer to others, but we will have an update for the Council at that point in time. Regarding that, that's at least of our main priorities when it comes to groundfish issues. So going to salmon, the two most important things for NMFS and we would consider essential are the Amendment 20, as you've already got here that we talked about, and then G.3, the southern resident killer whale, and this is another one where NMFS has, would strongly advise the Council to consider re, a different approach here, both in how this agenda would, item would be handled and also how it would be noticed. We would recommend that this not say recommendations regarding an ESA consultation. You know, ESA does not authorize NMFS to develop and prevent proposed actions to limit impacts of fisheries on ESA listed species until pre-approving or implementing, as we've done in the past control rules or other measures that the Council develops to limit impacts to listed species, NMFS would be doing that under its Magnuson authority and therefore we think this agenda should be treated as such. Very similar to what we did in the winter run control rule recently and that would mean this agenda item in September would be a range of alternatives, potential adoption of a range of alternatives by the Council with a final preferred alternative in November. So that is where both NMFS, that's what NMFS would strongly recommend. For highly migratory species I already made my comment on the EFP agenda item. Other than that, we support the HMSMT report and their recommendations. Couple things in that just to highlight here. I think NMFS had, was very vocal at the March Council meeting, I think it was regarding the hard cap issue and wanting the Council to agendaize this in time. We recognize that there are certain things that the Council requested us to bring back. You know I think postponing that to November would be supported by NMFS, you know, due to other issues and the current COVID era, I think having a little bit more time to prepare the information the Council asked us to bring back would be fine, but again we would like to take it a step further. There was, well I guess the rest of these have to deal with more the broader Year-At-a-Glance, although I will say one on the postponed item in the recent revision that you sent out, so I guess that's Attachment 7, you mentioned the albacore data request that was discussed at this meeting. From our perspective and I think we raised this earlier in the week, the EPPSG is working on that. As we noted, it's possible that will be ready by September, but it is not a guarantee. However if it is ready, I'm sure it could be folded in to information that would come up under D.4, the harvest specifications management measures agenda item, so I don't think it would need a separate agenda item, and just check my, and then lastly, and we'll get to other issues for the Year-At-a-Glance and the postponement when you come to them, again, similar to my statement at the beginning of this agenda item, you know, to the extent that we can keep FMP agenda items together, minimizing the

amount of days that they're spread out with, of course the recognizing that in certain instances things do need to be split. I think Maggie raised if SaMTAAC was on you'd do it pre and post weekend, stuff like that, or if it's necessary for the advisory bodies, we would support that, but otherwise I think it's helpful if you can bundle them together. And I'll stop there.

**Chuck Tracy** [00:22:14] Okay. Thanks Ryan. So, let me just say that if we kind of accepted what you're proposing, it looks like we'd save a couple hours by eliminating drift gillnet. I would probably gain an hour by adding the groundfish methodology approval for data limited stocks, and I think that's about, that's most of the time changes there. If we add some IPHC time for the directed fishery recommendations I would probably have to add a half an hour for that. The executive order, my guess is that would probably take at least an hour, so just kind of talking out loud here as we keep track of time. We probably will save an hour if we drop off the salmon methodology final priorities. So, we haven't, we haven't, I don't think we've gained a lot of time or lost a lot of time, but we're making progress. So, I'll stop there and Heather.

**Heather Hall** [00:23:31] Yes thank you. Ryan I wasn't sure, did I hear you say, and I think the GMT brought this up for moving the strategic plan, the F.5 strategic plan review? Was that included in your recommendations?

**Chuck Tracy** [00:23:49] Ryan.

**Ryan Wulff** [00:23:50] Yep thanks Chuck and thanks Heather for the question. Yes, that's correct.

**Heather Hall** [00:23:54] Okay.

**Ryan Wulff** [00:23:54] I don't think that would need to be a separate agenda item. Same thing, and I didn't hear Chuck mention it, you wouldn't need electronic monitoring I'd defer and probably not the scoping either. Basically, I just mentioned keeping it similar to the GMT report on the impact assessment methodology review and the sablefish gear, gear switching.

**Heather Hall** [00:24:25] Okay.

**Chuck Tracy** [00:24:25] Okay thanks. So that would, so that would give us some, that's about four hours of time there. Heather, you want to continue?

**Heather Hall** [00:24:34] I was just going to say, if it's not already been suggested to be removed, that the GMT also suggested we could put off F.8, The LE fixed gear catch share review.

**Chuck Tracy** [00:24:52] Okay I think I heard Ryan mention that.

**Heather Hall** [00:24:55] Okay. Okay. Got it. Thanks.

**Chuck Tracy** [00:24:59] Okay. Maggie.

**Maggie Sommer** [00:25:02] Thanks Chuck. Comments on a few items. One, I would support putting an item on the agenda for discussion of ideas under the executive order. I think we've had a little bit of good preliminary input at this meeting and I know I heard a lot of interest from our advisers and stakeholders this morning and having the opportunity to pick that up at the September meeting, so I support that. I do support keeping the gear switching item on the September agenda. This has been a very long process. I would like us to be able to make some progress toward completing it. As I said earlier, and I think Ryan just mentioned, it would be great to split it over a weekend if possible. I think

that would help. I do want to recognize and acknowledge that there is a lot of information and a lot of detail and background in the informational reports in this briefing book on the gear switching item, and that for those Council members and stakeholders who have not been directly engaged in the SaMTAAC Committee process, it is a lot to absorb and understand and I acknowledge that there are some concerns about whether the Council will be ready to adopt a range of alternatives at the September meeting recognizing all the work that the committee has put into developing the alternatives, I think that the key question before us will be, does the Council feel that what is presented there adequately encompasses the range of everything we would want to have analyzed and have public input on moving forward? So, I think that's the question we'll be asking ourselves, but I am very strongly in support of keeping it on the September agenda. I would also like to propose that we put the mothership utilization item on the September agenda. I know the Groundfish Advisory Subpanel suggested that perhaps the, sorry I lost my place here, the groundfish workload and new management measures update and priorities time could be instead used to actually make some progress on one of those items, so I'm interested in exploring that. I know we could, we would want to talk about whether and how we would get information from the GMT or others that we would otherwise get under the item that's currently shown as F.2 on the September agenda, but I really agree with that trying to get one of these items that the Council has identified as a priority on our agenda for scoping and to make progress on, I know the mothership sector representatives have put together some pretty detailed alternatives for initial consideration there, and I feel like they're ready to do that, so I'd like to propose that and see what the response is. Thank you.

**Chuck Tracy** [00:28:34] Thanks Maggie. Just on that last point, I did want to specifically address those four items that the GAP worked on over the course of the winter. First of all, I want to compliment the GAP. I think they did a really outstanding job on sort of a novel assignment. I think it's, I think it worked out well. You know, I obviously wish that we had been able to keep that on the, keep that whole process on track, but they followed through and you know they actually got the assignment to do sort of a purpose and need and issue scoping for two of those items. They actually did all four of the items and that's in Informational Report 4. So I guess my first question is to the Council, you know, is what was in Informational Report 4 sufficient for you to make a decision to move forward or do we need to go through some more process? So it sounds like at least for some that that's inadequate, but I do want to have a good discussion about whether that, that the process that that has gone through is satisfactory for the Council to be able to make a decision and move forward by selecting the topics. Obviously I don't think from a workload perspective, you know I don't think it's feasible for staff, Council staff, NMFS staff, State staff, GMT to consider tackling all four of those items in this sort of off spex period, but on the other hand, you know the longer we wait to make a decision, the more time slips by that we could have been put to use making progress on these items. So, I'll stop there and just make sure that that's on people's radar screen. Joe Oatman.

**Joe Oatman** [00:00:00] Thank you Chuck. Can you hear me okay?

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

**Joe Oatman** [00:00:06] Okay. I wanted to go back to one of the items on the September agenda Ryan put before the Council. So under salmon G.3, you know the Southern resident killer whale, I understood from his comments that want to provide notice and address that differently than what's reflected here currently and it would involve developing a broad range of alternatives and so I wanted to maybe get a clarification as to that the workgroups going to be developing a range of alternatives, how will those recommendations from the Joint Tribal Statement be considered within that?

**Chuck Tracy** [00:01:03] Thanks Joe. So, was that a question for Ryan or a question for me?

**Joe Oatman** [00:01:08] I think that's a question probably for Ryan to address.

**Chuck Tracy** [00:01:16] Ryan did you understand the question?

**Ryan Wulff** [00:01:18] Yeah, I think I did Joe and my apologies if I'm not fully addressing that. I think what you're asking is how those kind of, that range would be presented to the Council under that agenda item as noticed the way that I had described. And yes, I think we had had some discussion about that being a major part of the discussion at the upcoming working group meetings and yes, yes the working group would start to look at a range of alternatives that potentially could put forward to the Council.

**Chuck Tracy** [00:01:54] Thanks. Does that answer your question Joe?

**Joe Oatman** [00:01:59] Yes, I think so. I think I took that to mean that the information in the recreational troll tribal staff report would be considered. Thank you.

**Chuck Tracy** [00:02:08] Okay. Phil you had your hand up.

**Phil Anderson** [00:02:14] Yeah thanks. I just wanted to voice my support for several things that have already been spoken to. Giving some attention to the executive order being one. Having the gear switching issue be included is number two and I'm also supportive of including the mothership utilization item on our September agenda.

**Chuck Tracy** [00:02:50] Okay. Thank you. Well, since it's come up a couple times, the gear switching issue, we did get some input from Jim on our staff about the timing of that and why we have five hours for that. His best estimate is that it's probably going to take a bit more than that, six or six and a half hours so we might want to think about that as well. Okay Heather.

**Heather Hall** [00:03:23] Thanks. I'm going to do my best to just let you know if there's something that's been offered that I don't support rather than saying what has already been said but I on the workload and new management measures, I think I have really similar ideas that Maggie mentioned about actually taking one of the four items and moving it forward under that agenda item and Chuck, you mentioned then figuring out how we would get the statement from the GMT, and I had thought about that a little bit too because I believe their statement under that agenda item is really helpful but if the meeting notice was broad to say that it would include the mothership utilization, but then also the GMT could provide their regular report and then we'd have it as a resource anyway, that it wouldn't grow stale, so I was hoping if it was just kept as the F.2 workload and new management measure and then notices specifically speaking to the mothership utilization or if there was interest in others of hashing out the priority under that agenda item, if there's a consensus to go with mothership utilization knowing that the other three items are still in play for later, I'm okay with that too.

**Chuck Tracy** [00:05:03] Thanks Heather. I guess my thoughts on that, again, you know, if the Council can come to a decision on what it's top priority of those agenda items, which ones to agendaize today, and I think that opens a window for, you know, for September being potentially, well I mean, they would, the Council could approve the purpose and need and the scope of issues and potentially look at some alternatives. I don't know if we could get as far as adopting a range of alternatives, but I think that would be a possibility. If the Council can't come to that conclusion here than I think which you talked about of keeping that agenda item as it is such that the Council could further consider the merits of the four, four items and make their determination in September. I think that's where that would, where that would land. I think, and I guess at that point, if to the extent that they're satisfied or at least have time to review the purpose and need statements and issue scoping that the GAP has initiated, you know they could address that under that agenda item as well, but I guess in terms of, you know, looking at alternatives, that seems like a, I don't think that's an assignment you'd want to make without knowing which of the four topics we're going to move forward. Okay so Maggie Sommer and then Phil.

**Maggie Sommer** [00:06:59] Thanks Chuck. I realize I should maybe round out the comment I made earlier on with my recommendation to add the mothership utilization item. You know we have identified these four items as high priority. I think that we actually addressed the most urgent of the Amendment 20, or the Amendment 21 issues under our groundfish new management, sorry groundfish management measures for 21 and 22 so I think that that's not something we need to address right now. I think the Emley/Platt EFP, the interest in the activities that would be authorized under that would also be addressed by the non-trawl area management and on that one, we have all acknowledged that it is a priority for this Council to address the needs of the non-trawl fishery. We had quite a bit of conversation about that with the management measures earlier at this meeting and I won't repeat it. It is a priority for me as well. I am also thinking about the yelloweye impacts, the fact that that is the biggest stock of concern for us certainly here off of Oregon. We have taken a pretty slow and cautious approach to changes to our recreational fisheries that result in yelloweye impact increases, and then you know we want to do the same with commercial and I think in my opinion, it will help us understand what the effects might be if the very small changes we made at this meeting going forward and so I am, that all plays into my thinking of how to prioritize these items relative to each other. We certainly could discuss it more. I'm sure we'll have some differing opinions and some public input but I am also hearing and sharing a lot of the comments that we've heard about, please just move ahead with these and help make some progress on them so.....and finally, although I mentioned the fact that the mothership sector has put together and the GAP has documented in their report some possible alternatives, I would, was not intending to suggest that the Council select a range of alternatives in September. I'm thinking that scoping and adoption of a purpose and need statement would be a good first step. Thanks.

**Chuck Tracy** [00:09:41] Okay. Thanks. Phil.

**Phil Anderson** [00:09:45] Thanks. I apologize I had two other items I just wanted to briefly speak to. The first is the NMFS report, and I just would express a concern that if it's given, if all of the, if the NMFS report regarding all of the FMP's is given at one time, if you're one of the people that is in the seat or and attending the meeting the entire time, then that could work, but if you're not and you're either a member of the public or whether it's the GAP or HMSAS or pick your FMP, then, and it's particularly if there's a very substantive issue or item that's brought forward in the NMFS report that's related to an FMP that the Council, on a matter the Council is going to be considering, then I think there's a, you know I don't really support having the NMFS report on all of the FMP's and being given at one time because I think some of the participants that would find value from the information in there or the dialogue that goes on after the report is given to the Council on the particular item don't necessarily gain the advantage or if there is such a thing of listening to that dialogue. So, I would just express a concern there, particularly for those items in the NMFS report that are related to a particular agenda item under that FMP that's going to be taken up. The other thing I wanted to just speak briefly to if that's ever possible, is with the gear switching piece, and I know how hard it is to, you know, take a bite of that issue without, you know, getting, without opening yourself up to getting the entire thing and it may not be possible, but what I envisioned was, or as a potential, is that in this first meeting we get an overview of the information that's in the SaMTAAC report as it relates to its charge and the conclusions and, well not conclusions, but what came out of the SaMTAAC deliberations in terms of the range of alternatives and then a description of those alternatives that are included in the SaMTAAC report and to me, the first question is, for the Council is, whether or not based on the information that's been provided in the SaMTAAC report and other information that we will receive from the public and our advisers as to whether or not to proceed with consideration of a range of alternatives, and so if that along with the presentation of, and a description of the range of alternatives was what was, if that was the bite that we attempted to take in September, then we could move forward, in my mind, to the November meeting. Let's assume there's an affirmative decision to move forward with consideration of a range of alternatives you know, in addition to status quo, then that, the potential adoption of a range of alternatives for public review could be done at the November meeting, giving people an opportunity to

think about what they heard at the September meeting. There may be some additional alternatives that people wished the Council to include in a range of alternatives that's put out for public review. So that's the kind of sequence of decision making that I was thinking about. If you try to take up in what I would call the entire bite, which includes the potential adoption of a range of alternatives coming out of the September meeting, then I could easily, I don't know how long it would take, but I can easily see how it would take more than five hours. I just want to put that out there. I'm not sure what any of my colleagues that participate in the SaMTAAC process who were on the committee are thinking in terms of what how big of a bite we would try to take off, to take in September.

**Chuck Tracy** [00:14:49] Okay thanks Phil. Marci.

**Marci Yaremko** [00:14:54] Thank you Chuck. Interestingly I wanted to speak on that exact topic. I've been in the queue a little bit so a natural segue there. I agree that I think it is premature to attempt to identify a range of alternatives at the September meeting. I feel like we need a real scoping session. We haven't actually had this item on the Council's agenda in some time and I think the issues have grown, morphed, changed considerably over the course of time since the committee was initially charged and so I feel, and then reflecting on the challenges that we've seen with developing the purpose and need statement and kind of a very difficult time trying to find consensus around the problem statement, I do think spending some time scoping and taking the time to get an update on what the situation looks like today versus maybe what the original problem was. My impression of the problem today is that we can't utilize sablefish. There are reasons for that and now the reasons are not just in the south. Now we have a problem utilizing sablefish in the north too and I, I don't know the reasons behind that change, but I'm interested in learning, and to me the paramount problem that I think we are wanting to address is the lack of utilization and how we address that I think they're you know, the possible range of alternatives is very broad but I think I can, I can support scoping that topic so I guess what I would suggest is reconsidering the naming of this agenda item to something a little different and maybe try to, I think scoping is the right, the right step in the NEPA process for it to be agendized as, but that maybe we think about a title that's more along the lines of sablefish catch utilization or sablefish utilization as opposed, I think, to the sort of narrow idea of agendizing a discussion strictly on gear switching. Thank you.

**Chuck Tracy** [00:18:05] Thanks Marci. Yeah so I think, you know gear switching and area management, so is what's in the title now, so I don't know if that gets to it, but I think I understand, if I understand what you and Phil were talking about, I think it sounds like something like additional scoping as opposed to a range of alternatives or consider preliminary analysis or something like that. Just kind of thinking out loud there. Ryan.

**Ryan Wulff** [00:18:42] Thanks Chuck. Sorry to take longer again here. I just wanted to respond to Phil's point. I was advocating initially for one single NMFS report. I see a lot of potential benefits but I'm also okay if for the points that he raised to break them up. You know I don't think when it comes, I don't anticipate a CPS NMFS report. I think we may have an update on the rebuilding plans as far as salmon goes, but we could do that through an informational report or some other way, so I'm flexible there, and then when it comes to putting on additional groundfish items, we've heard a number of them mentioned. I would just really caution the Council for a number of the reasons raised and seem too important otherwise. I mean if you are going to do that, I would think you would have a higher chance of success of moving them along if you were to limit that to one or two, but again, when it comes to this and Chuck touched on it by asking if there was more needed from what's in the NMFS report. I mean I would have to defer to Council staff where they had the capacity and time to prepare analysis and other documents for that, for Council consideration under any of those agenda items that they were to be brought forward. Thanks.

**Chuck Tracy** [00:20:13] Okay. Maggie. Oops, Heather, or was that Maggie? Yeah Maggie, go ahead.

**Maggie Sommer** [00:20:19] Thanks Chuck. Just a brief comment. I guess on sablefish gear switching. I think we have brought in ourselves and in some cases in public comment, a whole lot of issues and the kind of grand scope of the trawl fishery and its health and its future and I think that that's important, but that is, that makes it harder in my mind to make progress and I would just suggest that we think about the potential of really just focusing specifically on the question of do we want to consider revising the gear switching provisions of the program? Thanks.

**Chuck Tracy** [00:21:14] Okay. Heather.

**Heather Hall** [00:21:16] Thank you. I just wanted to speak in support of the approach that Marci and Phil are raising on this issue and I think there's value in taking a look at, at this more of scoping at this point and getting an update on how things have gone so far.

**Chuck Tracy** [00:21:46] Okay. Bob Dooley.

**Bob Dooley** [00:21:51] Yes thank you Chuck. I, you know I was on this committee when it started out with the CAB and then it went, I was an industry member on the original SaMTAAC and then elevated into a voting member on the SaMTAAC when I became a Council member. I said from day one that, you know, we embarked on this with a focus on taking the Council's direction of what to focus on, but now that we've gone through this whole process, there's a lot of information and, in the reports and I believe what Phil is describing is the way we should approach this is to really kind of more from a scoping, I guess, position and then go to the next. I mean to pick a range of alternatives out of this, I think without some discussion is really premature and so I would be more, more in line with what Phil was talking about and I also think that, you know, I said this day one and I think I still haven't changed my mind. This, you know, if we don't know where we're going, any road's going to get us there, and I think you can take any of these alternatives and craft them to get to basically the same result. It depends which options and things you choose. So I think there needs to be some direction here of actually what we're trying to achieve, because if we just keep throwing ingredients into the pot and try to figure out if we're really making a cake or if we're making spaghetti, I think at the end of the day we're not going to be efficient, so I would lean toward that and I do support what Phil and Maggie and Marci were speaking of so, and I would like to see it a little less onerous on this next agenda, you know, in terms of hours than what's laid out there now. Thanks.

**Chuck Tracy** [00:24:11] Sorry I was muted. Brad Pettinger.

**Brad Pettinger** [00:24:14] Yeah thank you Chuck. I do like the idea that Phil brought up. I think that given the situation with the Council schedule and the hours, limited hours we have, I think that too big a bite would be, could be unfortunate, but I'm careful, I think we should be careful about regressing, I just want to keep moving things forward, that's my fear, and I'm, I think that as far as utilization that Marci talked about, I mean this is, you know this COVID-19 has destroyed every preconception of what the fishery was going to be like this year. I think it's, I think the fish is, it's like we have pretty much full utilization and as far as sablefish so, but I do, I do like that idea about taking a smaller bite in, I say in Spokane but in September and then we'll move a long way so as to who is aligned out there. Anyway, also I'd just like to put my two bits in there, I do like the idea of the mothership, move that forward too just because the situation with this COVID-19 thing affecting vessels, I think we need to get, insure to the best we can that those folks don't get stranded again and that, if it's a time we're at here as far as making something in time for next year if that's possible I would, but anyway that's it. Thank you.

**Chuck Tracy** [00:25:58] Thanks Brad. So I'm not seeing any other hands up right now so it sounds like

we're settling on sort of reducing the scope of the sablefish issue to more scoping and so we would, we probably wouldn't need six and a half hours, then we may be back out in the four or five range. So is that... I guess that's what I'm proposing. If somebody's got a different opinion on that I'm welcome to hear that. Maggie.

**Maggie Sommer** [00:26:34] Thanks Chuck. I don't have a different opinion, but I have a question and I'm sorry. I know we've spent so much time discussing this today. I don't mean to draw it out, but I don't, I'm not sure I understand what the, what a reduced scope of what we would be doing with sablefish in September is, so if, if you or someone could clarify that, I would appreciate it.

**Chuck Tracy** [00:26:58] Well, I'll take a shot at it and then Phil, feel free to chime in if I haven't covered everything that you are, I think it was kind of your initial proposal. So rather than selecting being prepared to select a range of alternatives, there's a number of alternatives that have been laid out in the SaMTAAC report, but rather than selecting a range of alternatives, that the agenda item would focus more on determining which issues that are laid out there deserve further attention and deserve to have a range of alternatives selected, and that step would occur in November. So, this would be, you know, something, you know, are we going to move forward to this or not? Are we going to move forward with area management or just gear switching? If amongst gear switching, you know which, which solutions or which approaches are we going to consider? So that's kind of what I'm thinking of, I thought I heard out of that. So, Phil have I got that pretty close?

**Phil Anderson** [00:00:00] Yeah I think so. I was just trying to, you know, it seems to me it's a little bit, this so far it's been a little bit unusual in that we had this Council establish SaMTAAC. Went out and did a bunch of work. We developed, we've delivered our product as an informational report and basically said here you go and I am not discounting that Council members read their materials and so forth, but I think it, it would be good to have Dr. Seger in particular walk through the highlights of the work product that we provided, including not too high a level, but a high level overview of the alternatives that are in that report so that the Council as they're together here is all together has an opportunity to have some interaction with Jim and the committee members as appropriate to ensure that they understand what the work product that the SaMTAAC brought back to the Council in response to the direction and assignment that it was given. There is a threshold question in my mind, and that is okay, here's all the information that we put together or a summary of it, overview of it, given all that does the Council want to move forward with consideration of a range of alternatives to address the issue as it is, as it was described? And if the answer to that is yes, then the range of alternatives, we have the range of alternatives provided by the SaMTAAC, but I suspect that there may be other alternatives out there that will, either the GAP or the public or individual Council members may want to put on the table for consideration. That may lead to a decision by the Council submitting a different variation of a range of alternatives that we would put out for public review, but I don't think we can get to all those points in one meeting, so this, the term 'scoping' has been put out there and that's probably as good a term as any to have the overview of this SaMTAAC committee's work product largely provided by Dr. Seger, you can thank me later Jim, and with some depth in terms of the description of the alternative that the SaMTAAC developed to address the problem, at least one version of the problem that was identified. Given that the Council feels that, yeah, we, we think there's some, there's some issues here that bare further process, bare looking at a range of alternatives to address it, then that's a decision point. That reaches the next step, which would be in November, or at least the next step would be how big of a next step in November you take is, we can talk about that later, but that's where you'd really get into okay, what is the range of alternatives that we want to send out for public review? Is what the SaMTAAC provided the correct scope, or contain the correct elements to address it, or is there some variation or additions to what they provided and then move forward from that point in November? So like I said at the outset, it's hard to talk about this topic and ask people to only take a bite. You know, I was thinking about throwing a nice top sirloin steak out in the middle of my living room floor and asking my dog to



only take just take part of it and then come over and sit down. I've got a pretty good trained dog but I don't even know if I could do that with him, so and I don't want to compare our process to a fondue, but that's my, that's why I think if we can limit the scope of what we are going to do on this topic in September, then and hopefully the, our advisory panels, the Council, that would be us, will honor that, then we can take that first step.

**Chuck Tracy** [00:04:48] Okay. Thanks Phil. And just in terms of timing, I, in chatting with Jim and he seemed, thinks even if this were a limited level scope, that five hours is still appropriate so we're going to keep that if we go this route. Maggie.

**Maggie Sommer** [00:05:07] Thanks and thank you Phil for that explanation. That was really helpful for me and I agree very much with the, your comments about the potential or the interest that there may be among Council members and advisors and the public in really making, first making a decision about whether we feel it passes the threshold of do we want to move forward and the potential for changes to the alternatives that the SaMTAAC Committee has developed. I guess I'm just trying to weigh that against a very strong concern about the potential for this, this steak, maybe I'll stop with the analogies right for this issue to be such a big one every time we take it up because it is so important to such a large number of folks and I am concerned about the amount of time and energy of the Council and of staff and advisory bodies that this has the potential to take up and I think every time we put it on the Council agenda, it will be a five plus hour item so I guess my initial vision was that keeping it on the September agenda as a range of alternatives would allow us all to hear Dr. Seger's presentations, consider the information provided in the reports, potentially, you know reach that conclusion, each Council member for themselves and the Council as a whole on whether we are, whether we want to move forward and then potentially to adopt a range of alternatives, you know recognizing that I suppose we would have the option to bail out and say, you know what no, based on input we've heard and concerns we have at this meeting we do want to continue, but we are not ready to select a range of alternatives. I think that's an option, but I'm really I'm just looking for a way to move forward on this so that we can get some, some progress made and concerns about drawing it out longer but I understand and certainly would go along with the will of the Council here if that is to change the scope and description of what we're doing in September.

**Chuck Tracy** [00:07:57] Thanks Maggie. Go ahead Phil.

**Phil Anderson** [00:08:01] I don't think we're saying a lot, too much different with the exception that I am not at all confident that the Council will be ready to make a decision on a range of alternatives, even if it decides that it wants to go in that direction in September and that's the only point of difference that I heard, frankly, from what you said Maggie, but it's just, so and I totally, and I'm totally sympathetic with people and their frustration with how long this has taken and we had some fits and starts in the SaMTAAC process, the government shutdown and all that business that interrupted our progress so I mean I can almost hear the frustration coming from certain parts of the industry right now with not wanting to drag this on any longer than necessary, but at the same time I'm just very doubtful that we would be in a position to just send out a specific set of range of alternatives, but maybe I'm wrong.

**Chuck Tracy** [00:09:27] Thanks Phil. Yeah I, let me just say in terms of getting the information presented and everything that's been put in the SaMTAAC Informational Report 2 I think is appropriate to be presented to the Council in September. There are alternatives in there and I think the Council would be, you know, if there are other alternatives that come up, the Council could, you know, do what they will with them. I think, as Phil mentioned, the real difference is adopting a range of alternatives, so that's a fairly significant action if this is the range that's going out for public review, that's different than you know doing something with, you know with the alternatives that are there, deciding if you want to continue analyzing them or not or adding to them but when you take the step of putting on the

Council agenda that they're adopting a range for public review, then you've added quite a bit, I think, to the scope of the agenda item and, you know, obviously the time necessary to do that, so I think the information is all going to be available to be presented. Lots of questions, including the alternatives to sort of give you an idea of whether the issues deserve to move forward. Maggie.

**Maggie Sommer** [00:11:11] Thanks Chuck. This will be my last comment on SaMTAAC and I appreciate the input and defer to your and the Chair's wisdom in that area. So if it sounds like we are not ready to put formal adoption of a range of alternatives in September and I can live with that. I guess I will sign off from this topic maybe with a question of whether or not we would be as part of a scoping, considering a purpose and need statement in September or whether that would occur later, along with a range of alternatives as well. Thanks very much.

**Chuck Tracy** [00:11:57] Well let me just respond to that. I think purpose and need is, you need to have that so you know if the alternatives address the purpose and need so I think that's very wise to get that done sooner rather than later. I guess in the classic three step process, I think scoping, identifying the issues and identifying a purpose and need is the first step, identifying a range of alternatives is a second and making a final decision is the third. I know how there can be lots of other interim steps in between, those are the three critical parts in my....okay are we ready to move off of SaMTAAC? Seeing no opposition, great. So there's a, in terms of what's on the September quick reference, there's a few other shaded items that haven't really been talked about. Just got a message that Joe Oatman had to leave. If he hasn't gone yet one of the items is the reintroduction of salmon about Grand Coulee Dam presentation. I did kind of want to see if that, how people felt about that and I'm not seeing Joe on.....oh there's Joe still is on here at least in theory. Joe do you have any thoughts about keeping that on the agenda?

**Joe Oatman** [00:13:30] Thank you Chuck. I haven't given that topic much consideration up to this point. I don't think I would be adverse to it but provided that there are no other candidates that might be a higher priority.

**Chuck Tracy** [00:14:00] Okay. Thanks Joe. Louis Zimm.

**Louis Zimm** [00:14:04] Thank you Chuck. I have to honor Joe's statement of where they are on that, however I have heard from, I believe it was Rodney that they did have some very interesting things to at least do an informational report to us and my curiosity is particularly piqued because we've got the situation with the southern resident killer whales and how we're going to improve their situation so this may inform it, and also, along with the southern cal, southern resident killer whales, we also have the humpback incidental take statement and I'm not sure, maybe Ryan can inform me whether we're required to take this up and what is our, our status on that? Thank you.

**Chuck Tracy** [00:15:04] I think Ryan mentioned that that would be, there would be some information on that ready for September. I think the question was whether it would just be informational or if the Council needed to take some action on that. I don't know if that's something that Ryan can answer now or if that's something we have to consider over the course of the summer, how we might handle that. Ryan.

**Ryan Wulff** [00:15:32] Yeah, well to Louis' question, thank you Chuck and thanks Louis for the question. The Council is not required to take this up. We had put this on future agenda a while back so as to get a chance to kind of let the Council know where we currently were in regards to so there wasn't any big surprises once biological opinion came out. Again. we should be far enough along with the draft ITS. I'm hoping as some point to be able to share something with the Council, again whether it's its own agenda item or whether we submit it and discuss it under the groundfish NMFS report, we're flexible.

**Chuck Tracy** [00:16:16] So maybe my question to you Ryan then is there going to be, is NMFS going to be requesting the Council weigh in on this issue?

**Ryan Wulff** [00:16:33] Again, this is a NMFS consulting with itself on an Endangered Species Act related issue, so again, this was really more not necessarily requesting formal Council input, but just noting that it might be of some interest to the Council and trying to get before them what was, what currently was the line of thinking in the draft incidental statement in particular I'm sure, the terms and conditions or at least have a chance potentially for the Council to give us any feedback that they wanted and I think that could be achieved, like I said, under its own agenda item or separately, it's really up to the Council if they want the opportunity or not.

**Chuck Tracy** [00:17:23] Okay. Louis did that answer your question?

**Louis Zimm** [00:17:27] I believe it did. However, I can't really say or I don't think we can really say if we need the opportunity until we see what the implications of this are to our fisheries, so thank you very much.

**Chuck Tracy** [00:17:41] Okay. Well if there's, well I don't want to belabor this too much, but you know if there's some sort of timeline that the Council needs to consider, for example, if this is a draft ITS that the Council could comment on and then you need other comments in before November, then that would be one situation. If it's just an ITS statement and the Council can weigh in on it at its leisure then an informational report in September would be fine, and if it's something they want to take up more seriously they could schedule that at a future meeting. So, I guess that's, that's, those would be my questions about that. Phil, you had a question?

**Phil Anderson** [00:18:45] Oh just on the, the introduction above Grand Coulee Dam presentation. I know Christa spoke to this earlier today and if we weren't in the situation that we're in where we're having to really do triage on our agenda, I would be supportive of leading this on and I know they, the Colville Tribe has asked us a number of times to put this on our agenda and I'm just, my thinking is that giving them the opportunity to come forward at this meeting, but asking them to limit their presentation to 30 minutes is one option. The other option is letting them know that we're really, we're really pressed here for agenda time. We're anxious to hear their presentation but we won't be able to do it in September. I mean, obviously, any reintroduction above Grand Coulee Dam passage and all of that relative to assisting with the recovery and increasing prey base for southern resident killer whales is a ways down the road for sure if that all comes to pass, so but those are the two options that I, that came to mind when being asked about the, that G.4 item.

**Chuck Tracy** [00:20:24] Thanks. Ryan.

**Ryan Wulff** [00:20:27] Thanks. Sorry to come back to this, but I did leave out a key piece of information just so to clarify on the humpback ITS, again the Council will be able to weigh in but like I say they had previously expressed wanting an opportunity to see what will be required of the Council, especially out of the incidental take statement and terms and conditions, that's why we had offered to put this on the agenda, especially for the issue when it comes to humpbacks and entanglement, an issue that's been on the West Coast. Again it does not matter whether it's in the NMFS report, whether it's its own agenda item under either, the Council could give NMFS as little or as much as they wanted, however, the piece that I probably wasn't as clear on, that is the last time, this September agenda is the only time as the buy-op will be finalized prior to the November meeting. Thanks.

**Chuck Tracy** [00:21:26] Thanks for that clarification Ryan. In that case I guess I would just kind of reiterate. The Council's going to make some recommendations to National Marine Fisheries Service. I

think they need to do that under an action agenda item and we typically don't schedule action under the NMFS reports and I guess I would kind of like to keep that so I think if the Council feels that this is important and they want to comment, I think it should be kept as its own agenda item. Heather.

**Heather Hall** [00:22:06] Thank you Chuck, I agree with that. I know when this has come up or when ESA issues come up, I know we've asked to be involved and so having it as a standalone item makes that opportunity more clear. I think that's important.

**Chuck Tracy** [00:22:25] Thank you. Louis.

**Louis Zimm** [00:22:28] Thank you Chuck and I agree with Ryan's and Heather's position on this. I would hate to not be able to have the opportunity to comment on this. Back to the tribes and the Colville. I don't know if there's some kind of compromise we can make asking them to give an informational document to us and then if we need to have further and to comment on this, that we could perhaps do this in November. This has been, as you pointed out, the request a number of times and I feel leery of dishonoring this request. Thank you.

**Chuck Tracy** [00:23:15] Marci.

**Marci Yaremko** [00:23:17] Thank you Chuck. Just, and apologies that I just don't know enough about this, but I know I just heard that the buy-op would be finalized before the November meeting. I'm going to presume that that means the ITS will be as well, and if that's the case then I absolutely agree with Heather and Louis this, this has to be on our agenda and certainly I would put it in the red category. It's something I think we all want to get as much information as we can in the advance briefing book and think a little about if this will be our one and only chance to develop recommendations and transmit them to National Marine Fisheries Service before the finalization of that ITS. That seems like a pretty high priority item to me.

**Chuck Tracy** [00:24:08] Okay thank you. In regards to the salmon reintroduction, I'm going to recommend that we sort of put that aside for a little bit. I think if I'm doing the math correctly and Mike can maybe double check me on this, I think we've taken about seven hours off and we've added about two and a half so that puts us at about four and a half. An opportunity to fill about four and a half. Maybe that's, that's not quite right. Maybe that's more like two and a half or three, but I would still like to get sort of a final decision on the groundfish workload and new management measures update, whether we're going to keep that as that agenda item and discuss all of those items? I think that's what I heard as opposed to just putting the mothership utilization on the agenda in its place so but I'm not positive about that, it's been a while, so if somebody could help me with that I'd appreciate it, and then I'd like to take a look at what time we do have available and maybe look at some of those items on the postpone list in terms of moving them over and see what the priorities are and see how those stack up against perhaps some of these other shaded items and see if we can get some finalization to the September agenda. So, starting with my first question about groundfish workload new management measures. Heather.

**Heather Hall** [00:26:02] Thank you. Well I thought in the earlier discussion Maggie made some really good points about why mothership utilization made sense as being the one item that we discussed there and I know looking back at the GMT report and some of the others, I can see how that is the case so I know I am the one who said maybe we talk about all four of them and do some prioritizing but I would be okay if it's just mothership utilization for this one and then I also am supporting that it just still be called workload and new management measure update and prioritize, priorities and just noting or noticing that it would be, we would be discussing that under this so that it's clear and then the GMT could provide their regular updates under this agenda item.

**Chuck Tracy** [00:27:20] Okay. Not seeing any disagreement with that. Louis Zimm.

**Louis Zimm** [00:27:27] Thank you Chuck. I'm afraid that I remember that Maggie said that she had very strong input on the non-trawl RCA and we've had very strong input down here in California as well so if we could possibly do the two measures, I know the mothership measure is very important, but I will notice that the GAP put the control RCA as number one. I think they were talking priorities. If not, I apologize but can we, if we could squeeze in both of those in that period, I think you really need to.

**Chuck Tracy** [00:28:13] Well you know I guess I would urge a cautious approach. You know if you're going to make assignments for the GMT to provide information on both of those items or to carry both of those forward over the course of the next year or so, and we also have to consider the sort of some of the attrition that's occurred in the GMT which we've heard a little bit about too, I guess I would be, I'd be a little cautious about that. Obviously there's, you know both Council staff, NMFS staff, workload considerations as well so I would be, I don't know, I mean I guess I would like to, by September, be sure of what the highest priority was. Marci.

**Marci Yaremko** [00:00:01] Thank you Chuck. I want to reiterate that I think the list of groundfish assignments for this meeting, if it was a NMFS report, the Impact Assessment Methods Review, we're talking about a five-hour sablefish scoping item and then we are talking humpback whale ESA incidental take statement that now we hear this is our one and only chance at, and then inseason, I'm counting five items and it's June and we have a ton of turnover in the GMT and I personally feel like that's more than enough to keep that group busy between now and September. I don't want to shortchange our discussion on the humpback whale ESA ITS. I think we don't know what that's going to say, and I think we need to set aside some meaningful time for that.

**Chuck Tracy** [00:01:12] Thanks Marci, Maggie.

**Maggie Sommer** [00:01:16] Thanks Chuck and thank you Marci for your comment on the humpback whale ITS, I agree with that. I just wanted to clarify my remarks earlier. You know we have heard about the non-trawl RCA. We have said it's a priority. I meant that in the context of explaining why I was suggesting moving forward first with the mothership utilization item for scoping in September, which I continue to support and I would just note that in the GAP report on this, they specify that there is no particular order of priority for these, those four items they discussed. Thanks.

**Chuck Tracy** [00:02:00] Louis.

**Louis Zimm** [00:02:06] And I can honor that, and I really do appreciate it. I agree that the mothership issue has been hanging for quite a long time and I think that is the one we need to go to first and realizing that we are challenged here, as Marci so aptly pointed out to so many hours on groundfish already but I just want to make sure that we keep this in mind and that we've had a good discussion on it and you'll be hearing from us again. Thank you very much.

**Chuck Tracy** [00:02:41] Okay so I guess based on what I've heard I'm going to suggest that we prioritize the mothership utilization issue. We can still keep the, we can still keep the title, Workload and New Management Measures Update and Priorities, but we will within the Council action identify whatever action is appropriate under the mothership utilization and then presumably there'll be some additional typical updates, I guess, from the GMT on the other issues, so that's what I'm suggesting for that agenda item at this time. Okay seeing no objections there, then why don't we look at Attachment 6 and see which of those items deserve some consideration to being moved into the September agenda? So, let me kind of go through and feel some low hanging fruit. So, starting at the top, the CPS NMFS

report we've already talked.....I don't think we really need that. We've got EFH Habitat review scoping. Let's see, cost recovery, again salmon EFH for the overfished stocks, those are recommendations for EFH improvements. Under June 2020 Administrative 4, electronic technology plan review, I think the deadline for that has been postponed until 20, sometime next year so I think that's one that we can just remove from the list. Legislative matters. We've got that shaded in September. There's I think some questions about how active the Congress is going to be over the course of the summer, whether the priorities are going to be fisheries or not but I think there is potential for some so maybe we could just leave that on with a 30 minute agenda item and then if we don't need it, we can suspend it and we'll probably be grateful for the time. The CPS stock categories, ecosystem climate and communities initiative I think are worth considering. Then we've got the groundfish business here, which I think number one, two, three, four. Well one, two, three and four are ones we just talked about. Sablefish management strategy evaluation and the assessment methodology, so that's one we did add on already number 6, so that one's taken care of, and then for HMS we've got DGN performance metrics and swordfish management and monitoring plan, and then the West Coast albacore fishery participation analysis we did say that that one was going to be covered under the biennial spex in September so that one's gone. So the rest of those, I think.....oh standardize, back up to Administrative 1, standardized bycatch reporting methodology, again this is this is one that we have to, I don't think we'll be ready for September, it's going to take some staff time, but it is something we're going to need to take a look at in the fairly near future because we need to evaluate all our FMP's to see if they're in compliance with the new procedural directive and if they're not to amend our plans to put them in compliance and that whole process has to be completed by February of 2022 but I don't think, I think it's going to start with some staff work and I don't think we're quite ready, we'll be ready for that in September so I'm going to cross that one out. The rest of these things I think are worth considering and there's some, you know there's activities associated within the research and data needs. We're working on developing a database with Pacific States, the SSC's been involved in that so that's an ongoing concern as well, so I'll just stop there and see if there's any thoughts about the priorities that might fill in. I think, again, we've got three or three or maybe four hours that we could squeeze in the way things stand right now on the Quick Reference. Heather.

**Heather Hall** [00:08:04] Thanks Chuck. There are a couple of things I, that you mentioned earlier, and I just want to make sure those are being accounted for because they're not on this, but that's the executive order?

**Chuck Tracy** [00:08:15] Yes.

**Heather Hall** [00:08:15] Okay and the methodology item, and then the other thing that I heard from both the GMT and the SSC was the sablefish management strategy evaluation in November. Well maybe we're not there yet but wanted to make sure they're in and then on this one, support for the climate and communities initiative update.

**Chuck Tracy** [00:09:00] Okay. Rich.

**Rich Lincoln** [00:09:02] Thanks Chuck. Just briefly and speaking to the climate and community initiative update, which ties in with the Core Team's report early on this, earlier today on its agenda item. The decision here really is, I think in terms of a check-in, is whether the Council is, would be, whether or not the Council is comfortable with the Core Team kind of running and completing the phase 1, phase 2 process as it's discussed with the Council before without a checkpoint between now and March and that I think the choice there is that with a check-in in September and expecting potentially then some, I mean there'd would be no reason to have a check, check-in unless the Council had an opportunity to provide some direction. There's probably that the choice there is that may affect, could delay the completing the project and delivering the final report in March and I think the, I mean the key

difference there is this timeframe between now and September. It's the timeframe I think that the Core Team is planning on trying to design its phase 2 outreach and engagement and to the extent to meet the March timeframe, a lot of that has to, would have to start occurring and being planned probably somewhat in advance of that Council meeting so I don't think the Core Team necessarily is recommending one or the other, it's really a decision about the Council's timeframe, desires and interests in having a check-in and potentially providing guidance in September.

**Chuck Tracy** [00:11:02] Thanks Rich. Yeah, I think that is an important consideration. That is something we've been putting a lot of time into and money in terms of contract work and engagement with all the advisory bodies on this agenda item so what's the Council think about, about that one in particular? Not seeing much. I've heard Heather and Rich kind of advocate for maybe keeping that on in September if I'm reading that correctly. If I'm not please correct me. If somebody would object to that please raise your hand. I'm not seeing any. So, based on that, we are going to move that from Attachment 6 to Attachment 5. Okay what else? What else on the Attachment 6, our priorities for the Council? Ryan.

**Ryan Wulff** [00:12:49] Chuck, are you talking about priorities for the Council or are we still talking about trying to move things, additional things into September?

**Chuck Tracy** [00:12:57] Yeah right. Priorities for moving things into September.

**Ryan Wulff** [00:13:01] Okay and I will hold my comment, although while I have the floor, I'll note that I think it's okay if we don't, if we have a couple hours of flexibility.

**Chuck Tracy** [00:13:19] So if we were to go with what we have absent any additional work, the shaded items like HMS EFH would stay. What else would stay, the FEP five-year review would stay. Reintroduction above Grand Coulee Dam would stay and the legislative matters would stay. I think we've talked about the other shaded items. Maggie.

**Maggie Sommer** [00:14:00] Thanks Chuck. Sorry did you just say the highly migratory species EFH would stay?

**Chuck Tracy** [00:14:09] That's, yes, that's we have a.....I know there's been some other discussion by advisory bodies on this, but the Council hasn't. I didn't hear the Council decide to postpone that.

**Maggie Sommer** [00:14:28] Thanks. I confess that I am not as knowledgeable as others might be on this but wanted to highlight the HMS Management Team's comments that it may not need to be in September. I notice they commented that they could bring the Council an update in September with a full phase 1 report in March and those who are more knowledgeable might be better positioned to weigh in on whether we need anything in September. Thanks.

**Chuck Tracy** [00:15:09] So I think the, maybe Mike you might be ready to help me out here. I think the idea on the EFH business was that those would, I think the first step here that would be product brought to the Council would be a literature review so the Council could decide to move forward or not with the process. Do I have that right Mike?

**Mike Burner** [00:15:44] Yeah more or less. It's to look and see if there's any new information that would inform any potential revisions to EFH descriptions for a given FMP and so they ought to, that phase 1 is essentially just look out there what's in the literature and decide if it's enough new information to warrant a phase 2, which would be more of getting into the business of revising the description of EFH.

**Chuck Tracy** [00:16:12] And it sounds like Kerry just chimed in and said that we're making good progress on that.

**Phil Anderson** [00:16:25] Sorry I lost track of where we are in the drift gillnet hard cap item?

**Chuck Tracy** [00:16:33] I believe that one was recommended to be moved to November. Okay well I'm not seeing a lot more activity here, so I think we're kind of settling in on what we've got for September. Do we want to continue and take, I think the next...we could look ahead to Year-At-a-Glance. I don't think there's a lot of business to do there. You know, we've just mentioned the DGN hard caps that was recommended to move to November. We added CPS stock assessment prioritization already based on the discussion earlier in the week. We don't have a lot of, I don't know if we've got a lot of business to do there yet, so I'll leave it up to the Council if they want to pursue that. What I do want to pursue before the afternoon slips by is some of these workload assignments associated with things like the Habitat Committee letter, the procedural directive on changing stock classification from known to unknown, the executive order business and a couple other, at least one other thing which I hadn't mentioned yet and is not on that list, which is a request from the science centers for to work with the SSC towards working on a regional framework for BSIA determination, which is a request that came out of our discussions about updating the Regional Operating Agreement. So, what's the Council's pleasure? Do we want to move to the Year-At-a-Glance, or do we want to get to those workload assignments?

**Phil Anderson** [00:18:44] I'm recommending we get to the workload assignments, unless there's something critical under the Year-At-a-Glance, which didn't sound like there was but I do see Ryan Wulff has his hand up.

**Ryan Wulff** [00:18:58] Yeah thank you. I did want to, I don't want to go over the Year-At-a-Glance in detail, but since we haven't put a number of these, if not maybe any of the items in Attachment 6, the postponed items onto the Year-At-a-Glance, I do think it's important to just touch on those that we feel should be added and in NMFS opinion, I would strongly support having the swordfish managing, management and monitoring report being added back to the Year-At-a-Glance for November. The MT was tasked with a number of assignments on that. I think we heard some compelling testimony throughout this week regarding industry and others wanting to have the broader Council discussion about swordfish management. In addition, that's kind of how we left it from previous Council discussions, so that is my only comment under this agenda item or at least putting things to the Year-At-a-Glance, and then thank you Chuck for talking about the BSIA. That was my other note.

**Chuck Tracy** [00:20:10] Okay. I guess while we're at it, is there anything on Attachment 6 that people want to specify a spot for on the Year-At-a-Glance? Louis Zimm.

**Louis Zimm** [00:20:25] Well thank you Chuck, and I just wanted to second Ryan's discussion about swordfish management. It's something that's kind of come up high on the horizon and then dipped down below for quite a while now and I think we need to do this a little bit of work to honor those people that are very concerned with it. Thank you.

**Chuck Tracy** [00:20:46] Your welcome. Louis.

**Phil Anderson** [00:20:53] You just did him. It would be Bob Dooley.

**Bob Dooley** [00:20:59] Thank you. Thanks Chuck. I just have, I'm a little confused I'm sorry. That's probably not too unusual. I'm looking at the HMS item D.5 for the September meeting and that phase 1 report, and the recommendation by the HMSMT actually shows that requesting to move to March. Am



I missing something and I don't see it in the Year-At-a-Glance and that report and I'm just, is that a different report or is or should we not have that item D.5 on that agenda? I just don't, I'm a little confused. Sorry.

**Chuck Tracy** [00:21:39] Yeah, well understandable, understandably. So, we've had some discussions between staff and the team about that and I think, I hope we are to the point where that is something that could, it could go forward in September.

**Bob Dooley** [00:22:05] Okay thanks Chuck. I just pointed it out. Thanks.

**Chuck Tracy** [00:22:08] Maggie.

**Maggie Sommer** [00:22:13] Thanks Chuck. We heard a suggestion and public comment that I think we might want to consider, which was just putting the coastal pelagic species FMP stock categories item back on the Year-At-a-Glance and possibly shaded potentially for next April.

**Chuck Tracy** [00:22:41] Thank you. Okay anything else at this point? Not seeing any. So let's talk about some of these workload assignments. Habitat Committee had a recommendation for up to four letters to be sent with deadlines ranging from June 29th to September 7, so if I don't know if I can do these from memory or not, I know the June 29th was the Potter Dam removal support letter. There is a, I can't remember any of these without looking back. Army Corps of Engineers for Nationwide Aquaculture Permits September 7th, California Energy Commission on Wind Energy Citing July 31st, and supporting EPA TMDL limits in the Columbia River to July 21st. So, these would all take some additional drafting and a quick response process to be completed over the course of the summer. So I mean, I guess I just from a staff workload perspective the FERC letter on two bases partnership on Eel River, that's Potter River Dam, or Scott Valley Dam, whatever it was on June 29th, that seems, that just doesn't seem possible I guess from my point to get a letter drafted to get the quick response process engaged, get that transmitted given our Council meeting follow-ups and those sorts of things. While I think it's an important issue, it's at least one that's going the right direction in my opinion and I think from the Habitat committee's perspective, so while it would be nice to provide a boost to that I'm not sure that that's an essential work item but, so that's my opinion on that one and I'll leave the other three to the discussion of the Council. Louis Zimm.

**Louis Zimm** [00:25:22] Thank you Chuck. On the aquaculture question, you know specifically what areas are being considered? I am on the board of the Hubbs-SeaWorld Research Institute so I could talk to Don Kent and maybe get some illumination on that and pass that on to the Habitat committee.

**Chuck Tracy** [00:25:57] Okay. That's fine. Does that mean you are supporting generating a letter for that one and going to the quick response process then?

**Louis Zimm** [00:26:06] Yes, if it got all the way to September 7th, I believe I can work with my friends on the Habitat Committee on that.

**Chuck Tracy** [00:26:15] Okay. Thank you. Maggie.

**Maggie Sommer** [00:26:18] I have a comment on a different letter. So if you want to stick with this one for anymore go ahead.

**Chuck Tracy** [00:26:25] No, I think let's deal with all of the habitat letters here.

**Maggie Sommer** [00:26:29] Okay thanks. I would just support a comment in response to the EPA's

new TMDL for water temperature on the Columbia and Lower Snake and note that the Habitat Committee thought this was consistent with previous Council comments concerning elevated temperature and wonder if there are previous comments that staff could draw on to pull a letter that hopefully would make that a relatively low lift. You know this is another one that is going in the right direction as you said so maybe not critical, but if we have the opportunity to weigh in it could be good.

**Phil Anderson** [00:27:14] And I would suggest maybe the three, that we have three states, Idaho, Oregon and Washington that maybe we could task them with coming up with a working together and coming up with a draft rather than putting the entire burden on the Council staff to do that.

**Chuck Tracy** [00:27:40] Or the Habitat committee. Okay.

**Phil Anderson** [00:27:48] Pete has something on that.

**Chuck Tracy** [00:27:48] Pete.

**Pete Hassemer** [00:00:00] Thank you. Same comment. I agree with what Maggie and Phil said. I just would add that Columbia and Snake River is EFH for Columbia and Snake River Fall Chinook so I think it would be very appropriate to comment and I don't think that's a heavy lift on that one. That's it.

**Chuck Tracy** [00:00:20] Okay thanks. So, I have not heard anybody speak on the California Energy Commission on wind, wind energy citing and I'm not seeing any. I'm going to take that as a one that we're going to pass on. So, if that's it for the Habitat Committee letters, the next task is the procedural directive on changing stock status from known to unknown. So this is something, you know, as sort of a last minute...well, we received an update on this at the CCC meeting in late May. NMFS wasn't planning on asking for Council comments but that the CCC thought it was important that we have that opportunity, so we were given until July 1st, which is, you know, another short turnaround time. However the SSC was able to take a look at that procedural directive and provided some comments so that's something that I think is something we might be able to accommodate, depending on how the Council wants to, you know if they wanted to consider adopting the recommendations of the SSC and directing staff to transmit those, that would be one approach that I might recommend. Any thoughts on that?

**Phil Anderson** [00:02:09] I would support that. It was provided in their comments on this agenda item at the end of their, on the top of page two and I would support us making that a part of our, or the basis of our comment.

**Chuck Tracy** [00:02:34] So unless they hear otherwise, I'm going to take it as Council direction to staff and that we would proceed with those. So, I guess the question is, does the Council want to have another, have a look at the letter that staff drafts or are they going to delegate that responsibility to staff?

**Phil Anderson** [00:02:56] I'm going to recommend we delegate it to you.

**Chuck Tracy** [00:03:04] Seeing no objections. We will do that. The next one, and a fairly substantive one, is the executive order on promoting seafood in sustainable fisheries. So, we put some time on our September agenda to develop comments or approve comments and recommendations to submit under this topic. So, my question is, how do we go about that and what are those recommendations look like? There's been a number of advisory bodies request opportunity to weigh in on that. As you note under Attachment 7, I think from a very simplistic approach, you know, a list of priority items is essentially contained in our Year-At-a-Glance and there, items that are prioritized by those that we plan on doing and those that we will do if we have time between now and, the timeframe is between now and May of

2021 and that's covered in the Year-At-a-Glance so that, you know at a very basic level of, you know, largely what the Council does, which is, you know, promote seafood and sustainable fisheries under its mandate from the Magnuson Act, but I think there's an opportunity for some to do some more things. Now, we've heard a little bit about the aquaculture issues that the Habitat Committee brought up. We also heard that, you know, there's maybe an opportunity to weigh in on other, you know make recommendations on other statutes, such as the CCC did with its letter regarding responsibility for fishery management actions in marine, national marine monuments. So, I guess the question is how do we want to proceed with that? Is this something we just want to delegate to the advisory bodies and have them bring their comments in September? Is this something that's going to take a little more work in the interim from you know, I'm not sure who. I mean one idea is, you know, establishing some sort of ad hoc committee to work on this over the summer too, so I'm not sure how the Council is thinking about dealing with this, but I guess I'm open to their suggestions, and now is the time for those suggestions.

**Phil Anderson** [00:06:03] Well it seems to me there is a, there is a lot of interest from our advisory panels on this and in particular the GAP and I believe HMS also HMSAS. I'm wondering if we might task the Chairs of our four advisory subpanels that are made up of industry to work with their members and come back to us in September with a list of ideas that if we don't do something like that, then we either leave it up to some unidentified person or persons or we simply wait until September and see what we get as part of those, as part of the advisory subpanels reports to us but, so that's just a thought.

**Chuck Tracy** [00:07:39] Any other thoughts? Maggie.

**Maggie Sommer** [00:07:51] We are still here and listening. I agree with Chair Anderson's comments. We had a lot of input this morning in our delegation and interest in coming up with ideas beyond just what is already has been identified on our Year-At-a-Glance as priority issues and so I think getting some very concrete ideas that have had, you know had that thinking done before September would be great and having the Chairs of our advisory subpanels lead those efforts seems like a good idea.

**Chuck Tracy** [00:08:36] Okay so I guess I'm trying to formulate a mental picture of how this might work. So, I think one possibility would be, you know, just to schedule some advisory body meetings of the advisory subpanels at some point during the summer to kind of put their ideas down on paper and thoughts. Another approach might be, as you say, to task the Chair to reach out to folks or individual, individual basis and either the Chair or their designee or some designee would be responsible for putting those ideas together, that perhaps they could draft something for the full committee to consider at a meeting, you know, immediately prior to the September Council meeting or perhaps maybe a little further in advance in order to get something in the briefing materials somewhat in advance of the Council meeting, so those are a couple thoughts.

**Phil Anderson** [00:09:58] I have a suggestion.

**Chuck Tracy** [00:09:58] Okay.

**Phil Anderson** [00:10:02] I'd recommend that you put together a webinar that includes your, our advisory panel Chairs and perhaps Vice Chairs as well along with the staff officers as you see fit and put this in front of them. Here's what we need and offer to set up you know a webinar of the committee members or if that's what they need, but let them know we need their help. Here's the timeline in which we would ask for your assistance and we're offering to host a meeting of the panel, if that is what you think is needed but if you're able to do it without that, then that's fine, and here's when we would like the results of your work.

**Chuck Tracy** [00:11:16] Okay. I think we could take a run at that. Maggie.

**Maggie Sommer** [00:11:22] If we were in person you might, you would at least see my head nodding. I think that's a good approach.

**Chuck Tracy** [00:11:40] Okay. Bob.

**Bob Dooley** [00:11:40] I want to let you know, yes, I think that's a very good idea. So, I think it's a good approach Phil lined out and we give everyone the ability to weigh in so very good. Thanks.

**Chuck Tracy** [00:11:55] Heather.

**Heather Hall** [00:11:57] I want to support that, too. I agree and this whole afternoon, I've been thinking that in addition to a raised hand feature, we need a thumbs up feature so you can see those head nods from your computer screen.

**Chuck Tracy** [00:12:15] Okay. So, I think that's a good approach and should get us some good input from our advisers. I did also want just to make sure, though, that I know the Council will get a shot at this in September but I'm sure there's probably some pretty creative and deep thinkers on the Council that it would be nice to make sure that, you know, you all have an opportunity to get some ideas down too, so I'm not sure how to do that but that was just a thought I had.

**Phil Anderson** [00:13:13] Well why don't...that's a good thought and I'm sure there are some innovative, creative ideas within the minds of my colleagues on this topic and if you give us a deadline, you know, a week ahead of the briefing book or whatever, that you'd like those ideas to be provided to you. I'm sure we would be happy to do that.

**Chuck Tracy** [00:13:42] Okay. I think we can, we'll solicit that input on an individual basis from Council members as well then. Okay, well if we're done with that item, again I think the only thing left on my list of workload issues was just the request that the direction for the SSC to work with the science centers on BSI framework. If the Council's all right with that I think that's a, I think that's a good way to approach this issue.

**Phil Anderson** [00:14:30] I'm sensing thumbs up around the table.

**Chuck Tracy** [00:14:33] Me too. Any objection to that? Well if not then they think, I think I've gotten what I need from you all on workload and agenda planning. Marci.

**Marci Yaremko** [00:14:56] Thanks Chuck and I apologize if I didn't offer this input at the proper time, I thought we had left it or paused the topic that Pete raised, and that was followed up by Mike Conroy in his testimony that all kind of started with the discussion under the Habitat Committee report and the aquaculture and ocean energy proposals to look at joining, potentially joining sites. I have no guidance or interest or expectation in us agendizing anything like that but I guess we have kind of over the last, I don't know, two or three years kind of paused on taking up this topic and I guess I was wondering if there might be some opportunity for some Council staff time just to do a little research on the topic of aquaculture and food production, given kind of the references that we see in the executive order and elsewhere. I'm just thinking that maybe we might want to up our game a little just so that I think, as Pete referenced, we're not caught flat footed. So, I don't have any specific suggestion, but it is something that I feel like we've kind of passed on giving a lot of attention to.

**Chuck Tracy** [00:16:50] Well I'm not sure that there is staff time to work on that, Council staff time.

You know if that's an assignment that do we want to put on our, some of our advisory bodies, the Habitat Committee, that would be, that would be one approach. If it takes, you know, a higher, this is a higher policy level sort of issue then, you know, I think maybe we ought to see if there's Council members that want to work on this. That would be my thoughts on that. Heather.

**Heather Hall** [00:17:35] Thank you and I'm fairly certain we have this covered, but I do want to just have one last check-in on the shortbelly discussion from yesterday and the idea of the 2,000 metric ton threshold that we had in our motion and I'm pretty sure that we'll hear from NMFS as the amendment to the FMP is getting drafted and make sure that's in there, but I didn't want it to fall off the table and just wanted some confirmation that we would be formalizing that in one way or another but thought I heard that the FMP would be the best route for that.

**Chuck Tracy** [00:18:26] That was my understanding. Anybody have any other thoughts about that? If not Louis Zimm.

**Louis Zimm** [00:18:42] Thank you Chuck. I did mention that I was going to talk to the head of Hubbs-SeaWorld Research Institute and I think maybe he can lead me into reviewing the proper materials and websites and proposals on the national level and maybe I can in addition to just contacting the people on the Habitat Committee come up with some sort of an outline of what information is available at this time. There is a lot going on. It is a little hard to track because some of it is corporate and it's not really available for public consumption but there is quite a lot going on so I'll endeavor to dig into it here in the next couple of weeks.

**Chuck Tracy** [00:19:41] Okay. Thanks Louis. Anything else we need to cover? Well not seeing any hands go up I guess I'm prepared to move on from this agenda item.

**Chuck Tracy (continued)** [00:00:00] So, Ryan.

**Ryan Wulff** [00:00:04] Well I did want to say something before you close the agenda item.

**Chuck Tracy** [00:00:07] Okay.

**Ryan Wulff** [00:00:07] But it's not on workload planning. I did want to echo what we heard from a number of our public testimony here and I wanted to thank Rich Lincoln for his long commitment to the Council. I hope he will continue to be engaged. I really appreciated getting a chance to work with you Rich, and I wanted to thank Phil for his leadership as Chair. You bring quite a steady hand to navigating this ship. I really appreciated your leadership and I very much look forward to Marc and to Brad and to them stepping up into their roles, but they are big shoes to fill like I said earlier. So, thank you to you both.

**Chuck Tracy** [00:01:08] I also wanted to thank both of them. Rich, it's been a great nine years having you on the Council. You know you're somebody that, you know, whenever your hand goes up, we know we're going to get a very thoughtful thorough comments and I always look forward to your input. I know I'm going to appreciate it. You're a, you know your ability to just sort of be very comprehensive in your thinking I think is really helpful to the Council. You're also somebody that you know when I, when I ask for input you always respond and again, very thoughtful and constructive comments and constructive criticism as well and I've appreciated getting that from you. I think it's helped me grow as Executive Director and so I just wanted to thank you for that and you know I've, it's not just been the Council. I was at Washington Department of Fisheries and Fish and Wildlife while you were there as well and I appreciated your leadership while I was there as well and I think in a lot of ways, you know, you and Phil are cut from the same cloth because you get a lot of the same, same from Phil. I think a lot

of those comments apply. Phil, you know you're the, your leadership has been outstanding and having you, I mean I've been fortunate to have, as you know, really, really great Chairs and Vice Chairs in my relatively short time here as Executive Director, but you know you really make my job a lot easier. Your willingness to take things on and to help me understand things and I've learned a tremendous amount about how to be a good Executive Director and how to represent the Council from you and I know that everybody that ever has anything to say about your leadership, it's complimentary and that's within the Council, within the CCC or another forum and so I just want to thank you for your leadership for the Council and for being my mentor as Executive Director, so thank you to both of you. Heather.

**Heather Hall** [00:04:19] Well thanks. I also want to offer my thanks to Rich on behalf of WDFW and for doing the work you've done on the Council and I've always been, felt like very thankful for the good fortune I've had to have really strong leaders that I've got to look to in my career and even when you were at WDFW and I was a young fishery manager, you know looking at you and Phil here, Corey said to offer you his best wishes and he was glad he wasn't here because he was going to get choked up and now here I'm doing it, but I'm very thankful to have strong leaders that I have been able to look to and watch how you navigate really challenging issues and it's, I'm just very appreciative and so thank you Rich and thank you Phil once again for serving as the Chair and showing us what a good leader is.

**Chuck Tracy** [00:05:33] Marc.

**Marc Gorelnik** [00:05:41] I echo those thoughts. Rich, it's been a pleasure to serve with Rich on the Council. His will be missed....(signal drop)....he will remain engaged in Council matters and I give all the praise for Phil is such like a double edged sword because it makes me feel all the more.....

**Chuck Tracy** [00:06:17] Marc you're on mute now.

**Marc Gorelnik** [00:06:22] Did you hear anything that I said?

**Chuck Tracy** [00:06:25] Yeah you were kind of breaking up figuratively, if not literally.

**Marc Gorelnik** [00:06:33] I just wanted to thank Rich and to thank Phil and say praise for both is well deserved but all the praise for Phil who makes me feel a bit inadequate but I'll do my best.

**Chuck Tracy** [00:06:46] You should not feel inadequate Marc. I'm really looking forward to having you as my Chair and you're going to do a fantastic job and likewise, Brad, I'm looking forward to having you as Vice Chair. Congratulations to both of you. Louis Zimm. Oh sorry, Maggie Sommer

**Maggie Sommer** [00:07:03] Thanks. Just here, here for the recognition of both Rich and Phil. Really have appreciated the opportunity to learn as I watch and listen to you and you have added so much to the Council process, even the short time I've been part of it. Thank you very much. And Rich best wishes. I hope we continue to see you in this process and Phil, we'll see you in September, virtually at least.

**Chuck Tracy** [00:07:41] Louis.

**Louis Zimm** [00:07:41] Thank you Chuck. to Rich Lincoln, when I first got on the Council I thought I was looking across the aisle, as they say in Washington, to work with you but I found out very soon that your thoughtful inputs that we were actually on the same side of the aisle so I really appreciate working with you and I hope that we can still work together with the climate and communities work, and then of course to Phil, as Phil knows but maybe you don't know, Phil was my broker for the first CPFV that I ever owned, so Phil started my career and then I came up and was very excited to see that

Phil was there to continue my career at what I take is the peak, and of course Marc and I have worked together quite a lot and Brad has really been helpful to me and so thank you both, all four thank you.

**Chuck Tracy** [00:08:43] Brad.

**Brad Pettinger** [00:08:44] Yeah thank you Chuck. You know Rich we haven't always been on the same side of things but I really, I really appreciate all your input, your perspective, and I've at times when the Council gets wrapped around the axle and he'd weigh in and just kind of clarify everything was always a welcome relief and I'm really going to miss that, and Phil you're just the epitome of what a Chair should be. Your graciousness and how you deal with everybody is just something to behold and really a fine example I think for everybody who follows in your footsteps. Thank you.

**Chuck Tracy** [00:09:27] Thanks Brad. Pete.

**Pete Hassemer** [00:09:28] Thanks Chuck. Yes Phil, I just love learning from extreme good leaders and it's been an absolute privilege to be in the chair while you, or in the chair around the Council process while you've been Chairing the Council so thank you very much. I've learned a very lot, and I know Marc and Brad are going to do well for us in the future, and for Rich, the very first time I was able to sit up there at the big table for the Council, Rich was to my right in the Washington seat and for several meetings that went on and then we were separated in the last couple of meetings. As my position changed all of a sudden Rich was sitting to my right again and through all that time really appreciated the insights and guidance and the knowledge he was able to give to me through this process, so thanks very much Rich and I certainly hope we cross paths in future.

**Chuck Tracy** [00:10:40] Bob Dooley.

**Bob Dooley** [00:10:42] Thanks Chuck. It's hard to even begin here, but I'll start with Rich, and Rich thanks. I really appreciate your input in the clarity you bring over the time and it helped me understand and get to really understand a lot of things I didn't know anything about so I really appreciate it and also appreciate the leadership you've taken into the Climate and Communities Initiative and all the good work you've done there. I'm going to miss you. Phil, I, you know since, since I've been involved in the whole process, you know I mean it's been many, many years, lower you know, not coming in on particular issues and then getting more engaged and more engaged, but the epitome of a leader is to be able to cut through the BS and bring people together, and I've seen you do it in the U.S. Canada whiting treaty negotiations. I've seen you do it in the, you know, the SaMTAAC. I've seen you do it in the salmon world and most importantly at the Council and how you take people with vastly different views of an issue and can distill that, that's a true leader and I really, really have appreciated working with you and seeing you and working under you as our Chair and I know you'll still be at the table, but I just wanted to make sure you knew how much I appreciated that and how much I appreciate all the effort you've made to bring this industry together. Our new Chair Marc I am really looking forward to you being in the Chair. I'm proud that you're there. I think it's a, we've got a steady, steady hand at the wheel, and Brad I'm excited to see you elevated to the Vice Chair and looking forward to the future, so congratulations to both of you and onward and upward and thanks so much.

**Chuck Tracy** [00:12:57] Okay. Thanks Bob. Well I'm not seeing any more hands up Mr. Chairman. I think I'll turn the mic back over to Rich.

**Rich Lincoln** [00:13:16] Yes I don't, I feel really guilty about extending the length of the meeting, but I wanted to get a just couple of words in just in case it happened to adjourn before I did. I've got to say I'm really appreciative in addition to feeling guilty, I'm very, very appreciative of the kind thanks from all of you and from some of the public testimony today. It's been quite a rewarding experience and I

have to say that over 40 years ago, when I contributed to the development of the Council's first salmon management plan and watched, observed I should say, the wild, wild west of the Council's initial kind of operating M.O., I could, could have hardly imagined that I would have finished my association with the Council as a member, but I have to say that it's been just a great privilege to work with such an exceptionally dedicated and thoughtful group of colleagues on the Council and that certainly has been true of the Council's leadership and the Chairs and Vice Chair in the time I've been on the Council, most recently with Phil's tremendous leadership and guidance as Chair, which I have had, have had the privilege to experience in other ways over a long part of my career. One of the things I've enjoyed most about the Council itself in terms of its personality I think is just its strong collaborative spirit, and I was thinking earlier today that for me, that collaborative spirit in the Council process is kind of like a true north on the compass. It seems like even when we get into some difficult topics that have charged emotional dimensions to them that you even can border on the personal at times, it seems like the Council always comes back to its true north in terms of that spirit, and that's been particularly something that I particularly appreciated, and I guess the last thing I would, I wanted to say is that as an older male in the demographic on the Council, I've been very appreciative and encouraged to see the strong leadership of women in the Council process. I think that has been just so clearly evident at the Council table and not only though in the Council table and its leadership, but also throughout the Council process in terms of the advisory bodies and everyone that's involved, it just is, you know being around for as long as I have in this world it's just such a, just great to see that evolution in terms of female leadership over time so thanks again. I really appreciate the kind words.

**Phil Anderson** [00:16:27] Well I'll just say a few brief things. First of all to my dear friend Rich whom I've known for almost 40 years, and we've experienced a lot together both here on the Council and in WDFW and before that, he's just been a dear, dear friend who I have greatly admiring. I've learned a great deal from that many of you have spoken to his qualities. I remember when I went to him and asked him if he'd be interested in getting on the Council and he looked at me with kind of an incredulous look like you've got to be kidding me, but I kept after him and although I didn't have to keep after him too hard and it's just been really great to have him as a colleague on the Council and be able to continue to learn from him, so thank you very much. Thanks for all the kind words and you know, this has been an incredible experience to come back and be Chair of the Council. I mean when you have such a great group of people from, you know extending from all the people in the public and our advisory groups and industry members that give us such great information and advice and counsel to all the people on our advisory panels and our science groups and our technical or technical teams and management team and you couple that with an outstanding Council staff and leader in Chuck, and then to be surrounded with all of you, it would be hard to fail, frankly so I've just been a beneficiary of representing an extraordinary organization and it's been my privilege to do so. So with that Rich and I also wanted to thank, thank all of you for of course sending us out with a six and a half hour workload planning session. We're particularly appreciative for that as well. So let me ask if there is, I think that does complete our agenda here for our 255th meeting in June and on June 19th, which happens to be my father's birthday. I'll ask if there is anything else to come before the Council? Great so we'll go ahead and entertain a motion to adjourn and Rich I'll look to you for that.

**Rich Lincoln** [00:19:49] Thank you Chair. It's my pleasure to move to adjourn our September, or June Council meeting. Thank you.

**Phil Anderson** [00:19:58] I'll briefly pass to gavel to Vice Chair Gorelnik and offer a second and then take it back and say, Marc you're going to be fantastic as a Chair and I'm looking forward to working with you when you're in that capacity, and Brad congratulations. Same for you. You're going to do great and so all those in favor of adjourning our meeting say 'Aye'.

**Council** [00:20:25] Aye.



**Phil Anderson** [00:20:25] Have no, no abstentions. Have a great summer. We'll look forward to seeing you or hearing you in September.

**Louis Zimm** [00:20:33] Thank you.

**Chuck Tracy** [00:20:34] Thank you everybody.

**Pete Hassemer** [00:00:00] Thank you. Same comment. I agree with what Maggie and Phil said. I just would add that Columbia and Snake River is EFH for Columbia and Snake River Fall Chinook so I think it would be very appropriate to comment and I don't think that's a heavy lift on that one. That's it.

**Chuck Tracy** [00:00:20] Okay thanks. So I have not heard anybody speak on the California Energy Commission on wind, wind energy citing and I'm not seeing any. I'm going to take that as a one that we're going to pass on. So if that's it for the Habitat Committee letters, the next task is the procedural directive on changing stock status from known to unknown. So this is something, you know, as sort of a last minute...well, we received an update on this at the CCC meeting in late May. NMFS wasn't planning on asking for Council comments but that the CCC thought it was important that we have that opportunity, so we were given until July 1st, which is, you know, another short turnaround time. However the SSC was able to take a look at that procedural directive and provided some comments so that's something that I think is something we might be able to accommodate, depending on how the Council wants to, you know if they wanted to consider adopting the recommendations of the SSC and directing staff to transmit those, that would be one approach that I might recommend. Any thoughts on that?

**Phil Anderson** [00:02:09] I would support that. It was provided in their comments on this agenda item at the end of their, on the top of page two and I would support us making that a part of our, or the basis of our comment.

**Chuck Tracy** [00:02:34] So unless they hear otherwise, I'm going to take it as Council direction to staff and that we would proceed with those. So I guess the question is, does the Council want to have another, have a look at the letter that staff drafts or are they going to delegate that responsibility to staff?

**Phil Anderson** [00:02:56] I'm going to recommend we delegate it to you.

**Chuck Tracy** [00:03:04] Seeing no objections. We will do that. The next one, and a fairly substantive one, is the executive order on promoting seafood in sustainable fisheries. So we put some time on our September agenda to develop comments or approve comments and recommendations to submit under this topic. So my question is, how do we go about that and what are those recommendations look like? There's been a number of advisory bodies request opportunity to weigh in on that. As you note under Attachment 7, I think from a very simplistic approach, you know, a list of priority items is essentially contained in our Year-At-a-Glance and there, items that are prioritized by those that we plan on doing and those that we will do if we have time between now and, the timeframe is between now and May of 2021 and that's covered in the Year-At-a-Glance so that, you know at a very basic level of, you know, largely what the Council does, which is, you know, promote seafood and sustainable fisheries under its mandate from the Magnuson Act, but I think there's an opportunity for some to do some more things. Now, we've heard a little bit about the aquaculture issues that the Habitat committee brought up. We also heard that, you know, there's maybe an opportunity to weigh in on other, you know make recommendations on other statutes, such as the CCC did with its letter regarding responsibility for fishery management actions in marine, national marine monuments. So I guess the question is how do we want to proceed with that? Is this something we just want to delegate to the advisory bodies and have them bring their comments in September? Is this something that's going to take a little more work

in the interim from you know, I'm not sure who. I mean one idea is, you know, establishing some sort of ad hoc committee to work on this over the summer too, so I'm not sure how the Council is thinking about dealing with this, but I guess I'm open to their suggestions, and now is the time for those suggestions.

**Phil Anderson** [00:06:03] Well it seems to me there is a, there is a lot of interest from our advisory panels on this and in particular the GAP and I believe HMS also HMSAS. I'm wondering if we might task the Chairs of our four advisory subpanels that are made up of industry to work with their members and come back to us in September with a list of ideas that if we don't do something like that, then we either leave it up to some unidentified person or persons or we simply wait until September and see what we get as part of those, as part of the advisory subpanels reports to us but, so that's just a thought.

**Chuck Tracy** [00:07:39] Any other thoughts? Maggie.

**Maggie Sommer** [00:07:51] We are still here and listening. I agree with Chair Anderson's comments. We had a lot of input this morning in our delegation and interest in coming up with ideas beyond just what is already has been identified on our Year-At-a-Glance as priority issues and so I think getting some very concrete ideas that have had, you know had that thinking done before September would be great and having the Chairs of our advisory subpanels lead those efforts seems like a good idea.

**Chuck Tracy** [00:08:36] Okay so I guess I'm trying to formulate a mental picture of how this might work. So I think one possibility would be, you know, just to schedule some advisory body meetings of the advisory subpanels at some point during the summer to kind of put their ideas down on paper and thoughts. Another approach might be, as you say, to task the Chair to reach out to folks or individual, individual basis and either the Chair or their designee or some designee would be responsible for putting those ideas together, that perhaps they could draft something for the full committee to consider at a meeting, you know, immediately prior to the September Council meeting or perhaps maybe a little further in advance in order to get something in the briefing materials somewhat in advance of the Council meeting, so those are a couple thoughts.

**Phil Anderson** [00:09:58] I have a suggestion.

**Chuck Tracy** [00:09:58] Okay.

**Phil Anderson** [00:10:02] I'd recommend that you put together a webinar that includes your, our advisory panel Chairs and perhaps Vice Chairs as well along with the staff officers as you see fit and put this in front of them. Here's what we need and offer to set up you know a webinar of the committee members or if that's what they need, but let them know we need their help. Here's the timeline in which we would ask for your assistance and we're offering to host a meeting of the panel, if that is what you think is needed but if you're able to do it without that, then that's fine, and here's when we would like the results of your work.

**Chuck Tracy** [00:11:16] Okay. I think we could take a run at that. Maggie.

**Maggie Sommer** [00:11:22] If we were in person you might, you would at least see my head nodding. I think that's a good approach.

**Chuck Tracy** [00:11:40] Okay. Bob.

**Bob Dooley** [00:11:40] I want to let you know yes, I think that's a very good idea. So I think it's a good approach Phil lined out and we give everyone the ability to weigh in so very good. Thanks.

**Chuck Tracy** [00:11:55] Heather.

**Heather Hall** [00:11:57] I want to support that, too. I agree and this whole afternoon, I've been thinking that in addition to a raised hand feature, we need a thumbs up feature so you can see those head nods from your computer screen.

**Chuck Tracy** [00:12:15] Okay. So, I think that's a good approach and should get us some good input from our advisers. I did also want just to make sure, though, that I know the Council will get a shot at this in September but I'm sure there's probably some pretty creative and deep thinkers on the Council that it would be nice to make sure that, you know, you all have an opportunity to get some ideas down too, so I'm not sure how to do that but that was just a thought I had.

**Phil Anderson** [00:13:13] Well why don't....that's a good thought and I'm sure there are some innovative, creative ideas within the minds of my colleagues on this topic and if you give us a deadline, you know, a week ahead of the briefing book or whatever, that you'd like those ideas to be provided to you. I'm sure we would be happy to do that.

**Chuck Tracy** [00:13:42] Okay. I think we can, we'll solicit that input on an individual basis from Council members as well then. Okay, well if we're done with that item, again I think the only thing left on my list of workload issues was just the request that the direction for the SSC to work with the science centers on BSI framework. If the Council's all right with that I think that's a, I think that's a good way to approach this issue.

**Phil Anderson** [00:14:30] I'm sensing thumbs up around the table.

**Chuck Tracy** [00:14:33] Me too. Any objection to that? Well if not then they think, I think I've gotten what I need from you all on workload and agenda planning. Marci.

**Marci Yaremko** [00:14:56] Thanks Chuck and I apologize if I didn't offer this input at the proper time, I thought we had left it or paused the topic that Pete raised, and that was followed up by Mike Conroy in his testimony that all kind of started with the discussion under the Habitat Committee Report and the aquaculture and ocean energy proposals to look at joining, potentially joining sites. I have no guidance or interest or expectation in us agendaizing anything like that but I guess we have kind of over the last, I don't know, two or three years kind of paused on taking up this topic and I guess I was wondering if there might be some opportunity for some Council staff time just to do a little research on the topic of aquaculture and food production, given kind of the references that we see in the executive order and elsewhere. I'm just thinking that maybe we might want to up our game a little just so that I think, as Pete referenced, we're not caught flat footed. So I don't have any specific suggestion, but it is something that I feel like we've kind of passed on giving a lot of attention to.

**Chuck Tracy** [00:16:50] Well I'm not sure that there is staff time to work on that, Council staff time. You know if that's an assignment that do we want to put on our, some of our advisory bodies, the Habitat Committee, that would be, that would be one approach. If it takes, you know, a higher, this is a higher policy level sort of issue then, you know, I think maybe we ought to see if there's Council members that want to work on this. That would be my thoughts on that. Heather.

**Heather Hall** [00:17:35] Thank you and I'm fairly certain we have this covered, but I do want to just have one last check-in on the shortbelly discussion from yesterday and the idea of the 2,000 metric ton threshold that we had in our motion and I'm pretty sure that we'll hear from NMFS as the amendment to the FMP is getting drafted and make sure that's in there, but I didn't want it to fall off the table and just wanted some confirmation that we would be formalizing that in one way or another but thought I

heard that the FMP would be the best route for that.

**Chuck Tracy** [00:18:26] That was my understanding. Anybody have any other thoughts about that? If not Louis Zimm.

**Louis Zimm** [00:18:42] Thank you Chuck. I did mention that I was going to talk to the head of Hubbs-SeaWorld Research Institute and I think maybe he can lead me into reviewing the proper materials and websites and proposals on the national level and maybe I can in addition to just contacting the people on the Habitat Committee come up with some sort of a outline of what information is available at this time. There is a lot going on. It is a little hard to track because some of it is corporate and it's not really available for public consumption but there is quite a lot going on so I'll endeavor to dig into it here in the next couple of weeks.

**Chuck Tracy** [00:19:41] Okay. Thanks Louis. Anything else we need to cover? Well not seeing any hands go up I guess I'm prepared to move on from this agenda item.

## D. Highly Migratory Species Management

### 1. International Management Activities

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to Council discussion and action. So, we have a number of recommendations from the management team. I think they're somewhat overlapped by the suggestions from the advisory subpanel and we have those to consider as well as anything else the people around the virtual table have to add, so I'll first call on John Ugoretz.

**John Ugoretz** [00:00:32] Thank you Mr. Chair. Just doing a mic check here first.

**Chuck Tracy** [00:00:38] We do hear you.

**John Ugoretz** [00:00:43] Okay thanks. So, I just want to give some appreciation for the management team and advisory subpanel reports as well as Miss Labriola's comment. With regard to bluefin tuna, I agree with the need to continue rebuilding however I would also agree that if internationally the decision is to increase quotas, that the Council should certainly strongly advocate for a more equitable split both internationally east and west, as well as the Mexico U.S. split, and I think that benefits not only our fishermen but also conservation and the fact that a larger proportion of the catch would be managed under U.S. rules, which put stringent controls to help prevent over, going over quotas. So just adding that to the table and nothing else yet.

**Marc Gorelnik** [00:01:41] All right. Thank you, John. Ryan.

**Ryan Wulff** [00:01:46] Yeah thanks Mr. Vice Chair. I wanted to try and get in here quickly because I wanted to clarify some things in case it's needed for the discussion. So, in particular, the questions we just heard on rollover. I meant to clarify that in my report so I might as well just do it now. So when I said the bluefin tuna measure is expiring, that means the current conservation and management measure will essentially disappear, so unless the IATTC adopts a new measure, there will be no quotas, no controls, no nothing. So there is, that's another reason why the U.S. feels it's very important to have a meeting just virtually if need be. We, a little, a rollover is typically used in international fora just to mean that you extend the current measures for another year, so it's not, almost identically, so all of the aspects of the measure and if we get to a virtual meeting I imagine that's where the momentum will be. We have a little bit of a challenge with bluefin because it was a two-year measure and there are some other things that were kind of, we got the joint working group last year that went into this year. Those measures are this year's approach so what we will be doing is taking a look at how a one-year rollover essentially taking the current two-year measure, turning it into a one-year extension, what that will look like, so NMFS is doing that now and we are going to prepare that before the advisory body meets next week and we'll have that ready to facilitate that discussion, but just to be clear, a rollover is identical measure, you're really not changing anything or there will be, I imagine, little latitude other than what needs to be changed to turn it to one year from two. Otherwise, it should look identical. That's what a rollover concept is. Thank you.

**Marc Gorelnik** [00:03:46] All right. Thank you, Ryan. Further discussion? Well, okay Corey Niles.

**Corey Niles** [00:03:54] Thanks Mr. Vice Chair. I was waiting for others to jump in there. I just, maybe a couple topics, but just on the first on that second bullet on the albacore treaty, thanks, thanks for the overview to from Kit and Mr. Hogan and we heard from the AS as well. And you know, I knew there were some frustrations expressed, but I want to thank Mr. Hogan, the State Department, for working through the substance of the concerns expressed by stakeholders. I thought the approach they took was

good, and while AS says, you know, not everyone fully is onboard with the treaty, I think there is a support for it as well. But on this idea of the stakeholder group, which sounds like a good idea if Mr. Hogan is available to run us through a little bit more on what might be helpful to hear from this Council, next steps and any input we could provide that would be helpful and if he's willing to do that, that would be helpful to me.

**Marc Gorelnik** [00:05:05] Mr. Hogan are you, were you prepared to further discuss the stakeholder group and how it would be formed?

**David Hogan** [00:05:13] Certainly, and I'm grateful for the question. The impetus for this was the identification by the harvesting sector of issues and problems that they have had, individual vessel operators in particular, with regard to the procedures for obtaining licenses and engaging with local Canadian government officials while actually in port, and the basis for the establishment of this working group was to go through any and all of the cases that have been documented, and try to understand whether there are regulatory or administrative steps that either government can take to try to clear some of those hurdles in advance, or be better positioned to respond to complaints or questions as they're happening, whether it's a disconnect between the Department of Fisheries and Oceans in Canada and Canada's Customs and Border Protection authorities or any other issues that come up. So the general idea is to set some terms of reference that would address both, you know, what we're going to be working on as well as who's going to be working on it, and I think we're hearing very loud and clear and certainly would welcome any input from the Council along these lines that stakeholders should be part of that process. We are, conversely, going to be seeking some continuing or further documentation of any cases or issues that the sector, the stakeholders have experienced in order to give us something to work on and so if there are specific functional or operational challenges or obstacles or disconnects or really anything that the Council is aware of that should be on the agenda for that working group, that is also input that I and I think my Canadian counterparts would certainly welcome, and then of course, any other matters that the Council feels should be should be taken up, whether it's in that working group or in the larger bilateral context, under the umbrella of this treaty. Thank you.

**Marc Gorelnik** [00:07:53] Corey did that answer your question?

**Corey Niles** [00:07:55] It did. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:07:57] All right. Dr. Braby.

**Caren Braby** [00:07:59] Thank you. I just, I wanted to kind of speak to the treaty as well, and just share a perspective on the value and I also acknowledge that there were frustrations about the nature of this renewal and the process that did or did not occur, and so in light of those frustrations and acknowledging that we can always work to do better. And I believe that Mr. Hogan is dedicated to making improvements on that front, I think that the treaty has a lot of value as well as inconvenience, perhaps in some cases, and the value that I see is really in alignment with our work on climate and communities and I know this is HMS and not a fishery ecosystem plan, but albacore is one of those species that is very likely going to change distribution, and we've seen massive changes in distribution over the years already. And so I think it really is in the interest of the U.S. fleet to stay engaged in conversations with Canada as well as our other international partners, in order to continue to work out these issues of access and collaborative fishing and so I just felt compelled to kind of provide that perspective and support for continuation of the treaty despite the problems and frustrations that we have, and I appreciate Mr. Hogan's work to continue to improve it. I see this working group as being part of that in terms of improvements and I very much endorse the HMSAS and HMSMT recommendations to bring industry members into that working group and make them part of management of any problems that arise during the regime as part of that improvement, so thank you for building that in as well as making sure that the

treaty has so-called off ramps, so that if we get into irreconcilable differences over the treaty implementation, we have the ability to cease that treaty during the regime. Thanks.

**Marc Gorelnik** [00:10:57] Thank you Caren. Additional discussion or recommendations for Council action? Well, we have a number of recommenda....looking at the first, Christa. Please help us out.

**Christa Svensson** [00:11:17] Certainly. We do have a number of recommendations and I appreciate the thought that went into all of them and I appreciate that for those recommendations that were addressed by both the management team and the advisory subpanel, they're very consistent in what they're recommending, although the language is slightly different. I'm also appreciative of some of the recommendations that were individual, such as the striped marlin that came up out in the advisory subpanel. The one area that I don't know that we've kicked around that much was the bottom paragraph of the management team and I don't have a lot of comment myself personally on this and I'm hoping some other folks might with regard to the data analysis request and any guidance we might wish to provide on that, so just wanting to flag that before we got into the weeds about do we put forward all of the recommendations between the two teams or do we want to fine tune from there?

**Marc Gorelnik** [00:12:33] All right. Thank you, Christa. I think it's a good point. That paragraph does fall outside the recommendations here to an extent, and that we need to provide directions to the team. So in order to move the process forward, because I sense that we're stalled here and sort of people don't want the day to end, so they don't want to move any Council action forward, but we really need to do that, so let's first look at the first bullet point, and we have a number of recommendations somewhat overlapping between the team and the advisory subpanel, and let me just ask, it would be much easier in person, but is there any consensus that those recommendations should be adopted by the Council? Looking for hands. Let me just....Christa.

**Christa Svensson** [00:13:41] Well thank you Vice chairman. I am in favor of adopting all of the recommendations. I think there was a lot of thought put into them and I can speak individually to each of them if need be. I don't know. I don't necessarily think there needs to be a motion, but I'm sure I could put together something along the lines of 'I move we adopt them' and that can be adjusted if needed by folks that may feel differently, but I myself am in favor of approving or adopting the recommendations that were made in the team reports.

**Marc Gorelnik** [00:14:19] I would agree we don't need a motion. I'm just looking for consensus around the table. John Ugoretz.

**John Ugoretz** [00:14:26] Thank you Mr. Vice Chair. Yes, I was going to make a similar comment that I wasn't anticipating a motion or a formal adoption per say but I do support moving forward the recommendations of the team and the advisory subpanel.

**Marc Gorelnik** [00:14:44] Thank you John. Well let me just ask if there is anyone who believes that that should not be the position of the Council? Raise your hand and speak to it. All right. Sounds like we have a position at least with regard to the first bullet. Before we move on to the second bullet let me see if there's any, anyone around the table has something to add to what was put forward by the management team and the advisory subpanel?

**Marc Gorelnik** [00:15:14] Okay. So, there were also recommendations in there with regard to the U.S. Canada albacore tuna treaty. Is there anyone who disagrees with the notion that the Council ought to adopt those recommendations? Okay. I need to turn back to the last paragraph of the management team report and this has to do with some data analysis as Christa mentioned and here the management team is asking for direction from the Council as I interpret this, and let me see if anyone has a comment on

that, whether we wish to provide direction or not. Corey. You need to unmute Corey.

**Corey Niles** [00:16:10] Thank you for that reminder. I somehow separated my raised hand button from my unmute button which seems like about three feet away from each other so it takes some time there, but I appreciate that. Thanks Mr. Vice Chair. Yeah thanks Caren, Christa, and John for the good thoughts and especially Caren on the albacore treaty. Well said. And I don't have anymore beyond a general endorsement for the working group and idea and the comments of the advisory subpanel and the team. On that paragraph particularly may be a question for Kit about...Kit if I am understanding what the, well assuming relatively normal schedules, we can get to those this year, but September would be the opportunity where the Council decides if it looks at new information and circumstances and decides if any new management measures are needed domestically through the biennial process, is that correct?

**Kit Dahl** [00:17:16] Thank you Mr. Niles. Mr. Vice Chair. Yes, so we'll be initiating our biennial process in September. That has evolved a little bit with a stronger focus on the Council response to status determinations for HMS stocks and but it retains its original intent as a vehicle for considering adjustments to regulations and management measures, so that could be one forum for taking up that issue.

**Corey Niles** [00:17:59] And just to follow up Mr. Vice Chair, if that's okay?

**Marc Gorelnik** [00:18:01] Please go ahead.

**Corey Niles** [00:18:04] So just to put a suggestion on the table. I've been involved, well at least on the albacore part of that last paragraph since at least late 2018. Doug Fricke has been asking Washington for the data and we have been trying to, we've got some data and trying to get a coastwide look going. So to the extent that it's, Celia said they didn't have discussions with the Pacific States group there the EPPSG, which as an acronym does not roll off the tongue for me, but if it were feasible for them to provide the data to the AS by September, I mean then that would give the AS and other people the opportunity to look at it and at that time make their case or to us if there were things to be done with that data. Just from what I've seen we have not seen an increasing trend in Washington. They might be, and looking coastwide initially I haven't seen concerning trends, but I do think we're overdue in getting people that data and it's been a matter of workload and for the HMS Management Team has been overloaded this past few years, which is totally understandable and so if it were feasible to get that data to the HS for September, that would be my recommendation.

**Marc Gorelnik** [00:19:29] John Ugoretz.

**John Ugoretz** [00:19:32] Yeah thank you Mr. Vice Chair. So, I'm just trying to clarify. I think the team was suggesting that perhaps they could get this data request by September, but perhaps not the whole thing. So, you know maybe some albacore information but not bluefin or swordfish. I just want to make sure we're not putting things on September that aren't there now.

**Marc Gorelnik** [00:19:59] Okay so to be clear, I mean, are we only talking here about albacore? Can someone from the team? Celia? Well I think we kind of need an answer. Is that you Celia?

**Celia Barroso** [00:20:16] This is me, sorry, I, yes we were for albacore, I just want to clarify that the management team isn't actually compiling the data that's specific to albacore. The PSG is, in fact, working on their own analysis, and then they could bring that back to the management team. I was told offline shortly after that it's possible to have it in September, but not guaranteed. Again, this is a group that is not necessarily associated with the management team. There's just some overlap in membership,



and then that is a separate question regarding bluefin and swordfish that we bring up at the very end of that paragraph.

**Marc Gorelnik** [00:21:02] Caren.

**Caren Braby** [00:21:04] My recommendation, so I think what I'm hearing and I'm struggling to provide clarity and understand exactly where we are at the same time, getting a little bit lost here but I think we clearly have interest in effort and participation analysis for all three species for albacore, bluefin and swordfish and I think the question is where we're going to feed this into our process next without adding to an agenda, yet taking advantage of the scheduled agenda items on the calendar and if it is, if it is feasible, and so this may fit under workload planning is kind of where I'm going with this, but the PSG work, if that is something that could be available to be presented to the management team for September, and that fits into our agenda for HMS for September, great, I think that the Council should confirm that that's our desire, and with bluefin fitting into spex agenda item and swordfish fitting into the swordfish management plan when that gets agendized, and my biggest constraint right now is I don't have my Year-At-a-Glance handy and so I'm not exactly clear what's already been agendized for September for those issues, but that's my recommendation is to kind of confirm, yes, we'd like this analysis to go forward and fit into the Council's schedule, the agenda items in a way that makes sense.

**Marc Gorelnik** [00:22:57] Thanks for that direction Caren. Louis Zimm.

**Louis Zimm** [00:23:02] Thank you Mr. Vice Chair and I want to thank Dr. Braby very much for expressing exactly what I was thinking as well, how important this is and how I really think that this is not, this is essential. You remember my comment in regards to open comment about the expansion of the small boat fleet out of Washington ports and we have the same situation here in San Diego and this albacore fishery is one of the last of the old time tuna fisheries here in San Diego, and a long tradition and San Diego boats are very active participants in the albacore fishery, even though they have to go all the way up halfway up to Oregon to access it, they are still a big part of the fleet, and that's a big part of our community so I really just wanted to second what Dr. Braby has proposed, and I really appreciate it. Thank you.

**Marc Gorelnik** [00:24:11] Thanks Louis. So I think Dr. Braby made a lot of sense there and I see if anyone disagrees with that request for data, but let's just see where we can fit it in reasonably, and so the rest of the discussion we could defer to workload planning. Does it make sense for folks? Corey.

**Corey Niles** [00:24:35] I will just hold up. Yes, that's close enough. I think I have the path I suggested we could talk about workload planning, but we have an opportunity scheduled for September is what I heard Kit say, and to, just answering to John at least, I was only speaking to albacore specifically, I didn't mean to jump into the other two species, but workload planning would be, if we always, we tend to run out of time there sometimes so if we can get there, great but I think there's a plan on the, that we'll get to a plan.

**Marc Gorelnik** [00:25:09] All right. It sounds like we're, it sounds like we've taken this as far as we can go on both of these bullets, as well as the data question from the management team, so unless I see a hand raised I'm going to turn to Kit and see if he thinks we've done our work here.

**Kit Dahl** [00:25:35] Thank you Mr. Vice Chair. I think so from what I heard. You've adopted the recommendations contained in your advisory bodies reports and so we can reflect that in our summary of the meeting, and then there's this discussion that sounds like to be continued a bit at the end of this meeting next Friday about the question of, I guess you could say broadly starting to scope these issues around fishery participation. The immediate and perhaps in terms of date of development issue there is

with the albacore fishery but, of course as you've already heard today, earlier today, there are similar issues in Southern California related to recreational fisheries down there so certainly we can work with the management team and the PSG to see what data can be brought forward in September as part of a scoping exercise and, you know, see how much across those different species we can address and perhaps how those, how that would be addressed in terms of the timing and Council process related to that.

**Chuck Tracy** [00:27:10] Mr. Vice Chair this is Chuck.

**Marc Gorelnik** [00:27:12] Go ahead Chuck.

**Chuck Tracy** [00:27:13] Yeah. So I am looking at the Year-At-a-Glance. Since I'm just kind of curious as to where people are thinking that this data issue might come back in September. You know the things that we have that are unshaded, you know, are the NMFS report, international issues so in that the fact that this came up under international issues if that's an appropriate place to bring that back, we have that on the agenda. I'm not sure that it is, but we have EFP final recommendations and we have biennial management measures and harvest spex for preliminary take on that, so those are the unshaded items, shaded items for HMS or EFH review and drift gillnet hard cap, so I guess I would just want to see if we have a good fit for that on our September agenda, or if we need to consider you know if the desire is to have a separate agenda item or something else where that might fit in. I pose that to the Council. I don't know if we have, if we've got a good answer now, that's great. If we don't, we need to be able to answer that under workload planning.

**Marc Gorelnik** [00:28:34] Yeah, I would be inclined to defer that discussion to workload planning, but I see Corey's got his hand up so maybe he has a good answer.

**Corey Niles** [00:28:41] Yeah thanks Mr. Vice Chair, I quickly, again in my initial exchange with Kit, I don't want to repeat myself, but to me it fits under the management measures. At the biennial process we bring data into that when we decide if changes are needed or not, so to me that's where it fits most naturally and that was Kit's, if I'm understanding what he responded to initially, that was his thought as well.

**Marc Gorelnik** [00:29:09] Okay, and Chuck are those biennial? Again, I don't have the Year-At-a-Glance open, but those biennial measures are adequately captured on the draft September agenda?

**Chuck Tracy** [00:29:22] Yeah, I think that does sound like a better fit than international to me. I just wanted to make sure that that was, that was a good, good spot for them, that they did, weren't, people weren't suggesting they needed some sort of standalone agenda item so it sounds like a domestic management issue so sounds good.

**Marc Gorelnik** [00:29:45] All right. Is there anything else on this Agenda Item, D.1 International Management Activities? I'm not seeing any hands, so I think that concludes this agenda item.

## E. Salmon Management

### 1. Southern Oregon/Northern California Coast Coho Endangered Species Act (ESA) Consultation Update

**Phil Anderson** [00:00:00] Then the, we've heard the report from the workgroup. We also have a Terms of Reference document that is before the Council, so our action here is to provide any guidance on the future work and the schedule and to adopt the Terms of Reference. First, before I ask if there is a motion, let me just ask if there's any general discussion or guidance on future work or and or the schedule? Okay thanks. Moving right along then we'll move to the matter of consideration of adoption of the Terms of Reference and let me turn to Brett Kormos.

**Brett Kormos** [00:00:48] Thank you Mr. Chairman. I do have a motion.

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

**Brett Kormos** [00:00:59] Here we go. I move that the Council adopt the Terms of Reference as presented in Agenda Item E.1.a, Supplemental SONCC Workgroup Report 2 with the following modification. In Section 1, in the purpose section, replace the third bullet with the following language, 'the range of control rules, including marine and freshwater fisheries combined, the marine and freshwater fisheries components and marine fisheries only affecting SONCC Coho as appropriate, given potential data limitations in what is feasible to accomplish within the timeline described below'.

**Phil Anderson** [00:01:52] Great. Thanks very much Brett, and the language on the screen accurately reflects your motion?

**Brett Kormos** [00:01:56] Yes it does.

**Phil Anderson** [00:01:58] Thank you Brett. Do I have a second?

**Bob Dooley** [00:02:02] I second it.

**Phil Anderson** [00:02:04] Seconded by Bob Dooley. So, thank you for that. Go ahead and speak to your motion please.

**Brett Kormos** [00:02:16] Thank you Mr. Chairman. Yeah after some consideration and dialogue with the State of Oregon and National Marine Fisheries Service since the completion of the last workgroup meeting and we ultimately, at least some of us found the scope of the application of the harvest control rule to be too narrow in as described in the Terms of Reference document that was provided in the briefing book, largely because the data may not allow for that singular objective. Also, the states have yet to have a chance to weigh in on what the harvest control rule should ultimately be and what the scope of that harvest control rule should be with the policy implications considered as well. So, it was just a little too early in the game for, from our perspective at least, to narrow that scope to one singular objective. So that concludes my statement.

**Phil Anderson** [00:03:28] Thank you very much. Let's go ahead and entertain any discussion on the motion? And let me pause here for just a moment and ask Chuck Tracy if Chris Kern has been able to join?

**Chuck Tracy** [00:03:47] Sorry, yes he has and he has his hand up.

**Phil Anderson** [00:03:52] Okay for some reason I'm not seeing that. Chris Kern.

**Chris Kern** [00:03:59] Thanks. Sorry for the technical difficulties but I'm here now.

**Phil Anderson** [00:04:04] Well we're glad you're here.

**Chris Kern** [00:04:07] I'll be brief. I'm supportive of this change to the Terms of Reference. Brett characterized it pretty well. I think I may have made a similar comment back in April. I want to be clear from my perspective, I'm not foreclosing the idea that we may be able to actually get a control rule that covers both freshwater and marine and I can see some benefits to that but I was leery of having it be a more restrictive discussion than I think it should be, so for that reason I'm supportive of it. I want to, if I could just take a moment to also remind folks that, you know, I still see in the Terms of Reference a few places that seem rather Klamath specific and I want to remind everybody, it's the Southern Oregon Northern California Coast ESU that we are talking about, and that does include Southern Oregon. So the, I want to make sure that we've opened this consultation for the entire ESU and the entire ESU will need to be considered, even though the impetus for this was largely Klamath-centric, it now is encompassing a much larger geographic area than that and that's why we're participating. So that's enough for now. Appreciate the time and opportunity to comment on it. Thanks.

**Phil Anderson** [00:05:37] Thank you Chris. Susan Bishop.

**Susan Bishop** [00:05:42] Thank you Mr. Chair. Can you hear me?

**Phil Anderson** [00:05:45] Yes, we can.

**Susan Bishop** [00:05:46] Thank you. I think Brett and Chris made some good points. I just want to weigh in from NOAA's perspective that our goal is to examine a total exploitation rate. I think that will be useful both in terms of putting Council fisheries into context but that will also allow NOAA to establish a common consultation standard to assess as that SONCC Coho impacts against, and I think that's very valuable to us. I also agree with the points that Chris made. We had quite a bit of discussion within the workgroup about this and one of the primary goals of the initial workgroup work is to put together information on as many of the river systems as we can within the SONCC Coho ESU with an eye towards the full ESU, and that concludes my comments.

**Phil Anderson** [00:06:47] Thank you Susan. Are there any other comments or discussion on the motion? I don't see any, so we'll go ahead and call for the question on the motion. All those in favor signify by saying 'aye'.

**Council** [00:07:06] Aye.

**Phil Anderson** [00:07:09] Those opposed, no? And are there any abstentions? Motion carries unanimously. So, let me now turn back to Robin and ask if there is additional action or business the Council needs to take under this agenda item?

**Robin Ehlke** [00:07:35] Thank you Mr. Chairman. It looks like the Council has adopted the Terms of Reference with just one modification and has reviewed the work schedule for the workgroup as we move through their tasks, so I think that has completed the Council action in record time.

**Phil Anderson** [00:07:55] Okay thanks, thanks very much Robin and thanks Brett for bringing the motion forward.

## 2. Southern Resident Killer Whale (SRKW) Endangered Species Act Consultation Update

**Phil Anderson** [00:00:00] Our agenda item E.2, takes us to our Council discussion and potential approval of the risk assessment document as final, so why don't we take that up first? That is the workgroup's risk assessment document and let me just first, before seeing if there's a motion, let me just ask if there are any general comments around the workgroup assessment, risk assessment document that was, we looked at in April. Brett Kormos.

**Brett Kormos** [00:00:45] Thank you Mr. Chairman. Just a point of clarity for me, Council discussion will also be possible around the recommendations, is that correct or is now the time to do that?

**Phil Anderson** [00:00:57] I was going to, my proposal to the Council is that we go ahead and let's consider adoption of the workgroup's risk assessment document as final and then we'll go to the review of the draft management measure recommendations and provide guidance.

**Brett Kormos** [00:01:16] Okay, thank you.

**Phil Anderson** [00:01:18] Okay. I'll go to Kyle Adicks.

**Kyle Adicks** [00:01:21] Thank you Mr. Chair. I had to go back to the meeting transcripts from our previous meetings and remind myself what the Council discussion had been leading up to this and I recall we talked a good bit about whether to finalize a draft of the risk assessment back then. There was a lot of discussion about the need for an executive summary and we still weren't clear on the timeline for bringing recommendations from the workgroup. After looking at all that and knowing the work that has been done on the executive summary since then, I think that the version that we have in front of us today is, has probably had as much work as going to happen on it as the workgroup focuses more on recommendations, so at the appropriate time I would be willing to make a motion to adopt that as the final document.

**Phil Anderson** [00:02:19] Thanks very much Kyle. I do think this would be the appropriate time for you to bring forward that motion.

**Kyle Adicks** [00:02:26] All right. I believe Sandra has something in writing for me. I move that the Council adopt the risk assessment on salmon fishery management plan impacts to southern resident killer whales as presented an Agenda Item E.2.a, SRKW Workgroup Report 1 as final.

**Phil Anderson** [00:02:47] Thank you Kyle and I believe the language on the screen accurately reflects your motion?

**Kyle Adicks** [00:02:53] It does.

**Phil Anderson** [00:02:54] Thank you and is there a second?

**Virgil Moore** [00:02:57] I'll second that Phil.

**Phil Anderson** [00:03:06] Was that Virgil?

**Virgil Moore** [00:03:08] Yeah, sorry I didn't raise my hand.

**Phil Anderson** [00:03:09] No, no, no, that's okay, that's okay. I was just testing my voice recognition

skills.

**Virgil Moore** [00:03:15] You did good.

**Phil Anderson** [00:03:18] All right. Thanks Virgil. Okay we have a motion and a second to adopt the risk assessment on the salmon fishery management plan impacts on southern resident killer whales. I'll ask Kyle to speak to his motion as needed.

**Kyle Adicks** [00:03:37] Thank you Mr. Chair. I won't say much more than I already said. I'll also add that I think there was an acknowledgment back at the previous meeting of the tremendous amount of work that went in in a relatively short amount of time to get this document into the form it is now. So again, thanks to everyone that has been engaged in that.

**Phil Anderson** [00:03:59] Thanks Kyle. Any discussion on the motion? Okay we'll go ahead and call for the question, all those in favor say 'aye'.

**Council** [00:04:08] Aye.

**Phil Anderson** [00:04:13] Opposed no? And are there any abstentions? Motion carries unanimously. Thanks for providing that motion to the Council Kyle. So that'll take us back to the second matter under this agenda item, which is we have reviewed the workgroup draft management measure recommendations, so we have an opportunity to discuss those and provide any guidance from the Council to the workgroup as it continues its work on the, on the recommendations. So, I believe Brett had a, had some remarks under this item?

**Brett Kormos** [00:05:09] Yes, thank you Mr. Chairman.

**Phil Anderson** [00:05:11] Okay.

**Brett Kormos** [00:05:14] Yes thank you. So, I just wanted to take this opportunity to thank the multitude of tribes who offered comment, written comment under this agenda item specific to the draft recommendations. The State of California shares their concerns about moving toward a threshold approach, given that the workgroup products lacked a, lack of quantitative and biological justification for such a move. The workgroup has yet to establish scientific support for such an approach, given that no benefit to the whales can be demonstrated. Recognizing that there's still a lot of work left to be done and these, this picture may change. We look forward to continued discussions on this and other recommendations as the workgroup moves forward with their task.

**Phil Anderson** [00:06:25] Okay. Thank you very much Brett. Other comments or guidance for the workgroup relative to the recommendation? Dani Evenson. Good morning Dani.

**Dani Evenson** [00:06:45] Good morning. So I didn't get my hand up fast enough while we were talking about the risk assessment and since this is potentially final opportunity on this, I'd just like to weigh in with a few brief comments if that's okay, and I just want to say on the whole the State of Alaska really appreciates the thorough evaluation and analysis that was conducted regarding southern resident killer whales and the relationship with Chinook abundances occurred through this process, and as you all know, the Southeast Alaska biological opinion was completed in April 2019 and that included a consultation on southern resident killer whale as well, and this process begun, began shortly thereafter. That process concluded and, you know, along the way we've received lots of public comment suggesting that Alaska fisheries should be included but those really have already been dealt with, and I just kind of want to take a moment to note some of the disparities between these two processes. The

process we're discussing here is multi agency, and as such, it has benefited from such a wide breadth of scientific input. It has also benefited from the availability of more recent studies and exhaustive modeling exercises performed by the fisheries scientists and modelers along the way, and these findings really have led to markedly different sets of conclusions about the factors limiting southern resident killer whale abundance and productivity and a markedly different approach to ESA guidance for the fishery management measures, and these kind of raise questions about the validity of some of the reasonably preferred alternatives and mitigation measures that are in the Alaska buy-op and consideration should be given to re-evaluating terms contained in the Alaska biop, given this new science to ensure the conclusions are based on the best available science, and I recognize that this probably isn't the right forum for some of that but I just also want to note some of the concerns and questions about regarding the manner in which some of the science has been provided in the risk assessment. The genetic analysis of diet composition has been particularly concerning to the State of Alaska, specifically Taku River fish are cited as the northern limit of southern resident killer whale prey and in the document a presentation is cited as the source. There's no information on methods and limited results are provided and it's hard to evaluate that work and so in the interests of best available science, we do request that that information be made available. Obviously, the State of Alaska does not want to see Southeast Alaska transboundary river stock tied to an ESA-listed species without adequate scientific information. That point notwithstanding, I do want to restate our thanks for the thoroughness of this evaluation between the relationships between Chinook abundance and the three metrics of killer whale health, and with that, I thank the Council for listening to my remarks.

**Phil Anderson** [00:10:31] Thanks Dani. We appreciate those remarks very much. Thank you. Pete Hassemer.

**Pete Hassemer** [00:10:39] Thank you Mr. Chair. I just wanted to provide some comment. I don't know if it ranks as guidance to the, the workgroup relative to their report, but they're going to be spending a couple of meetings here between now and September working on some of these alternatives and this may be obvious to the committee, but as I look through it and when we get to the point of selecting, maybe selecting a preferred alternative, as these alternatives are listed here, there are three bullet points and again, this is very early in their work, but they're very geographic specific and if we, you know if we eliminate alternatives it puts the burden of the management action on a smaller geographic area. So as the workgroup works through this, I would hope there's, and I, and I'm guessing there will be some consideration about the geographic footprint of the alternatives they put together, and as we approach looking at those alternatives or as they evaluate them, consideration of the range of the killer whales and where the, the management action might have to have some impact, that by eliminating some alternatives or selecting a specific alternative, we don't put a unnecessary management burden on one geographic area. So again, this work is very early. We haven't really had anything to review here but in September we're expecting to get something fleshed out, so as I looked at that, I just had that concern about the geographic specificity in the management alternatives. Thank you for this opportunity.

**Phil Anderson** [00:13:00] Thanks very much Pete. Appreciate that. Just as a reminder for Dani and Pete to lower your hands when you're, when you have a moment, and that'll bring up Susan Bishop next.

**Susan Bishop** [00:13:21] Thank you Mr. Chair. I just have a couple of comments in response to Ms. Evenson's comments, I guess I would say that I see more commonality between the biops than maybe differences, you know of course there's different locations and there's unique circumstances to each, but there are also quite a bit of commonality. For example, the threats that are identified common to killer whales and the exploration there. For the Council, larger Council, I would like to also point out that in the PFMC buy-op that we just completed, the one year biological opinion, those provisions of the Southeast Alaska opinion and the impacts of the Southeast Alaska fisheries were incorporated into

the baseline and so the PFMC potential effects were considered in addition to everything, all the other fishery effects that were going on were broadly including those in Southeast Alaska, so just to make that point. The other encouragement I would provide to the workgroup, I'm sort of following Pete's comments is that the workgroup's task is to provide a range of alternatives to the Council at the September meeting and so to be careful about getting too focused on one alternative or one pathway versus another, but to ensure that the product that gets provided to the Council in September provides a range of alternatives, distinctive alternatives as supported by the science in the risk assessment, and that concludes my comment.

**Phil Anderson** [00:15:16] Thank you Susan. Other comments or guidance the Council wishes to provide to the workgroup relative to the draft management measure recommendations? Okay I'm not seeing any. I know the, I guess on behalf of the Council, I want to express appreciation to the workgroup. There's been a tremendous amount of work done by the workgroup. We've had just incredible support from the science side of both the Federal and state agencies, the modelers that are members of the workgroup and those that have been supporting members of the workgroup has truly been outstanding. I also want to echo Brett's thanks to the tribes for their participation and their comments throughout the workgroup process. I know we've got a lot of work left ahead of us in order to bring forward a sound set of management measure alternatives for Council consideration at the September meeting, and I know the workgroup will endeavor to do its best to bring a quality product forward. So, with that, let me just turn back to Robin and ask if there are additional actions or things that the Council needs to do to complete its work under this agenda item?

**Robin Ehlke** [00:17:03] Thank you Mr. Chairman. I think we've completed our work under this action, excuse me, under this agenda item. The Council has adopted the workgroup's risk assessment as final and has had a good discussion regarding guidance to the workgroup as they work through the summer to prepare recommendations in time for the September meeting.

**Phil Anderson** [00:17:28] Great. Thanks very much Robin. I also wanted to just, I should have mentioned this previously and I apologize, and just thank the, we've had a number of folks from the public that have followed the workgroup along during and have provided input to us along the way and I just wanted to acknowledge those individuals and organizations who have done that. Their participation has been valuable I think to the workgroup, so thanks to them as well. So, with that, that'll bring us to the end of agenda item E.2.



### 3. Amendment 20: Annual Management Schedule and Boundary Change

**Marc Gorelnik** [00:00:00] So that concludes public comment and brings us to Council discussion and action. For simplicity, let's take these one at a time and so can we first have discussion and action on the scheduling portion of Amendment 20, and of course when we take action it'll be by motion so that there'll be something in writing for us to refer to down the road. They won't have any confusion. Kyle Adicks.

**Kyle Adicks** [00:00:40] Thank you Mr. Vice Chair. This actually pertains to both and other people probably did the same thing, but I pulled up the November meeting transcript as we were listening to see what we had actually done back in November. In November, there was a motion made and then some more discussion and then a recognition that we needed to reconsider that motion and amend it and so the motion that wound up being passed was an amendment to, was a motion that the Council move forward with the salmon FMP amendment as presented in Agenda Item E.3, Attachment 2, which was the workgroup report with the addition of the adjustment of the 40°05' boundary line to 40°10'. So, we did actually go back and make that motion to start the amendment process at the November meeting.

**Marc Gorelnik** [00:01:34] Thanks very much Kyle. I would have liked to have gone back and research that but when you've got the gavel, it's kind of hard to do that. Thanks very much. All right. Any further discussion, either in general or specifically taking them one at a time on the scheduling issue? Mr. Kern.

**Chris Kern** [00:02:03] Thanks Mr. Vice Chair. Just sort of thinking through a few of the pieces of this management schedule. We've got two sections in Attachment 2, I believe it is, that speak to both the date, as well as a transmittal establishment of some firm transmittal date. The first one is relatively straightforward. We've talked about the need for additional time for filing the rules. We've already got in the FMP the mention of concluding our work by April 15th and I note that the alternative regarding transmittal date speaks to about a 24 day maximum timeframe and sort of back calculated from that, which I believe it implies that if the date were May 15th then the transmittal would be the 22nd, which to me means if we ended up at the 16th, it would be the 23rd. That's over a, well a week in the first instance and eight days after the meeting in the second relative to our conclusion of work on April 15th so I'm struggling with whether we even need to talk about a hard transmittal date. We've already got the conclusion of work on the 15th of April and so I'm sort of thinking of this as just looking at the change in the effective date and maybe leaving the other part alone, in my own view. I'm wondering if others have thoughts on that as well.

**Marc Gorelnik** [00:03:49] Thank you Chris. Susan Bishop.

**Susan Bishop** [00:03:55] Thank you Mr. Vice Chair. I, Chris, I may have missed something that you said. I think there were, I think as Robin mentioned, there were a couple of errors in the transmittal date section of the workgroup report and so if the work, if the effective date is the 15th that would require transmittal from the Council to us by the 21st, and if it were the 16th it would require transmittal to us by the 22nd. The, I think what I'm questioning, I was trying to find a couple of documents that I had, but your calculation of the time to transmittal to us, for example, was assuming that the Council meeting would end on the 15th, but if I recall correctly from some of my information, that has not always been the case at the Council meeting, for whatever reason has ended later. I think, Chuck, looking forward at the 23rd, if my calculations are right, I think that, or sorry 2023, you might be looking at a Council meeting that doesn't end until the 18th and in the past that has created a lot of problems for us in terms of having to turn around something in a matter of a few days, and increase this uncertainty significantly as to whether we're going to be able to get the, as to whether we're going to be able to get that regulatory

work done and have it in place in time for the fishery to open. So for us having that certainty of a transmittal date is pretty key and there's, and I would hope, point out that the 15th may not be something we can count on as to the Council concluding its work unless that's a commitment the Council makes.

**Marc Gorelnik** [00:05:55] Thank you Susan, and I understand the need for a hard transmittal deadline. If we're going to have a new deadline for the effectiveness of the regulations it seems sensible, considering the purpose of these amendments to pair that with a transmittal date and of course the Council can back up from there to its decision date. Brett Kormos.

**Brett Kormos** [00:06:29] Thank you Mr. Vice Chair. I'll just offer a couple of thoughts on the concept of a firm transmittal date. I will note that this amendment, as currently being considered, is adding essentially 14 or 15 days to the timeline for National Marine Fisheries Service to promulgate the regulations and so what I'm trying to say there is that we've taken a very substantial step toward easing the burden and the difficulty in getting those regulations put in place on time. Setting a firm transmittal date, specifically in the instance that Susan described, does put a significant amount of pressure on Council staff and the STT such that while we're giving a great deal in terms of time for NMFS, we're not getting a great deal in terms of time and for getting the final package ready for transmittal. It does have drawbacks on this side of the equation I would anticipate for the STT and Council staff.

**Marc Gorelnik** [00:07:51] Thank you Brett. Susan.

**Susan Bishop** [00:07:55] Thank you Mr. Chairman, or Mr. Vice Chair. I understand this puts a huge amount of pressure on all folks concerned. That has always been the case and that the additional time that's provided in the, in the date move will provide some relief, but it will, it's, it is not a large relief in being able to get the regulations in place with certainty, so I would say that if the transmittal date is if we do not have a firm transmittal date on what we can account and what that we can count on, our ability to ensure the Council that we will be able to get the regulations in place by the effective date becomes much greater.

**Marc Gorelnik** [00:08:48] Chris Kern. I'm sorry Susan were you done?

**Susan Bishop** [00:08:52] I was just going to add to if that compromises the 24-day period to, for us to be able to accomplish our regulatory burden. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:09:03] Thank you Susan. Chris Kern.

**Chris Kern** [00:09:06] Thanks. I guess part of what I'm struggling with, and I don't want to spend too much time on this because I think we can just move on at some point, but if NOAA comes in on an annual basis and tells us that if they don't, can't get the transmittal more than one, at least 24 days ahead of time and we calculate whatever day that is, I'm not seeing that having a hard transmittal date on paper makes much difference. We're going to have to get stuff done in time for NOAA to file so the fisheries can proceed, and we've got to figure out how to do that. Whether there's something on paper that says it's a certain date or not, it seems less relevant to me and I think that's just sort of what I'm struggling with, whether it's on paper or not, that's what we're, that's how we're going to operate and so, yeah, that's part of why I'm more about why I'm kind of wanting to talk about this and balking a little at then the fundamental issue of trying to get stuff done on time, that's absolutely not something I'm questioning.

**Marc Gorelnik** [00:10:19] Thank you Chris. Kyle, followed by Brad.

**Kyle Adicks** [00:10:22] Thank you Mr. Vice Chair. Similar to Chris's comments, I think every year

we're going to know what the drop-dead date is. I don't know if there'll be changes in the Federal process that make the number of days needed change. I suppose it could increase or decrease it but don't know that I see the value of putting that date in the, in the FMP, recognizing that we're going to do everything we can to hit that date and have the rules in place. Also, just the way this discussion is going, I know there's the May 15th versus May 16th question that we need to resolve and it seems to me that May 16th makes more sense, you know, given the uncertainty and needing, wanting to have the maximum time we can for the STT to finish pre-3 and for NOAA to do their work once they have that.

**Marc Gorelnik** [00:11:19] Thanks Kyle. Keep in mind we're just merely adopting a range of alternatives at this time and not making a final decision. Brad.

**Brad Pettinger** [00:11:27] Yeah thank you Mr. Vice Chair. It seems like to me we're getting you know the hard date is causing issues and since the Council meeting varies from year to year when we have it, why don't we set the date as 24 days after transmittal, and that'd be a floating date and we would know that date as the Council meetings develop. Certainly, in March you know what the date is going to. It seems to me that we're trying to make things harder than they are. A floating date based on the transmittal date would be better. That's all I have to say.

**Marc Gorelnik** [00:12:05] So to be clear, are you suggesting that we, at the March meeting, set an effective date for the regulations based on whatever the calendar is that year for the April meeting?

**Brad Pettinger** [00:12:20] Well I think, yes, there's probably different ways to do that but I would present to you that the date would be 20, yeah 24 days, whatever, how many days after transmittal and I would think by March we would know what that transmittal date is going to be and we could write that into the amendment motion and for on each year. Just throwing that out there as an option. I don't know if that's possible or not, but something that would make it a little less sticky than where we're going here.

**Marc Gorelnik** [00:12:59] All right. Thanks for that Brad. That's something we might want to consider adding as an alternative. Susan.

**Susan Bishop** [00:13:08] Thank you Mr. Vice Chair. I guess I, certainly that would be an option, but it would be, I think it would increase even more the lack of certainty as to when the fisheries would be in place. So if we need 24 days to complete our regulatory work after whenever we get the package, that would push the May date out even further, which would create some uncertainty in how we craft the regulations, regulatory language the year before and how to deal with the pre or early May fisheries. It would cause more uncertainty in our work with headquarters in being able to effectively coordinate the regulation packages that move through, and also as we get further and further into May, the proportion of the catch that occurs starts to increase pretty dramatically and so our sort of arguments of, our points about the effect of the regulation being relatively minor because the catch is relatively small becomes less effective, I guess I would say, so I would be, I guess I would say NOAA is probably concerned about that kind of alternative but like you said, we're adopting ranges of alternatives here. The other thing I guess I'm having a little difficulty with is that if we are setting a May 16th or a May 15th date, have the regulations in place and have the fleet with certainty and we need the 24 days to do the work, then that automatically calculates a calendar date of April 21st or April 22nd, depending on your effective date to get that package to us, unless the Council is willing to live with this potentially significant uncertainty of having those regulations in place, I guess I would say. I am a little concerned, just to be frank, that folks seem to be, and I could be totally misreading this, but downplaying the complexity and difficulty in getting the regulation package through. To provide some perspective, in most other cases, regulations like this, it takes weeks and sometimes close to months to get those regulations in place. So we are already in a pretty unique circumstance in terms of the time that it takes

us, for our ability to effectively get those regulations in place, and so I'm just concerned if folks are not fully recognizing the workload and the complexity and the increasing difficulty that we have had in getting those regulations in place within that three week period. I'm not, I am by no means underplaying the amount of work that it takes the Council staff and the STT to get their work done and to provide the necessary information to us, but I'm sensing sort of a perspective that the workload on the NOAA side is not that difficult, I guess I could say, and that the additional time that's being provided under this, under these proposed alternatives will relieve any kind of straight stress or challenge in getting those regulations through, and I just wanted to be clear with the Council that while it does provide relief, it is still going to be a heavy lift on our end. Thank you.

**Marc Gorelnik** [00:17:02] Thank you Susan. Brett followed by Chris.

**Brett Kormos** [00:17:08] Thank you Mr. Vice Chair. Just a couple of additional thoughts to offer. Number one, I'd like to put Miss Bishop's concerns, I'd like to offer some acknowledgment and perhaps comfort to Miss Bishop around her concerns. In no way do we, at least myself and I go out on a limb and speak for Chris and Kyle, but in no way, in no way do we downplay the amount of work that it takes for National Marine Fisheries Service to take these regulations across the finish line, and I know Miss Bishop acknowledges the roughly four months of work it takes state agencies and the Council and the advisory bodies to get these regulations set for transmittal prior to them doing their work through headquarters to get regulations in place. I think the one thing that I will note is that this has always been and always will be a team effort. Everybody is pitching in and it has always and will always require some give and take and establishing some rigidity into this process is helpful, but it also may be overreaching in some instances, so there is some concern, at least on my part, around establishing a transmittal date because it introduces rigidity that may not be useful in every instance from a team perspective, not just from a National Marine Fisheries Service workload perspective. And the other thing I'll just note is that we've already created some mechanisms and we'll continue to utilize those mechanisms with or without this amendment to allow fisheries to occur when NMFS is unable to get the regulations in place on time, or in another way of saying that on schedule, according to how the Council has formed regulations recommended for NMFS's approval, so we do have placeholders now that are effective, however not desirable in some cases I'm sure, but this problem has a solution without this amendment and, all in all, we should just be focused on trying to make this as useful as possible for all involved. And again one more time as you and Miss Bishop have acknowledged, I know we're just looking at a range of alternatives now so this discussion may be more pertinent a little further down the road, but I would argue it's also useful for all of us to have these conversations again and again. So, thank you.

**Marc Gorelnik** [00:20:13] Thanks Brett. Chris Kern.

**Chris Kern** [00:20:16] Thanks. Appreciate it. Brett did cover what I was going to say, which is I do recognize the workload. This is my discussion, and question about the transmittal date is independent of that. I am taking NOAA at their assessment. If they say it needs 24 days then that's 24 days that's needed, whether it's in the FMP or not, so that's where I'm coming at this from is not, to not recognize the workload, I'm just questioning the need for something on paper, recognizing we have every incentive in the world to meet what NOAA tells us their deadline needs to be on a given year and no incentive to ignore it, so thanks.

**Marc Gorelnik** [00:21:05] Thank you Chris. Is there a further discussion on the first part of our action here? Susan Bishop.

**Susan Bishop** [00:21:20] Thank you Mr. Vice Chair. Maybe this is just preliminary, but I think what I'm hearing from folks is that we're just identifying alternatives at this point and questioning of the

leaving the transmittal or questioning of the need for a transmittal date, but not a request to not consider that in the range of alternatives. Maybe I'm asking that question prematurely but probably at this point it's very clear from NMFS's perspective that we see that as least as going forward in the alternative as being key and very important.

**Marc Gorelnik** [00:22:07] Thank you Susan, and you know I've been involved in the salmon season setting process for a number of years and I recognize how stressful it is for everyone concerned and in particular the work done by the STT and I know as it gets handed off to NMFS, so if it's not visible to me, it's certainly not apparent. Hold on a second please. I apologize for that delay. But in the past, looking back at the calendar, it's been a lot of work and a short amount of time for everyone, so I sort of take to heart Brett's comments about this being a team effort and that, and that's both the STT and NMFS so in any event at this point time if there's not further discussion, I'm curious to see if someone has a motion to put forward on Amendment 20, at least as it pertains to the management cycle timing. Chris Kern.

**Chris Kern** [00:23:37] Thanks Mr. Vice Chair. I am prepared to make a motion. I'm waiting to see if it got through to Sandra. I just sent a revised. I'd sent you something earlier, I'm now revising that so I'll give a second to see if she's received that.

**Marc Gorelnik** [00:23:59] No problem.

**Chris Kern** [00:24:00] But I needed to have some of the discussion before I finalized it.

**Marc Gorelnik** [00:24:05] As it should be or else the discussion is pointless.

**Marc Gorelnik** [00:24:22] I imagine Sandra will put the motion up as she's received it.

**Chris Kern** [00:24:47] Not seeing anything yet.

**Chuck Tracy** [00:24:56] She's working on it.

**Chris Kern** [00:25:00] Oh okay.

**Marc Gorelnik** [00:25:01] Yeah.

**Chris Kern** [00:25:45] Okay. Okay. As I read this, I realize I'm struggling between range of alternatives and preliminary preferred.

**Marc Gorelnik** [00:26:19] I will say that, you know there's no requirement we adopt a preliminary preferred but certainly if that's what you wish to put in your motion, that's perfectly fine.

**Chris Kern** [00:26:29] Yeah. I don't want to bypass the adoption of a range of alternatives to the exclusion so....

**Marc Gorelnik** [00:26:44] Do you want another couple minutes to think about this?

**Chris Kern** [00:26:46] I do. I apologize.

**Marc Gorelnik** [00:26:48] No I, let's you know we've got plenty of time and let's get it right. What do you think? Five minutes or ten minutes?

**Chris Kern** [00:26:58] Five should be plenty.

**Marc Gorelnik** [00:26:59] All right. Why don't we just take a quick five-minute break because it would be nice if we could conclude this by noon. It's 11:02. Let's be back at 11:07.

**Marc Gorelnik** [00:00:00] It's 10:07, rather 11:07. We had our five-minute break. Chris are you prepared to go forward? Chris Kern are you with us?

**Chris Kern** [00:00:18] Yes, I'm working on it.

**Marc Gorelnik** [00:00:20] Okay very good.

**Chris Kern** [00:00:22] Yeah I was having trouble finding the mute button so...

**Marc Gorelnik** [00:00:24] Okay no problem. All right we'll just remain on hold here for a little bit.

**Chris Kern** [00:00:33] I think I have it figured out, so I just sent an update to Sandra.

**Marc Gorelnik** [00:00:36] All right, great. Thanks very much Chris and we'll wait for Sandra to put up a motion. Chuck, can you confirm that Sandra has the motion?

**Chuck Tracy** [00:00:59] Sorry, I had to reconnect my mic.

**Marc Gorelnik** [00:01:02] That's okay. No worries, I see it's up there now so Chris, why don't you make your motion. Confirm what's on the screen is correct, and then we'll look and see if there is a second.

**Chris Kern** [00:01:16] Thank you. I move to adopt the purpose and need scope of action and range of alternatives for the proposed change to the pre-season schedule, as described in Section 2.1, 3.1 and 4.1 in Agenda Item E.3, Attachment 2.

**Marc Gorelnik** [00:01:34] All right, the language on the screen is accurate, correct?

**Chris Kern** [00:01:36] It is. Thank you.

**Marc Gorelnik** [00:01:38] All right and then I'll ask for a second and if when you make your second, please identify yourself by name. Looking for a second.

**Susan Bishop** [00:01:50] This is Susan Bishop. I'll provide a second.

**Marc Gorelnik** [00:01:52] Thank you very much Susan. All right Chris, would you like to speak to your motion?

**Chris Kern** [00:02:01] Thank you and given that I've already taken a bunch of time, I'll try and be brief, apologies for that. It was a struggle, actually, to kind of figure out what was needed here for me and I think we, we had some discussion about a little uncertainty on that so I apologize for that. I had thought that sort of identifying a preliminary alternative might be useful at this stage but given our discussion and the fact that we don't really need to do that at the moment I think that could be put aside and so backing to this more basic motion to incorporate everything that is in Attachment 2 with the exception of the boundary discussion, it seems appropriate at this point, so that's all I have. Thank you.

**Marc Gorelnik** [00:02:43] Thank you very much Chris. Are there any questions for the maker of the motion? I'm not seeing any hands, so I'll open the floor for Council discussion if any on the motion? Raise your hand if you have any discussion and not seeing any hands so I guess there is no Council discussion. I guess we had it all earlier. So, I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:03:24] Aye.

**Marc Gorelnik** [00:03:24] Opposed No? Any abstentions? The motion passes unanimously. Before we move on to the line, proposed line boundary change, is there any further discussion on this portion of the range of alternatives for Amendment 20? Okay I'm not seeing any so let's go to Council discussion on the line change. We had some earlier discussion, but there, you may want to have some additional discussion before there is a motion, but if I don't see any hands for discussion, which I don't yet see then I will look for a motion. So, at this point I'm looking for a motion, I'm not seeing any.....Susan Bishop.

**Susan Bishop** [00:04:25] Thank you Mr. Vice Chair. I do have a motion to provide, but I don't want to cut off Council discussion if there is one. I just wanted to let you know I have that ready.

**Marc Gorelnik** [00:04:33] I appreciate that Susan. I'll again see if there's any Council discussion and I'm not seeing any hands so Susan if you'd be so kind as to go forward with your motion?

**Susan Bishop** [00:04:47] Thank you Mr. Vice Chair. I think Sandra should have the motion if she has a chance, give her time to load it up. There we go. I move that the Council adopt the alternatives described an Agenda Item E.3, Attachment 2, Section 4.2 proposed boundary change to modify the defined southern boundary of the KMZ from latitude 40°05' Horse Mountain to about five miles north to latitude 40°10' North for analysis with the following addition. Please add a third alternative that would create a conservation zone between the current southern KMZ boundary at latitude 45, 40°05' North at Horse Mountain and the proposed new southern KMZ boundary at latitude 40°10' North during years when Klamath River Fall Chinook salmon are managed under the de minimis provisions of the Klamath River fall run Chinook salmon control rule.

**Marc Gorelnik** [00:05:52] Thank you Susan. Is the language on the screen accurately capture your motion?

**Susan Bishop** [00:05:57] It does. Thank you.

**Marc Gorelnik** [00:05:59] I will look for a second.

**Phil Anderson** [00:06:05] This is Phil Anderson. I'll second.

**Marc Gorelnik** [00:06:07] Thank you Phil for the second. Susan please speak to your motion.

**Susan Bishop** [00:06:12] Thank you Mr. Vice Chair. I think in light of the uncertainty discussed in the STT report, for example, so as we know they had extremely limited information to really evaluate the impacts of the line move. I think the SAS, and in particular John Koeppen and Mr. Helliwell, have made a lot of good arguments for doing so, but given that, we do know that there's quite a bit of uncertainty that commercial fleet is not fished in that area and since 1992. As the fishermen have laid out, there's hope that it will be, bring a boom to some of those northern communities and with that might come an effort shift. In addition, there are listed species in the area and stocks of concern. The scientific information noted in the STT report was that, for example, SONCC Coho, and in particular

some of the fish returning in the coastal Chinook ESU returning to the Mattole area and Eel River further south may be more likely to be intercepted in that area and the management gets more complicated when Klamath River is, Chinook are constrained. So, this to me, this puts another tool in our toolbox. It would be implemented in years when there are concerns about stocks moving through that area already and in most years, it would not affect the fisheries. So, with that, that would conclude my support for my motion.

**Marc Gorelnik** [00:07:55] Thank you Susan. Are there any questions for Susan on the motion?

**Chuck Tracy** [00:08:05] This is Chuck. I've got a question.

**Marc Gorelnik** [00:08:07] Please.

**Chuck Tracy** [00:08:08] Thanks Susan. On your third alternative, so this, I guess I'm trying to interpret between your comments and what's actually on the screen there. So, your comments were maybe a little more, appeared to have some flexibility, could be used times when the situation warrants. This sounds pretty prescriptive in that it would be, it would be used during de minimis provision implementation. So I guess I just want to be sure that that's...I guess just kind of trying to resolve the distinction there between...sounded like some flexibility versus something fairly prescriptive.

**Susan Bishop** [00:09:10] Thank you Mr. Tracy. No, I did not, I'm sorry, I did not...meant to infer that there was, that there was more flexibility. My intent was to explain why I thought that it was prudent in years of when Klamath Chinook were already significantly constrained. So, to clarify, my motion would put the control zone in place in those years when Klamath Chinook were managed under de minimis rule.

**Chuck Tracy** [00:09:41] Okay Thank you.

**Marc Gorelnik** [00:09:41] Brett.

**Brett Kormos** [00:09:49] Thank you Mr. Vice Chair. Just putting a placeholder in for a comment when the time is right. Not a question.

**Marc Gorelnik** [00:09:57] Okay your placeholder is noted. You'll be first in line when we come to Council discussion. I have a question and maybe this is for Chuck, to the extent this language is prescriptive are we, is it not merely a bookend for the range of alternatives and we could adopt something less restrictive at adoption?

**Chuck Tracy** [00:10:21] Thanks Mr. Vice Chair. Well, I guess...this, so this is a new concept I guess, so we're kind of seeing this for the first time, so I think probably if there is Council discussion to that fact I think that would probably be a consideration. I guess that the range of alternatives then would be between this and nothing so I suppose that that would provide that. Something else within that range could be considered when the Council takes final action.

**Marc Gorelnik** [00:11:36] Thank you Chuck. Brett. I think we're still on questions for the maker of the motion.

**Brett Kormos** [00:11:46] Understood, but Mr. Vice Chair I just had an answer to your question that I think might be helpful. I could be wrong but not connected to my comment I wanted to make later.

**Marc Gorelnik** [00:11:57] Okay go ahead.



**Brett Kormos** [00:11:59] Okay thank you Mr. Vice Chair. The way that I see this, and Miss Bishop can correct me if I have this wrong, but right now the alternatives that we're considering are move the line with no contingencies or caveats attached to it or don't move the line, and this additional alternative would allow movement of the line but with some caveats, and that being that under the de minimis provisions of the Klamath Harvest Control Rule, some further management actions may be anticipated in this specific area, so not a bookend in my view, but something in the middle of yes and no.

**Marc Gorelnik** [00:13:01] Okay thanks for that. Well if there are no further questions for Susan. Wait, Phil do you have a question for Susan?

**Phil Anderson** [00:13:12] I do.

**Marc Gorelnik** [00:13:13] Please go ahead.

**Phil Anderson** [00:13:21] My question for Susan is what Brett said about your third alternative correct. Because it's not, it's not how I interpret it, so I just want to make sure I'm clear on what the third alternative does. My understanding is that when we're managing under the de minimis provisions that there would be a conservation zone as the, as the alternative suggests. My, the other conservation zones that we use for salmon management, at least the ones that I'm aware of are closed areas. There, the one in front of the Columbia River, the conservation zone in front of the Grays Harbor, there may be others, so my understanding is the third alternative is that it hardwires a closure in this area when we're managing under the de minimis provisions. So, if that's not correct, if that's not a correct interpretation then I need clarification on what the third alternative actually does.

**Marc Gorelnik** [00:14:52] Susan.

**Susan Bishop** [00:14:56] Thank you Mr. Vice Chair. My intent was more reflective of what Brett had expressed. So my reading of, and I can stand corrected on this, but that the conservation zone is a concept in the FMP that creates this special zone under which additional constraints may be considered, but I did not see in the FMP a definition of controls or conservation zone that required closures. The examples given, the rockfish in the Columbia River control zone, fishing is closed but I did not see language in the FMP that would require it to be so. I could stand corrected on that.

**Marc Gorelnik** [00:15:51] Thank you Susan. Phil.

**Phil Anderson** [00:15:55] Thank you for that clarification. So, you're just, this would create a new conservation zone. It does not specify what would be done in that conservation zone in terms of additional management measures when we are operating under the de minimis provisions and that conservation zone is thereby created, it would leave open the question of whether, whether or not anything additional needs to be done in this area when we're in that circumstance. Is that correct?

**Marc Gorelnik** [00:16:35] Susan.

**Susan Bishop** [00:16:40] Thank you. Yes, my intent was to include this for discussion and not be prescriptive as to what actions might be considered or required and that that would be part of the fuller Council discussion moving forward for final action.

**Phil Anderson** [00:17:00] Thank you for that clarification.

**Marc Gorelnik** [00:17:04] Are there any further questions for Susan on the motion? If there are not, then we'll open the floor to general discussion on this motion and Brett I think you wanted to offer a

comment?

**Brett Kormos** [00:17:25] Yes thank you for remembering me Mr. Vice Chair. So, I just want to state that on the surface I don't have any object, objection to including this third alternative for our consideration as we move forward with Amendment 20. I will offer comments later on down the road as to the utility of this measure and our ability to actually pinpoint or not the benefit of such a management provision. I do think that the likelihood of being able to establish any negative or positive implications or effects from having a conservation zone or moving the line at all is low to impossible. I will just note that conservation zones make, or control zones make a little bit more sense when they're broader in scope, excuse me, broader in size, so just bigger generally geographically speaking, or more specific to a river mouth of return or an area where we have good data to show concentrations of stocks that we do want to avoid and we do not have that in this particular case. We're talking about five miles of ocean with really no data to support a need for concern around this. I do agree that any time we move a line without a great deal of data, there's an uncertainty introduced, but to say that it's a great deal of uncertainty, to characterize it in that fashion may be somewhat of an overreach so, again no objection to including this. I do like the idea of having another alternative that falls somewhere between a hard yes or hard no on the line change, and I thank Susan and National Marine Fisheries Service for bringing it forward.

**Marc Gorelnik** [00:19:51] Thank you for your comment Brett. Is there further discussion, any further discussion on this motion? And I'm not seeing any hands so I will call the question. All those in favor of this motion say 'aye'.

**Council** [00:20:13] Aye.

**Marc Gorelnik** [00:20:13] Opposed no? Abstentions? Motion passes unanimously. Before I turn back to Robin, let me ask around the table if there's further discussion or action on Agenda Item E.3? I'll look for hands and I am not seeing any so I'm going to turn to Robin and see how we're doing on agenda item E.3.

**Robin Ehlke** [00:20:51] Thank you Mr. Vice Chair. It looks like the Council has concluded its action on this agenda item. They have adopted a range of alternatives consistent what is found in Attachment 2 of Agenda Item E.3 with the exception of adding a third alternative to the boundary change proposal and so, again that concludes the Council's action and we will look to September where we will be adopting final preferred alternatives. Thank you.

**Marc Gorelnik** [00:21:23] Thanks for that Robin.

## F. Groundfish Management

### 1. Final Action to Adopt Management Measures and Exempted Fishing Permits for 2021-2022 Fisheries

**Phil Anderson** [00:00:02] Thanks very much Chuck. So we'll go ahead and pick up our second phase of our action under F.1, which is the final action to adopt management measures for EFP's for 2021 and 2022 fisheries and I am aware that there's been a lot of work going on behind the scenes in terms of preparing motions and we also have an action item checklist under Agenda Item F.1 that we'll be asking staff to keep track of how we're doing. I will go over in a moment after I turn to Todd for an overview, kind of a sequence that I would suggest we follow, but before I do that let me turn it over to Todd here for a few minutes just to add some overview perspective from him, so good morning Todd.

**Todd Phillips** [00:01:11] Good morning Mr. Chair. Good morning Council. Yes, so on Tuesday we took up F.1 in which the Council heard reports from the management entities and their advisory, and the Council's advisory bodies. We also heard public comment and had a few questions and answers during that particular period. Under today's agenda, the second part as you noted there Mr. Chair, we will be just into Council discussion and then Council action. I believe that we are all teed up and ready to go and I'm happy to answer any questions other than that sir I would turn it back to you.

**Phil Anderson** [00:02:01] Great. Thanks Todd. So, here's my.....just a moment here. Okay sorry about that. My understanding is that we have motions that will be brought forward from WDFW. I believe there are four of them. We also have a tribal motion forthcoming, as well as we have a motion from Oregon Department of Fish and Wildlife, as well as two motions from California Department of Fish and Wildlife and I believe that in combination, those will cover the business under F.1 and the action item checklist. My proposal is that we take three of the WDFW motions first holding out the motion that deals with shortbelly. After we consider the WDFW motions we would, I would turn to Joe Oatman for the tribal motion. From there go to Oregon Department of Fish and Wildlife, I believe they're addressing the, some RCA issues with their motion. Then we'll go to California Department of Fish and Wildlife and I believe Marci has two motions. At that point we'll see how we're, well regardless of where we are in terms of time, we will take a break then for, it'll be a bit of an extended break just to make sure that there's adequate time to be prepared to bring forward the final motion which would be dealing with the shortbelly issues. So that's my suggestion in terms of sequence and I'll pause there and ask my colleagues if there are concerns with moving in that order or if you have other suggestions. Okay I don't see any hands up, so I'll assume you're comfortable with that approach. As normal before we dive into the motions themselves, I will pause and ask if there are any overarching discussions or comments that any of my colleagues around the table would like to make. Okay and I will note that last evening there was some discussion about RCA's in, particularly in California, but I don't think it was necessarily confined to that in terms of the width of RCA's between certain fathom curves. I am aware that Council member Zimm had some questions about that and I believe that there have been some discussions with the United States Coast Guard about that overnight and so unless there was some specific request to bring that topic back up, I think that has been taken as those conversations have occurred offline. Maggie Sommer.

**Maggie Sommer** [00:06:25] Thank you Mr. Chair. I have a separate RCA related question that I would like the opportunity to ask the National Marine Fisheries Service, but I don't mean to jump ahead of anything relative to the questions or topic you just mentioned so.....

**Phil Anderson** [00:06:47] Okay so please, please go ahead, Maggie, with your question.

**Maggie Sommer** [00:06:53] Thank you. The, in GMT Supplemental Report 4 on the non-trawl RCA's

for F.1, one of the ideas raised in that report was that if the Council has concerns with habitat impacts from specific gear types, they could consider prohibiting those gears or consider, I guess, opening the RCA except to specific gears, opening the area between 30 and 40 fathoms proposed. It's my understanding that this is an option. The proposal that has been analyzed was to reopen the area to all legal non-trawl gear types so a subset of those would seem to fall within the range but I would just be looking for confirmation that that would be an option available to us please.

**Phil Anderson** [00:07:54] Thanks. Thanks, Maggie, for that question. I believe Aja, can you address that please?

**Aja Szumylo** [00:08:01] Thank you Mr. Chair. Can you guys hear me?

**Phil Anderson** [00:08:04] Yes, we can.

**Aja Szumylo** [00:08:06] Okay and thank you Miss Sommer for the question. Yes, that is absolutely an option. So, it's typical for within the Council process for an analysis to encompass, you know, the extreme end of an alternative and so it is okay in the analysis to scale back from that extreme end. So, in this case the extreme end of the analysis is that we open the RCA and remove restrictions on the use of all your types there. In what you are discussing you're talking about only allowing in certain gear types, so that's a less extreme version of what the analysis the GMT put together considered. After this meeting, so once the Council takes final action, Council staff will have to adjust the analysis to reflect what the Council's final motion is. So to me, that means taking what the GMT put together in that analysis and then, and then tying the story together around what would the expected impacts would be for just allowing that one gear type to be used in the area, and I'll stop there and see if there are questions about that explanation.

**Phil Anderson** [00:09:11] Thank you Aja. Let me just go back to Maggie for a moment and ask if that clarified and answered your question.

**Maggie Sommer** [00:09:22] It does. Thank you very much.

**Phil Anderson** [00:09:24] Okay thanks. Lieutenant Commander Scott McGrew.

**Scott McGrew** [00:09:31] Thanks Mr. Chairman. Just quickly to address Mr. Zimm's question from yesterday. I don't personally have the answer, but I do know that Captain Puccinelli is available if there was still a need to, to clarify the California RCA issue.

**Phil Anderson** [00:09:52] Okay, thanks very much. Louis Zimm.

**Louis Zimm** [00:10:00] Thank you Mr. Chair and thank you Lieutenant Commander McGrew. Yes, as the Chairman mentioned, Bob and I have had discussions and he understands my concerns and I believe that's been weighed in as you will see in the California motion that we will see today so thank you very much.

**Phil Anderson** [00:10:28] Thanks Louis and thanks very much Scott as well. Any other overarching questions or discussion or other comments that any of my colleagues around the table would like to make before we get into the meat of the issue and start considering motions? Okay thanks, thanks very much. So again just to repeat, we'll go ahead and consider the three of the four WDFW motions first and then I'll turn to Joe Oatman for tribal, onto ODFW, then to CDFW then we'll take our break and come back to address the last motion dealing with shortbelly. So, with that let me turn to Heather Hall.

**Heather Hall** [00:11:36] Thank you. Good morning Chair Anderson. Good morning Council members. I do have a motion to offer that addresses this first item under Council action confirming the harvest specifications and harvest control rules that we adopted as final preferred alternatives back in April and that would be in place for 2021 and 2022, so Sandra if you could put up the WDFW motion 1, and then for those following along the action item checklist this is action item checklist number 1, and while Sandra is doing that I'll just, oh well that was easy, speak a little bit about this. You know we spent a lot of time and had a lot of good discussion in developing the preliminary preferred alternatives for these measures leading up to and during the April Council meeting where we took final action, and so I don't have a whole lot more to say about that so I would move that the Council confirm the 2021-22 harvest specifications and harvest control rules for all groundfish stocks and stock complexes from April to 2020, April 2020 and as shown in Agenda Item F.1, Attachment 7, except for shortbelly rockfish.

**Phil Anderson** [00:13:43] Okay thank you Heather. We have your motion on our screens, just double checking to make sure that language is accurate. If you could just confirm that the language on the screen is accurate.

**Heather Hall** [00:14:02] Yes, thank you Chair Anderson. It looks great. Thank you, Sandra.

**Phil Anderson** [00:14:06] And do I have a second? Seconded by Rich Lincoln. You spoke to your motion a little bit. Feel free to speak further as needed. You're muted Heather.

**Heather Hall** [00:14:26] There we go. Thank you, thank you Chair Anderson. I just would say I think the GMT put it nicely in their statement on this when they explained that there was a lot of consensus for these FPA measures by the GMT, the GAP, and the Council back in April and that these measures would maximize the economic benefits while meeting conservation objectives and not negatively impacting individual sectors. That's all I have to add.

**Phil Anderson** [00:15:03] Thanks very much. Go ahead and entertain discussion on the motion? We'll go ahead and call for the question on the motion. All those in favor signify by saying 'aye'.

**Council** [00:15:22] Aye.

**Phil Anderson** [00:15:22] Opposed no? Abstentions? Motion carries unanimously. Thank you very much for that Heather and I'll go ahead and turn back to you for your next motion.

**Heather Hall** [00:15:46] Thank you. The next motion, it addresses action item checklist number 3, and this is the action that would adopt final recommendations for 2021 and 2022 EFP's that were sent out for public review in November of 2019 and I'm including in this motion the adopting the yield set asides that would accommodate those EFP's. So, Sandra if you could post the WDFW F.1 motion number 3.

**Phil Anderson** [00:16:42] Okay it looks like we got it on our screen so go ahead Heather.

**Heather Hall** [00:16:47] Thank you. That looks great. So, this I again, it's another place where there's been a lot of work to look at these EFP's by the GMT and the GAP. I know Council staff and the GMT have also worked with the EFP applicants to refine them and make sure that they're complete and include all the information that is needed to move forward, and particularly with regard to the set asides that would need to be taken as off the top deductions. So, I'll read this out loud. I move that the Council adopt final recommendations for all 2021, 2022 EFP's. Does include the year round coastwide midwater rockfish EFP, the CDFW 2021, 2022 EFP. Yellowtail rockfish jig fishing off California, Dan Platt EFP. The commercial hook-and-line rockfish in the RCA off Oregon, Scott Cook EFP, and the WDFW

enhanced yelloweye recreational fishery biological sampling EFP, and the Monterey Bay regional EFP targeting chilipepper rockfish by Real Good Fish, and the associated set asides as shown in Agenda Item F.1.a, Supplemental GMT Report in table number 1.

**Phil Anderson** [00:18:35] Okay. Thank you, Heather, and just again confirming the language on the screen is accurate?

**Heather Hall** [00:18:40] Yes. Thank you. The language looks perfect.

**Phil Anderson** [00:18:44] Okay, thank you. Do I have a second? Seconded by Marci Yaremko. Speak to your motion, any additional remarks to your motion that you feel as needed.

**Heather Hall** [00:19:04] Thank you Chair Anderson. No, I don't have anything else to add. Thank you.

**Phil Anderson** [00:19:10] Okay. Let me ask if there is discussion on the motion and Maggie Sommer.

**Maggie Sommer** [00:19:18] Thanks Chair Anderson. Thank you, Heather, for the motion. I support it and I just wanted to say I know we all, we value the opportunity to collect the information that these EFP's are designed to provide us and also to acknowledge that there, there have been quite a few questions about when we have enough information from EFP's to be able to proceed with moving forward in considering those in regulation and I think that it would behoove us to have a conversation about that question regarding some of these, particularly the ones that have been ongoing for one or in some cases several more cycles than that. I'm not suggesting we do that right now, but I just wanted to acknowledge that that is an outstanding question that I think would be great for us to address. I know there's some interest in being able to move some of these opportunities, for example some of the midwater type hook-and-line gear for midwater rock fishes into regulation. Thanks for the motion. I support it.

**Phil Anderson** [00:20:32] Thank you Maggie. Marci Yaremko.

**Marci Yaremko** [00:20:35] Thank you Mr. Chair. Thank you, Heather, for the motion and I can concur with all of the supporting remarks. I just want to thank our applicants for working so hard throughout our process here going way back to November and improving their applications, responding to the input from the advisory bodies and the SSC and appreciate their working with us throughout this time period to build some work that I think really does help our Council at its foundation. EFP's are so important to the work we do, and I'm really pleased with many of these EFP's that have gone on for some time. I think they've all come with iterative improvements as we've learned from their operations. I really look forward to the reports we receive on the progress of the work that's conducted under these EFP's and I do feel it's iterative. And yes, I know we want to get to a point where these become more of a creature of regulation rather than EFP but I really do feel like this process and the innovation that is brought through our EFP applications and the issuance of those EFP really advances our management and helps us find ways to provide opportunity while working within constraints. So, I just want to thank the applicants, and on the cowcod, the California cowcod EFP, this will be new territory for us. We are really looking forward to working with our CPFV fleet on collecting biological samples of cowcod. That's been a serious deficiency in the cowcod assessments for years to actually get some specimens from the actual fishery that right now must be returned so we are really looking forward to a lot of new information in this EFP. Thank you.

**Phil Anderson** [00:23:01] Thanks Marci for those remarks. Louis Zimm.

**Louis Zimm** [00:23:05] Thank you Mr. Chair and also I want to thank the maker of the motion. I want

to particularly want to thank Marci and the department, our department in California for her comments and lastly, I want to thank the people that are in doing these EFP's. On a few of them they realize considerable gain from being involved in the EFP's, but in some of them, they really are making a sacrifice that could probably be making money, more money, doing something else and even where it doesn't cost money, it certainly is a lot of work to make up the reports and such like that so I want to once again, as Marci did, thank the EFP participants and particularly looking forward to the results of the cowcod, the California EFP where the passengers will not be realizing any gain and there will be some more work for the deckhands and captains to do this, but we realize that we have to do that so we can go further and understand what the structure and size of the cowcod population, ages and such in the Southern California bight so I just want to have that call out. Thank you.

**Phil Anderson** [00:24:34] Thank you Louis for those comments. Aja Szumylo.

**Aja Szumylo** [00:24:40] Thank you Chair Anderson, and I plan to vote in support of this motion, but do want to take a moment to speak about the workload associated with EFP's. We have, and I'd like to thank very much Lynn Mattes, our internal staff who does all the groundfish EFP's and has been managing them for the past year and I think will continue to manage them in some respects in the upcoming years. The workload going into the EFP cycle is pretty predictable and manageable. There's you know, again I talked about the process before but there is a publication of a Federal Register notice and accepting comments and then a decision memo on our part internally documenting that we plan to approve the EFP and then issuing the EFP's to the applicants, but after that happens there is a lot of care and feeding that goes into managing the EFP's each and every year, and we do value the information that we get from them but we, the expectation there is that the Council will eventually move, move towards you know using the results of the EFP projects in some way. So, I'd like to echo Maggie Sommers comments earlier. I'd really love to see some process, some defined process, and I think industry could benefit from this as well, but some defined process for eventually adopting the gear types that are tested or the approaches that are testing the EFP's so that you know their more alive in the fishery and that we don't have to continue that project into the future and I just, I also would like the Council to attend in some way to the level of effort that each EFP project, the level of fishing for each EFP project portends to each fishing season. Some of them have a lot less participation, but have a really significant amount of effort on our part and so I'll try to highlight that better in the future when the Council is weighing decisions about which ones to recommend or forward onto recommending for NMFS to approve, and I'll stop there but yeah again, the main thing I'd like to echo is I'd really like to see some process for moving forward with these after the projects go on for a couple of years.

**Phil Anderson** [00:26:59] Okay thank you. If after you've spoken, if you could remember to take your hand down that would be appreciated unless you want to speak again. Thank you. All right is there any other discussion on this motion? Okay then we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:27:31] Aye.

**Phil Anderson** [00:27:31] Those opposed, no? And are there any abstentions? That motion carries unanimously. Thank you, Heather. Okay we'll continue to move along, and I'll turn back to Heather for her third motion.

**Heather Hall** [00:28:04] Thank you Chair Anderson. This next motion gets the ball rolling on Council action that looks to adopt final 2021, 22 season structures and management measures and so Sandra, if you could post WDFW motion number 4. While Sandra is doing that, this motion looks at action item checklist numbers 3, numbers 5 through 10 and numbers 12 through 15.

**Phil Anderson** [00:29:01] Could you repeat those numbers please?

**Heather Hall** [00:29:04] Sure, I'll, this motion covers action item checklist number 3, numbers 5 through 10 and numbers 12 through 15.

**Phil Anderson** [00:29:28] Thanks Heather, please proceed.

**Heather Hall** [00:29:30] Okay and I'm looking at the motion that's on the screen and it looks good. So again, these management measures have been, we've had quite a bit of discussion on them. They were adopted as.....

**Phil Anderson** [00:29:52] I would suggest go ahead and reading the motion first.

**Heather Hall** [00:29:55] Okay.

**Phil Anderson** [00:29:55] Okay great.

**Heather Hall** [00:29:55] Thank you.

**Phil Anderson** [00:29:57] Yep.

**Heather Hall** [00:00:01] I move that the Council adopt the following management measures as presented in Agenda Item F.1.a, Supplemental GMT Report Number 2, Appendix 2. Off the top deductions for research and incidental open access and a monthly landing limit of 500 pounds of yellowtail rockfish in the salmon troll fishery north of 40°10' North latitude, as long as salmon are included in the landing, but that does not include a salmon to yellowtail landing ratio. This is action item checklist number 3, addressing incidental open access and research. An ACT of 50 metric tons for cowcod south of 40°10' North latitude, this is action item number 5. Harvest guidelines for species managed in a complex, action item number 6. Two-year trawl non-trawl allocations and two-year canary rockfish allocation, which is action item number 7. Amendment 21 trawl non-trawl allocations for petrale sole, widow rockfish, lingcod south of 40°10' North latitude, slope rockfish south of 40° 10' North latitude, including blackgill rockfish, this is action item number 8. And at-sea whiting set asides, action item number 9. Within non-trawl harvest guidelines, ACT's or shares for limited entry fixed gear, open access and recreational sectors, which is action item number 10. And shore based IFQ trip limits for Big Skate and blackgill rockfish, which are action items number 12. Limited entry fixed gear open access trip limits and removal of the flatfish gear restriction within the non-trawl RCA south of 42 degrees North latitude and establishing a 50 pound per month shortspine thornyhead and 50 pound per month longspine thornyhead trip limit north of 34° 27' North latitude, which is action item number 13. And management measures for recreational fisheries as recommended by WDFW and ODFW and as they are presented in their reports under Agenda Item F.1, Supplemental WDFW report and Agenda Item F.1.a, ODFW report. These are action items 14 and 15.

**Phil Anderson** [00:02:53] Thanks Heather and just once again confirming the language on the screen accurately reflects your motion?

**Heather Hall** [00:03:00] Yes it does. Thank you.

**Phil Anderson** [00:03:02] Thank you, and do I have a second? Seconded by Louis Zimm. Go ahead and speak to your motion as needed Heather.

**Heather Hall** [00:03:14] Thank you Chair Anderson. Yes, these management measures have been



analyzed and discussed by the GMT and the Council pretty thoroughly. They all move the preliminary preferred alternatives to final preferred alternatives, so I don't have a lot more to add to the discussion that we've had getting to this point.

**Phil Anderson** [00:03:42] Okay thank you Heather. Discussion on this motion? Maggie Sommer.

**Maggie Sommer** [00:03:50] Thanks Chair Anderson. Thanks Heather. A question first. Your bullet in the middle that starts 'A21 trawl non-trawl allocations', etc. This is action item number 8. I believe the intent of this action is to convert the Amendment 21 trawl non-trawl allocations of these stocks to two-year allocations using the preliminary preferred alternative methods that have been provided in our reference materials and I just wanted to, I guess, make sure that was your intent and if so, if it is clear, if that is reflected in the motion, I would not want this to be interpreted as leaving those as Amendment 21 allocations when I think the outcome of this is intended to be to convert them to two year allocations.

**Phil Anderson** [00:04:59] Heather.

**Heather Hall** [00:04:59] Thank you Miss Sommer. Yes you are, you're correct and I probably could have been more clear in my motion by including the word adjust the amendment 21 allocations as it's written in the GMT's appendix number 2 so, and that was partly the reason that I referred to this appendix, because the, if there are questions about the details, I was hoping they would be reflected in here, so there's a lot more specificity in this attachment than what I've included in the motion.

**Phil Anderson** [00:05:55] So my, hearing that conversation and the question and the response. My recommendation is that an amendment would be needed to clarify the intent of that element of the motion. Maggie, I'm going to stick with you here, try to work through this particular issue if I may, so Maggie.

**Maggie Sommer** [00:06:29] Thank you Chair Anderson. I'd like to propose an amendment.

**Phil Anderson** [00:06:35] Please proceed.

**Maggie Sommer** [00:06:43] Strike A21, add 'convert the' in place of A21.

**Phil Anderson** [00:07:09] Maybe repeat that for Sandra please.

**Maggie Sommer** [00:07:10] Convert the...you can close...Sandra the intent is to, yep, perfect, and convert the, that would be replacing Amendment 21 and then at the end of the original sentence, right before the parenthetical action item 8 add the word 'to' and then it's going to be to, two-year allocations. Thank you, Sandra, after allocations please add 'using PPA methods' now take the phrase 'to two-year allocations using PPA methods' and the intent is, and I want those to go after 'including blackgill rockfish'. Yes, in fact you have it now. Maybe....

**Phil Anderson** [00:08:55] It's just we have the word rockfish in there several times, so when it says 'to rockfish' in the quotations, we've got to maybe make sure we're.....go ahead.

**Maggie Sommer** [00:09:08] So maybe I'll read again, starting from the beginning of my amendment. It should read 'Strike A21, and add, 'convert the' and then instead of change 'rockfish action item 8', if you could delete that change 'rockfish item action item 8' should be deleted, yes, and also delete that word 'to', correct, and right where your cursor is now please add 'and add', now after the open quotation marks delete the word 'rockfish' and at the very end of the sentence, remove the comma right before the quotations. I think that does it and I will read through what I intend the amended bullet point to read. It

should say 'Convert the trawl non-trawl allocations for petrale sole, widow rockfish, lingcod south of 40 degrees, 10 minutes North latitude, slope rockfish south of 40 degrees, 10 minutes North latitude, including blackgill rockfish to two-year allocations using PPA methods, action item 8.

**Phil Anderson** [00:10:51] Okay I believe Sandra has it accurately captured. Could you confirm that for me Maggie?

**Maggie Sommer** [00:11:06] I have one more addition. Sandra, in where you have 'and add', in between, no pardon me, the next 'and add' in between those words right where your cursor is, please add 'after blackgill rockfish', and now in the highlighted amendment delete the parenthetical 'action item 8' and I think that should clean it up and do it.

**Phil Anderson** [00:11:56] Okay. So, does that look good to you Maggie?

**Maggie Sommer** [00:12:04] Yes.

**Phil Anderson** [00:12:04] All right. Thank you and thank you Sandra for working your way through that. Do I have a second for the amendment? I have a second from Marci Yaremko. Go ahead and speak to your amendment as needed Maggie.

**Maggie Sommer** [00:12:29] Thank you Mr. Chair. The intent is just to clarify what the purpose and expected outcome of this change to these trawl non-trawl allocations is and it would, as we have identified and analyzed and selected as our PPA, it would be to take these out of the Amendment 21 allocation framework and make them two-year allocations. Thank you.

**Phil Anderson** [00:12:56] Thank you. Is there discussion on the amendment? Brad Pettinger.

**Brad Pettinger** [00:13:06] Yeah thank you Mr. Chairman. When I see that it looks to me like you might want to delete adjust the Amendment 21 allocations. Or is it?

**Phil Anderson** [00:13:19] It is.

**Brad Pettinger** [00:13:20] Okay make sure, but seeing that I see that the intent of the GMT where they did want a two-year allocation for those species except for petrale sole, that's not, that's explicit. Nothing is a big deal. It's a trawl dominate species but I'm just kind of curious if that was Maggie's intent? Adjust that with the GMT's recommendation.

**Phil Anderson** [00:13:46] Maggie.

**Maggie Sommer** [00:13:48] Thank you Mr. Chair. My intent is to be consistent with the GMT recommendation.

**Phil Anderson** [00:13:58] Okay. Further discussion? John DeVore.

**John DeVore** [00:14:05] Yeah just a clarifying question on the intent here. So is the intent to keep the petrale, just change the Amendment 21 allocation for petrale sole, keep that in the FMP, but the other allocations come out of the FMP become biennial and are reconsidered every two years. Is that the intent?

**Phil Anderson** [00:14:29] Maggie. Go ahead Maggie.

**Maggie Sommer** [00:14:37] Thank you Mr. Chair. I was waiting for my phone to ring from a friend. The intent is to make all of these two-year allocations that would be part of the package reconsidered during every biennial specifications and management measures process.

**John DeVore** [00:15:00] Okay. Thank you.

**Phil Anderson** [00:15:03] Further discussion on the amendment? Okay we'll call for the question on the amendment. All those in favor say 'aye'.

**Council** [00:15:18] Aye.

**Phil Anderson** [00:15:18] Those opposed, no? And abstentions? Motion carries unanimously. We are back to the main motion and I will, I believe Marci was next. Marci.

**Marci Yaremko** [00:15:40] Yes. Thank you, Mr. Chair. I'd very much like to support this motion. There is a lot here. You've heard about an awful lot of these topics in great depth since November so I won't spend long on any of them but I do want to comment just first, starting on these A21 trawl non-trawl allocations that are now being converted to two-year allocations. I really support that change and we've worked hard on these, each of these species throughout the process and thought long and hard about what will offer us flexibility into the future in terms of sharing these fish across sectors, and what we found is that the A21 allocation scheme you know hardwires things in a way that makes it very difficult to provide flexibility for certain sectors under certain circumstances so want to really appreciate and acknowledge the work of the GAP in their discussions on this topic. Thinking back particularly to Lingcod, we have had some difficulty in the non-trawl sector living within the means there over the past biennium where we've approached the recreational share of that non-trawl allocation, so then we had Patrick go back and kind of do some analyses and he was the one to offer that sweet spot of shifting five percent of the allocation from the trawl sector to the non-trawl, again I really appreciate the GAP's advice and thoughtfulness in their discussions on this topic and their willingness to work together and help everybody out when there's fish that are available to be shared. Similarly with blackgill, we had a lot of discussion going back all the way to the proposal to actually pull blackgill out of the minor slope complex and issue IFQ shares, and we had some great dialogue in the GAP about how to manage this stock and through those discussions concluded that the best thing moving forward was to have this on a two-year biennial allocation decision between trawl and non-trawl that would allow our trawl fishery to continue to manage blackgill within the minor slope complex, but also again provided some relief to the non-trawl sector and their ability to better utilize blackgill in their directed fishery, so I really want to highlight some great work that has gone on there in the GAP and behind the scenes and with our analysts who bring us to this recommendation. Want to talk about sablefish a little bit here. We support increasing the northern ACL based on the current five-year average of the bottom trawl survey biomass estimates, however we are hopeful that new information will come to light that might provide a better methodology on apportioning the ACL in the future, so I think we're in a good place for this biennium with that issue, but again appreciate the fact that there's flexibility in that arrangement looking forward. Let's see, moving on to canary and yelloweye. This is the issue of combining the commercial shares of canary and yelloweye in the non-trawl pots of fish so that we can make the pot bigger and have it cover multiple fishery sectors, just aids in reducing management complexity and kind of aids us in not having so many tiny little pots of fish that each nearshore and non-nearshore sector has to track and be held to in management so this is a great place where we've increased flexibility for the non-trawl fisheries. I want to talk about the trip limit adjustments a little bit. We've heard a lot about that as well and really acknowledge the hard work of the GMT in taking a close look at the trip limit structures and how to better define trip limits both north and south of 40°10' so that we provide people line items in those trip limit tables that allow for better utilization of these healthy resources, and also helps folks on the water with providing them some additional opportunities with higher trip limits and better kind of definitions

of trip limits or species propositions within those trip limits, so we expect some pretty large economic benefits for these trip limit increases that have been documented in our materials, so that's, I think that is a major accomplishment in this package and I couldn't be more supportive of this. It's long overdue. So many of those trip limits have been stagnant for decades and really want to highlight this as a huge accomplishment this cycle. I also want to talk about a couple commercial, California commercial specific things that are also included in this large list of changes. In California south of 40° 10' we have had a closure of commercial fisheries in March and April or period 2 going back to the early 2000's. That closure was put in place when we were really up against a wall with some of our nearshore stocks and needed to make some difficult choices about how to maximize opportunities and economics and efficiencies and decisions were made that we needed to have commercial seasonal closures of those nearshore rockfish and at the time shelf rockfish too in order to make sure that we didn't have trip limits that were so low that it wasn't worth going. So now we're in a better place today and we are very happy to finally be removing this period two closure, along with some increases to our nearshore trip limits. There's also a long standing flatfish gear restriction that we've had in effect in the regs and in the area south of 42° that required use of a certain number of hooks within the RCA to target flatfish, so this is a cleanup measure that should provide some more flexibility for folks targeting those flatfish with hook-and-line gear in the RCA so that's been something on our clean up list for a long time so we're happy to finally be able to accomplish that. Let's see, I think that summarizes where we're at and again, I couldn't be more pleased with the recommendations in this motion and the work that's gone on to get us to this point. Thank you.

**Phil Anderson** [00:24:43] Thanks Marci for those comments and accolades for folks that worked on this package. I think your colleagues around the table agree with that. Thank you. Louis Zimm.

**Louis Zimm** [00:24:58] Thank you Mr. Chair, and thank you Marci for discussing these items and clearing these items up, and I want to particularly thank you for the March April closure, pointing out that we no longer need that. That was brought to me back early in the year and actually at the end of last year and I expressed doubt about the flexibility of the process to accommodate that and I was proven wrong and I appreciate it and I really appreciate California's support on that, and then also on the flatfish gear restriction, 12 hooks, people in the GAP may we remember that I did not favor increasing the 12 hooks because I was afraid that it would turn into some sort of targeting and also of in rockfish grounds in RCA's and that we would have too much bycatch but now with the changed pictures, I think the more flexibility is warranted and we have a couple folks out of San Diego that are, are exploring that fishery and doing quite well and this will allow them to, to really bring it online so thank you very much.

**Phil Anderson** [00:26:24] Thank you Louis. Further discussion of this motion? I don't see any so thanks very much. Thanks, Heather, for bringing the motion forward. So, we have the motion as amended in front of us. We'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:26:43] Aye.

**Phil Anderson** [00:26:43] Opposed, no? Abstentions? Okay this motion as amended carries unanimously. Let me just go back and double check with Heather. I believe that is the first three of your four motions and we're going to hold off on the fourth motion dealing with shortbelly until a little bit later, is that correct?

**Heather Hall** [00:27:17] Thank you Chair Anderson. That's correct.

**Phil Anderson** [00:27:19] Okay. So next step let's turn to Joe Oatman and action item number 4 is the treaty off the top deductions, so Joe if you're ready I'll turn it over to you.

**Joe Oatman** [00:27:44] Thank you Chair Anderson. I am ready and I believe we have sent that motion to Sandra, if you could put in on the screen. Thank you. As Chair noted this deals with the action item checklist number 4, management measures as it relates to the treaty fisheries dealing with the treaty off the top deductions. I move the Council adopt the preliminary preferred alternative from the April 2020 Council meeting as final preferred alternative for treaty set asides, harvest guidelines and allocations. These set asides, harvest guidelines and allocations are consistent with the G.6.a, Supplemental Tribal Report 1 from April 2020.

**Phil Anderson** [00:28:38] Thank you Joe and just confirm the language on the screen is accurate?

**Joe Oatman** [00:28:45] It is Mr. Chair.

**Phil Anderson** [00:28:47] Thank you Joe. Do I have a second for this motion? Seconded by Bob Dooley. Go ahead and speak to your motion as needed Joe.

**Joe Oatman** [00:00:01] Okay thank you Mr. Chair. So, these set asides, allocations and harvest guidelines within this proposal meet the current needs of the Coastal Treaty Tribes. These set asides and allocations have been analyzed since November and has been recommended for adoption by both the GMT and the GAP. In November, the tribes notified the Council of their current needs within the groundfish fisheries. There have been no further adjustments to set asides and allocations as they are set forth here. The tribes have requested status quo set asides or otherwise same values as 2019 and 2020 for all species except for petrale sole, Longnose Skate, yelloweye rockfish and Washington cabezon, kelp greenling. With that, that concludes my additional comments Mr. Chair.

**Phil Anderson** [00:01:03] Thank you very much Joe. Discussion on Joe's motion? All right Joe, thank you very much. We'll go ahead and cover the question of the motion. All those in favor say 'aye'.

**Council** [00:01:17] Aye.

**Phil Anderson** [00:01:17] Opposed, no? Abstentions? Motion carries unanimously. Thank you very much Joe.

**Joe Oatman** [00:01:31] Thank you.

**Phil Anderson** [00:01:34] So next up we'll go to Oregon Department of Fish and Wildlife and Maggie Sommer.

**Maggie Sommer** [00:01:42] Thank you Chair Anderson. Sandra, the ODFW motion when you're ready please. This will be on the non-trawl RCA. Perfect. Thank you, Sandra. I move the Council adopt the following change to the commercial non-trawl rockfish conservation area between 40 degrees, 10 minutes North latitude and 46 degrees 16 minutes North latitude, the Oregon Washington border. Between the 30 fathom and 40 fathom management lines, allow fishing with hook-and-line gear except bottom longline and dinglebar, as defined in Federal regulation at 50 CFR 660 point 11 general definitions.

**Phil Anderson** [00:02:42] Thank you Maggie, and confirm the language on the screen accurately reflects your motion?

**Maggie Sommer** [00:02:47] It does. Thank you.

**Phil Anderson** [00:02:49] Thank you very much. Do I have a second for this motion? Seconded by

Brad Pettinger. Speak to your motion as needed Maggie.

**Maggie Sommer** [00:02:57] Thank you Chair Anderson. The proposal that we had in our materials for consideration was reopening the area between 30 and 40 fathoms by moving the shoreward boundary of the non-trawl RCA out to 40 fathoms for the area between 40°10' and the Oregon Washington border and the objective of this proposal was to provide vessels greater access to healthy and underutilized midwater rockfish stocks and lingcod. As we talked a little bit earlier about higher trip limits for stocks and in this case such as yellowtail, widow, canary as well as lingcod can provide some very welcome opportunity for our non-trawl sector but access to portions of the non-trawl RCA is needed to really take advantage of the increased trip limits for these stocks. The non-trawl RCA was closed in this area to help prevent bycatch of yelloweye rockfish after it was found to be overfished in the early 2000's and with the progress that's been made in rebuilding the yelloweye stock and the concomitant increase in the yelloweye annual catch limit, the non-trawl RCA restrictions can be eased. This is somewhat similar to this approach to the cautious relaxation of the recreational seasonal depth restriction off Oregon recent, in recent years where we have been able to provide some stepwise increases to recreational fishing opportunity areas with a little bit more room for yelloweye impacts. I am proposing that we restrict access by the commercial non-trawl fishery in this area between 30 and 40 fathoms at this time to hook-and-line gear only. This area has been closed to commercial fishing with non-trawl gear for approximately 15 years and as noted in our discussion under F.1 the other day, all environmental impacts of any action we take, including the potential habitat impacts of re-opening areas that have been closed, regardless of the purpose for which they were closed, must first be analyzed. The non-trawl area management item that the Council has identified as a priority is the process in which we expect to see a full and holistic analysis of the impacts of potential changes to RCA boundaries and gear restrictions on habitats and other factors. We expect there to have an opportunity to look at the distribution of habitats and habitat forming invertebrates within the area proposed for reopening within the full non-trawl RCA area. Take a look at the historic present and projected future fishing effort by gear type, et cetera, and hopefully reach some determination on whether there are areas we would want to consider for protecting habitats from non-trawl gear impacts and where it can be opened to restore opportunity and the benefits offered by availability of healthy, abundant stocks and the progress in rebuilding yelloweye. This proposal recognizes that, although we haven't done that yet and I anticipate that we will have some discussions of moving forward with the non-trawl area management item tomorrow under our workload planning item, I was looking for a way to take a partial step forward in that direction that can offer some benefits sooner than I think we will get through that separate non-trawl area management analysis. Within the area between 30 and 40 fathoms between the 40°10' line and the Oregon California border there's a mix of soft and hard habitats, a mix of relief types, distribution of some nearshore rocky reefs, potentially some sensitive habitat types and it is very important to the state of Oregon and to all of our fisheries and fishery participants I know to maintain healthy and productive habitats, to support our groundfish stocks, other species and ecosystem function, and provide for resiliency in a changing climate future. As I noted, the area between 30 and 40 fathoms, although we have made some adjustments to non-trawl RCA's over the years since they were first implemented, this area between 30 and 40 fathoms has been closed to commercial fishing with non-trawl gears for approximately 15 years. It is important to note that it is not a pristine zone that hasn't been affected by fishing gears. It has been opened to recreational fishing, to commercial groundfish and shrimp trawling, Dungeness crab fishing, salmon trolling, squid seining, et cetera. The GMT in their Supplemental Report 4 under F.1 indicated that we can expect mostly hook-and-line, including potentially some longline effort in an area reopened and they provided us some information on a little bit of information on past use of longline and hook-and-line in their Supplemental Report 4. They also provide a qualitative discussion of fishing gears and identified bottom longline and dinglebar gear as ones that may have higher habitat impacts because of how they interact with the seabed than hook-and-line does. They point us to the definition in their groundfish FMP of bottom longline gear, which is in contact with the seafloor or has parts in contact with the seafloor, including anchors or weights, hooks

and a main line and which during retrieval can sweep laterally several meters and overturn or undercut emergent organisms such as corals and sponges, so it seems to me that bottom longline is a gear type with potentially higher habitat impacts that I think it is important that we have a more thorough opportunity to consider. Dinglebar gear and the term may not be familiar to all listeners. It means one or more lines retrieved and set with a troll gurdy or hand troll gurdy with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way. It's from the Federal definition that I referenced in the motion and essentially it is a relatively heavy weight, potentially 30 to 75 pounds dragged along the bottom with trailing hooks or lures above that. So again, because of the amount and type of bottom contact from this gear and its potential impact on benthic invertebrates, I am limiting or I am including it in the gear types that will not be allowed under this action as part of the 2021 management measures. I want to be clear that I am not presupposing that these gears necessarily have adverse impacts on habitats, just that we have not yet had the opportunity to go through that analysis and to reach a complete understanding of it and so again, I am just recognizing that there will be a separate process, the non-trawl RCA area management process where we will go through a more full analysis of potential impacts. The expected outcome of reopening this area between 30 and 40 fathoms to hook-and-line gears, except for a bottom longline and dinglebar gear would be in a modest increase in the attainment of target stocks. It would be possibly spreading out effort over a larger area, reducing concentrated pressure on more nearshore reefs. This could potentially reduce user conflict as well as species removals from smaller areas. The effort increases in the area reopened to hook-and-line fishing are expected to be relatively low. They could include some vessels with Oregon State issued nearshore permits off of Oregon and some without in the, both in the Federal open access category. I want to note that vessel monitoring systems are required for all vessels fishing groundfish, fishing groundfish in Federal waters and this action would not change that. Off of the Oregon coast, the Federal waters line begins between the 30 and 40 management lines or in that area off much of our coast, so VMS would be required again for any vessel fishing in Federal waters and since it would be a new cost for some of the small vessels that normally fish groundfish only in state waters, that could be one factor that may lead them to choose not to expand out to the 40 fathom line and could potentially limit the effort expansion at this time. Come back around to the original intent of the Rockfish Conservation Area to protect specifically yelloweye in this area, there are projections that yelloweye rockfish mortality for all of the commercial non-trawl reopenings that were considered as part of the 21-22 management measures process together. I don't have them broken out only for this portion of it but I can say that the information that the GMT provided us was that expected yelloweye impacts for all of the proposed non-trawl RCA changes would be four, approximately four and a half to five metric tons, which is approximately three metric tons less than the non-trawl harvest guidelines so this is not expected to risk reaching the non-trawl harvest guideline, and then finally I will also note that the revision of the gear declaration codes for VMS appears to need to be changed to accommodate the action proposed in this motion and the gear specificity of it and I would request that the National Marine Fisheries Service working with enforcement advisors make that change as appropriate. That concludes my remarks. Thanks.

**Phil Anderson** [00:14:13] Thanks very much Maggie for those remarks. I just had one minor question. Is this, is under the action item 2 category of area management? I didn't see this particular one called out on our checklist.

**Maggie Sommer** [00:14:40] Thank you Mr. Chair. This one does. It falls into action item 2 and as the history on this item, this was one of the changes proposed for an inseason and recommended by the Council for consideration by the National Marine Fisheries Service as an inseason action at our April meeting.

**Phil Anderson** [00:15:11] Okay.

**Maggie Sommer** [00:15:11] And the National Marine Fisheries Service provided us some information on why they were unable to move this forward as an inseason or move forward any changes to the non-trawl RCA's under, is an inseason action and I believe that's why this proposal to adjust the non-trawl RCA between 30 and 40 north of 40°10' up to the Oregon Washington border was instead moved to the 21-22 management measures package for consideration.

**Phil Anderson** [00:15:48] Gotcha. Thanks. Discussion on this motion? Not seeing any. A very thorough description of the motion and rationale provided by Maggie. Thank you. We'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:16:08] Aye.

**Phil Anderson** [00:16:08] Opposed, no? Abstentions? Motion carries unanimously. Thank you, Maggie. So, we'll move a little further to the south and I'll turn to Marci Yaremko.

**Marci Yaremko** [00:16:31] Thank you Mr. Chair. I want to also thank Maggie for teeing this up so well, she gave such a very detailed and comprehensive explanation of all the changes proposed for north of 40°10' so I'm the fortunate beneficiary of that dialogue so I appreciate the concerns that she identified and that the thinking that went into developing their motion and the rationale for that area. I guess I would just open by saying that for the area south of Maggie described it there, a pathway for here was to take a partial step forward with the gear constraints that they've proposed for north of 40°10' and California, likewise, would propose to take a partial step forward here but with a little different philosophy on which step we take here today. So, with that, Sandra, I would offer CDFW motion 1, and this pertains to the southern RCA's if, I think that's the title of it, doesn't say motion one. There we go. Thank you. I move the Council adopt the final preferred alternative for minor line adjustments to Rockfish Conservation Area boundaries for waters south of 40°10' North latitude consistent with all recommendations in Agenda Item H.8.a., Supplemental CDFW Report 1 from November of 2019. First, RCA coordinate updates, which is described in action item 2 on our checklist. Number one, the RCA waypoint additions to the 40 fathom line off Central California, and number two, RCA waypoint additions and corrections to the hundred fathom line south of Point Conception, and particularly on that item 2 we need that for the remainder of the motion. So, moving to recreational minor line adjustments. These are described in action item 2 under area management and also listed under action item 16 for California recreational. Item one, the Mendocino Groundfish Management Area, which is Cape Mendocino to Point Arena. Increase the allowable depth during the open season, which is made through October, from 20 to 30 fathoms. Number two, San Francisco Groundfish Management Area, which is Point Arena to Pigeon Point, increase allowable depth during the open season, which is April through December from 40 to 50 fathoms and in the Southern Groundfish Management Area, which is Point Conception to the U.S. Mexico border, increase the allowable depth during the open season, which is March through December from 75 to 100 fathoms. Then for commercial non-trawl fisheries, which is described in action item 2 under area management. First, implement a new management line at 38 degrees 57.5 North latitude, which is Point Arena for purposes of defining RCA boundaries. Two, in the area between Point Arena to Point Conception, increase the depth of the shoreward RCA boundary from 40 to 50 fathoms. Note: the shoreward RCA depth between 40°10' and Point Arena would remain unchanged at 40 fathoms. From Point Conception to the U.S. Mexico border increase the depth of the shoreward RCA boundary from 75 fathoms to 100 fathoms.

**Phil Anderson** [00:21:37] Thank you Marci and just double checking that the language on our screen here is accurate?

**Marci Yaremko** [00:21:43] Yes. Thank you.



**Phil Anderson** [00:21:45] Thank you Marci. Looking for a second? Seconded by Marc Gorelnik. Go ahead and speak to your motion as needed Marci.

**Marci Yaremko** [00:21:56] Okay thank you. Just a few overarching remarks on rationale. These recommendations are consistent with the GMT's findings in Supplemental GMT Report 4 which we've talked about a fair amount this meeting. They're in line with meeting the national standards to achieve the harvest specifications while not overfishing and take into account the benefits to fishing communities and provide the greatest overall benefit by allowing increased access to underutilized and underattained stocks, particularly shelf rockfish in this case. Looking at the items individually, I'll start with recreational. We'll go in order. The move in the Mendocino Groundfish Management Area for recreational from 20 to 30 fathoms. This area has been the most constrained, remains the most constrained, and will remain the most constrained looking forward due to historically high yelloweye impacts in this area, both by the commercial fisheries and the recreational fisheries. We have loosened the belt on yelloweye, not on yelloweye, but by allowing increased access to open waters in most areas of California, but this particular area around Fort Bragg has historically been our yelloweye hot spot, so we have been very, very cautious about taking incremental steps in this area. They do have a longer season length now than they've had in years past but we, this is a big change. I think we've had the 20 fathom depth constraint in this area, gosh, since the early 2000's I believe and so they have been kind of living under this difficult situation and the recreational fishery being held to 20 fathoms for a long time and it's a long time coming that this area do a little catch up here out to 30 fathoms. Notably, the commercial fisheries in this area are already out to 40 fathoms, so this increase for the recreational fishery just takes a step that direction. Because of the fact that we have other fisheries operating in this depth zone, I would note that this is not an area that we would consider pristine. The GMT Report 4 goes into a pretty detailed analysis of other activities in this area, this depth, particular depth zone from 20 to 30 fathoms and for this recreational fishery, this is kind of just a long time coming. We think the increase will provide opportunity with little risk of exceeding the yelloweye limits. It kind of follows in the pathway of the increase we offered in the northern area a few years back up in the Eureka area. We did see increases when we did that in yelloweye impacts. We definitely saw a distinct difference moving to deeper water and we expect we'll see that here again as well but we do have some room in our California yelloweye harvest guidelines to be able to accommodate a little increase in the impacts that is expected to come with this move. Again, this is also a little bit about equity in the sense that we already have commercial non-trawl fishery is already operating out to 40 fathoms in this area, and similarly I mentioned the northern recreational fishery is out at 30 fathoms already and then further to the south, when you get to the San Francisco area, those depths are already deeper as well so looking forward to finally giving the Fort Bragg recreational fishery a little more opportunity here. Also, one other notable thing that would occur with this change to move the line to 30 fathoms. This will be the last place in our regulations where we were having a, or we had been operating under a 20-fathom depth constraint. We've kind of incrementally removed those constraints as we've loosened the belt over the years in various parts of California and we were operating with a different definition for this RCA line when it was a 20-fathom line. We did not establish waypoints for the 20-fathom line, but rather anglers were left to using a general contour line without any clear definition of a waypoint or anything else to make very clear whether they were inside or outside of that line, so we're eager to move away from the use of the 20 fathom general contour line and implement the use of waypoints in this area by establishing the regulation for the 30-fathom line, so that's a key advancement in the recommended change here, and then that would get rid of the use of that 20 fathom general contour definition that we've kind of been living under for decades and has kind of been sort of a thorn in everyone's side, both for the public and for enforcement in terms of, you know, a bright line test about whether you're fishing in legal depths or not.

**Marci Yaremko** [00:00:00] Okay so moving to recreational number two, the San Francisco Groundfish Management Area proposed to increase the allowable depth from 40 to 50 fathoms. Again, we feel like

there's room in the yelloweye harvest guideline to allow for this. The areas further to the south for recreational fisheries down in the Morro Bay area and Monterey are already out at 50 fathoms so this one area here adjoins or is adjacent to that area so this would allow for an extension out to 50 where that central area already is. There are other fisheries that operate out at this depth in the San Francisco area. The band between 40 to 50 fathoms, the GMT Report 4 describes a number of fisheries that operate in these allowable depths and some of these fisheries are, I guess I would describe them as not low impact when it comes to habitat. Specifically we have open access bottom trawl fisheries in this area that are open out to 100 fathoms, specifically the California halibut trawl fishery, the California sea cucumber fishery, the ridgeback trawl fishery and the pink shrimp fisheries are all able to operate in this area and do operate in this area and they are using the bottom trawl gear in their activities. Similarly, we have trap fisheries that occur in this area, Dungeness crab, probably some Rock crab so, and then we also have, well I'll get into some of the other fisheries later, so this area is going to stay relatively heavily used. Moving further south to number three, the Southern Groundfish Management Area increasing allowable depth during the open season from 75 to 100 fathoms. We are fortunately entering the area of having cowcod being rebuilt, and that is a major advancement for Southern area fishery management so increasing the depth from 75 to 100 fathoms is not expected to have undue consequences on our impacts to cowcod or to yelloweye acknowledging the 50 metric ton ACT and the sharing of that ACT between trawl, commercial, trawl and non-trawl sectors and recreational sector so there's room in the cowcod sharing arrangement for some additional impacts to cowcod in the southern area. Looking at fisheries that occur out in the waters between 75 and 100 fathoms in Southern California, you have a robust spot prawn trap fishery. I described the open access bottom trawl fisheries. This is kind of the heart of their operations for ridgeback and California halibut trawl. We also have had fish trapping that goes on out in this depth range, a fairly significant fishery for hagfish and we also have some Box crab experimental fisheries going on as well. So, in the south we also have a lot of people. We have a lot of folks interested in having additional access to the southern area there between 75 and 100 fathoms. Want to acknowledge some testimony that we heard yesterday under public comment on these recreational line changes. We heard from Merit McCrea, who described the need of the recreational CPFV fisheries to better distribute the fishing effort into other areas that opening up out to 100 would allow the fleet to disperse itself better and that there's unanimous support for that move on the part of the CPFV fleet. We also heard from Gerry Richter, who commented to us that this was, that the move from 75 to 100 he was commenting mostly on commercial fisheries, but that that was something that was amenable to the fishery sectors, but also was not likely to pose significant habitat concerns given the testimony also that we, based on his discussions with Tom Rudolph that have transpired over the past few weeks. I want to acknowledge what we heard from Tom in his testimony. While he indicated he wasn't ready to say if the supplemental GMT analysis in report 4 was good enough and that it raises many important questions and some that haven't been answered yet, that his concerns were especially centered on the seaward RCA line proposals that were brought forward in the inseason action, so I want to reiterate and make incredibly clear that the RCA proposals in this motion pertain only to shoreward line changes. We're talking about the nearshore areas that are already largely utilized by other fisheries, including existing commercial groundfish fisheries and existing recreational groundfish fisheries. So then quickly just moving to the commercial. Much of the discussion pertains to what I've already covered in the recreational overview. Moving the RCA boundary from 40 to 50 fathoms between Point Arena to Point Conception, this would create equity between the commercial and the recreational groundfish fishery fleets. They'd all be in the same swath of water, would offer a modest increase in access to these fisheries, again, you know, into areas that are already utilized by other fisheries. I think that's, that's it.

**Phil Anderson** [00:08:14] All right. Thank you, Marci, for those remarks on your motion. I'll go ahead and entertain any discussion? Turn to Louis Zimm.

**Louis Zimm** [00:08:23] Well thank you Mr. Chair and thank you very much Miss Yaremko. As some

of you may know the Southern California interests have been very engaged in this, as well of course the other interests up the coast and I want to particularly thank the Department of Fish and Wildlife, California for their beyond the call of duty and most likely beyond the call of overtime to work this all out. It's been quite a, quite a campaign and I think that we've all reached the proper place for us to be at this time with incremental losing of restrictions of moving lines and I also want to say that I'm glad that we passed the RCA's because the cowcod RCA will inform us whether we're making the right, made the right decision and also I want to note that even though we're being open to deeper waters in all the recreational areas, there are seasonal restrictions more draconian to the north but still seasonal restrictions that do keep a handle on this fishery, so I'm looking forward to more information in the future and perhaps we could loosen up some more of these seasonal restrictions. Thank you.

**Phil Anderson** [00:10:14] Thank you Louis. Further discussion on this motion? Todd Phillips.

**Todd Phillips** [00:10:21] Yes thank you Mr. Chair. I just had one clarifying question for Miss Yaremko. To make sure that I understand correctly that in your motion you have no intent for gear restrictions? That was my question. Thank you.

**Phil Anderson** [00:10:42] Marci.

**Marci Yaremko** [00:10:44] Yes. Thank you very much for the question Todd. I probably should have been more explicit in my overview, but yes, south of 40°10' we've taken a very different approach to the step forward that we're looking for in this specifications package. We are not taking any gear restrictions in these adjustments to the RCA lines proposed here but notably, these proposals differ substantially from what we brought forward under the inseason actions in April. We have eliminated the recommendations to modify the seaward RCA boundaries for commercial fisheries south of 40°10', that was of primary interest to our commercial constituencies in order to attain some access in that area between 125 and 100 fathoms and then south of Conception in that water between 150 and 100 fathoms and I feel at this time that we do not have analysis that is adequate to address the habitat impacts that, you know, based on what's right in front of me. Doesn't mean we can't work on that into the future but I feel that the analysis is more robust on those shoreward lines and so the step that California is proposing to take for areas south of 40°10', is to seek only those shoreward RCA adjustments at this time and then we'll leave discussion on the seaward lines for another day, so essentially we looked at, I don't want to call it a trade, but a different approach to our proposals for RCA adjustments that does not involve examining using only a subset of gears, and that was a consensus recommendation that was loud and clear in our California delegation. We heard concerns from Gerry yesterday about the declarations and the limited entry fixed gear difficulties that they would be kind of put in the situation to have to use open access gear and fish under open access limits. I had some dialogue with Captain Puccinelli about some concerns that we didn't have time to thoroughly vet about how we'd work through that in short order, and then again loud and clear from our constituents up and down the state that they did not want to attempt to parse out only hook-and-line gears at this time so I guess I'd describe it as, you know, we're going for the all or nothing with the gears but the recommendations we are making in terms of adjustments are quite modest and scaled back considerably from where we came under the April inseason action proposal.

**Phil Anderson** [00:14:42] Okay. Bob Dooley.

**Bob Dooley** [00:14:46] Thank you Mr. Chairman. I just wanted to make a few comments on this and I really appreciate Marci's good work on this motion, and in the larger picture I really appreciate the fact that we're finally making moves to get our fishermen back to work and expand the amount they can take, as well as the areas they can fish in and it's been a long time coming, and I'm really appreciative of this heavy lift that the Council's undertaken on this and I hope it pays big dividends to our commercial

and recreational fleets that have been out of these areas for many, many years and offers a measured way to get back in there and illustrate that it's okay to do so. I do appreciate that a lot. I, we heard through this whole Council meeting a lot of discussion about accountability, about EM, about monitoring and all that and this particular focus has been on habitat, but the reason the area we've heard this and comment to, the reason the area was closed to begin with that it wasn't habitat, it was the actual fish and the impacts on fish and I think we need to keep our eye on that ball as well, and I'm pleased with all of the support in report 4 that describes how, how we will be keeping the eye on that ball, but I would point out that on page 19 of the report, GMT Report 4, the second paragraph, it points out that actually the commercial non-trawl sector is, does not have real time bycatch monitoring and you know that shocked me that they were actually rated below the accountability measures that are taken in the recreational sector and I was, you know, it took me aback because I didn't think that was the case. So I asked some questions of members of the GMT and such on this and I found out that they don't have logbooks in that sector and it would seem to me I while I'm not, you know, that we should consider that in the future, doesn't need to be a condition at this point in my mind but I would hope we would move in that direction to get the information of the impacts on the stocks as we start moving into those areas, particularly in the south, and understand the impacts on the stocks and understand what kind of, when we move into areas where we've been prohibited from being that we're doing our due diligence that way and I'm confident with all of the evidence, there are all of the justifications in the report of how that's going to take care of and how we have enough buffers in place, but I think we need to, you know, patch deficiencies wherever we can, and I think that might be an easy lift. I'm not trying to impose unreasonable burdens on sectors or anything like that, but that was a shock to me. I also heard reports from some members of the industry, as well as members of the GAP that said that the observer coverage in that particular sector was down because of various reasons and it was nowhere near 20 percent, now I know that's antidotal, but I would hope we would look into that and, and try to get more information on this so that we can understand and actually better, take some of the uncertainty out of this so that we can be more permissive and let people into where these fish live, not as a restriction but as a justification and evidence that is, that of the impacts of this change so I'm not looking for, you know, something in an adjustment here. I'm just making a comment and I really do appreciate all the work and I'm excited about seeing our fishermen get back to work. So, thank you.

**Phil Anderson** [00:19:00] Thank you Bob. Further discussion on the motion that we have in front of us? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:19:14] Aye.

**Phil Anderson** [00:19:19] Opposed, no? And abstentions? Motion carries unanimously. I believe we have one more motion to go before we'll take a break here and I'll turn back to Marci.

**Marci Yaremko** [00:19:36] Yes thank you Mr. Chair and I'll call on Sandra. Thank you, thank you. All right. I move the Council adopt California recreational management measures and season structures as described in Agenda Item G.6.a., Supplemental CDFW Report 2, April 2020. So, this includes all the non-RCA items in action item 16 for California recreational. So specifically, those are the same season structures as in 2019 and 2020 and the following modifications to the ten fish rockfish, cabezon, greenling aggregate bag limit. One, eliminate the sub bag limits for cabezon, black rockfish and canary rockfish, and two, establish a sub bag limit for vermilion rockfish at five fish.

**Phil Anderson** [00:20:43] Thank you Marci and the language accurately reflects your motion?

**Marci Yaremko** [00:20:47] Yes it does. Thank you.

**Phil Anderson** [00:20:49] Thank you. And do we have a second? Seconded by Louis Zimm. Go ahead

Marci speak your motion.

**Marci Yaremko** [00:21:02] All right. We are very pleased to eliminate the sub bag limits on cabezon. This healthy stock offers an increased harvest specification that provides lots of room for increased recreational harvest of cabezon so eliminating this sub bag limit is something that will bring about a simplification to the regulations. Our catches are well within the allowable limits for cabezon so we're confident we can remove this sub limit. For black and canary rockfish, these are two that over the years we've had to have lower sub bag limits because we were constrained by our harvest limits and our catches were difficult to keep within limits without having a fairly restrictive bag limit. Over more recent times our catches have stayed within those sharing arrangements and we are now able to eliminate both sub limits for black and canary rockfish, which again will streamline and simplify the regulations. For canary this has been a pretty long time coming. We started, gosh I think only maybe four years ago with a one fish sub bag limit and been very cautious about that and wasn't entirely sure how the fishery would respond and then we incrementally increased it to two and then three fish and now it appears that our catches are staying within our canary recreational care so we're excited to offer some more flexibility in our bag limit by not imposing a sub limit. Similarly for black we, I think we're down as low as a two fish sub limit I think, and have been able to incrementally increase the bag limit and now finally able to repeal it altogether but in getting rid of these sub limits I'll note that doesn't change our interest in our catch tracking that we will continue to monitor our performance of these fisheries in our recreational monitoring programs and we do have an ability to adjust bag limits if we need to on an inseason basis but we're pretty confident that we will do just fine without sub limits on these. A little bit on vermilion, we've had quite a bit of discussion around the table on this beginning at our March Council meeting and then our evening session and our delegation where we held kind of a special hearing for proposed spex items. We are exceeding the OFL contribution of vermilion to the minor shelf complex. It's primarily catch that is occurring in our recreational fishery, so we know we need to get our, have our management respond to this overage. However, and most importantly, we are looking forward to the upcoming vermilion stock assessment that the Council prioritized yesterday. That is hugely important. I guess we did that? That's a hugely important stock assessment for California and we are hopeful that this vermilion sub bag limit of five fish is a short term measure and that with a new stock assessment, where all indications are that the stock is healthy and growing, that we will have a new set of specifications to work within the next biennium that and that we can hopefully not have the sub limit for this current biennium. So, there's a need for this action now, but we're hoping it's a short-term thing.

**Phil Anderson** [00:25:54] Okay thanks. Thanks Marci. Marc Gorelnik.

**Marc Gorelnik** [00:26:06] Not sure why my hand was raised. I probably failed to lower it after trying to second so I will pass on the opportunity.

**Phil Anderson** [00:26:14] Thanks. Any further discussion on this motion? Louis.

**Louis Zimm** [00:26:21] Thank you Mr. Chair, and I was hoping that Marc would take this duty, but once again I, our fleet and the people that I've talked to down in Southern California here do support this motion. I am going to take some heat on the five vermilion situation, but I cannot see any way out of it. The department has worked very closely with us to explain the needs and the reasons for this move to the five fish limit and I also want to point out that their allowance of us out to a hundred fathoms, our intent is going to be to search for other rockfish species that we can use to maybe substitute for some of those five vermilion. So, I want to thank the department for this motion. Thank you.

**Phil Anderson** [00:27:26] Thanks Louis. Any other discussion on this motion? Okay we'll go ahead and call for the question. All those in favor say 'aye'.

**Council** [00:27:36] Aye.

**Phil Anderson** [00:27:36] Those opposed, no? Abstentions? Motion carries unanimously. I want to first just go back and check in with Todd here understanding that we still have some business to do relative to shortbelly. I just wanted to check in with you and see if there are other outstanding actions related to our action item list that we need to be prepared to address when we return from our break.

**Todd Phillips** [00:28:16] Thank you Mr. Chair. Going through the action item checklist and correlating that with the motions made, at this point I would say that we are, we are all covered up until, as you know, the shortbelly rockfish discussion that would happen. I'll be double, triple checking during the break and be prepared to respond to if there are any deficiencies at that time.

**Phil Anderson** [00:28:45] Okay. Thank you. There was a request for an extended break here this morning. I am going to first ask if 45 minutes would be sufficient, and I don't know who I am asking that of, but if someone thinks that something longer than 45 minutes is needed, now is your time to voice that perspective. Heather Hall.

**Heather Hall** [00:29:17] Thank you Chair Anderson. I think we were hoping to have an hour. I know that 15 minutes is not a huge difference, but I think if we could have an hour that would be really helpful.

**Phil Anderson** [00:29:29] Okay then that's what we'll do, and we'll take a break here and we'll return and reconvene at eleven o'clock so and we'll resume our Council action under F.1. on our return. So, we'll stand in recess here until eleven o'clock. Thank you.

**Phil Anderson** [00:00:00] Welcome back everyone. This is Phil Anderson again. We'll reconvene our Council meeting here on Thursday, June 18th, at 11:15. This morning we have been working our way through our action items under our Agenda Item F.1., which is our final action on management measures and EFP's for the 2021, 22 calendar years and we had been working off of, or tracking our work on Agenda Item F.1 Attachment 9, which is our action item checklist and we had worked our way through all of the items that are contained in that attachment with the exception of our action relative to shortbelly rockfish and so we are ready to take that item up and let me first before I open the floor for any discussion that my colleagues may want to have let me just first check with Chuck Tracy and then with Todd Phillips to see if I've accurately characterized where we are on this agenda item.

**Chuck Tracy** [00:01:30] Thank you Mr. Chair. I believe you are correct. I don't have any further comments.

**Phil Anderson** [00:01:37] Okay. Thank you. So I will go ahead and just open the floor up for any, I know there's been a lot of discussion about shortbelly rockfish and what the appropriate steps are here in terms of putting certain management parameters in place for this important forage fish species so I will open up the floor for any initial comments that my colleagues may have. Maggie Sommer.

**Maggie Sommer** [00:02:24] Thanks Chair Anderson. I'll break the ice with an easy intro which is just you referred to all of the conversations that have been going on about shortbelly, all of the engagement we've had and I just wanted to recognize that that has had an extra layer of complication because of the remote nature of this meeting and I really appreciate all of the engagement and participation and conversation that has helped all of us become well informed about this item and given us a lot of food for thought as we hear each other. So just wanted to start off by really recognizing and appreciating that.

**Phil Anderson** [00:03:11] Thanks Maggie and I would echo that. I know conducting our meeting in this virtual mode takes away our opportunity or a lot, it makes it more difficult for sure to have those sidebar conversations and further and better understand where folks are coming from on different agenda items and I know there's been a lot of effort made by my colleagues around the table to have those conversations even though we are conducting our meeting in this sense. Let me call on Tom Sinclair from the U.S. Fish and Wildlife Service.

**Phil Anderson** [00:04:09] You'll need to unmute yourself. I'm showing your mic, it says being muted. There you go.

**Tom Sinclair** [00:04:23] Thank you Mr. Chairman. Sorry about that.

**Phil Anderson** [00:04:26] No problem.

**Tom Sinclair** [00:04:27] I'm Tom Sinclair with the U.S. Fish and Wildlife Service The service appreciates the comments and discussion related to shortbelly rockfish and we are encouraged by the current trends in population status. We also appreciate the extensive efforts of the GAP and the GMT at this meeting. Shortbelly rockfish provide critical forage for Chinook salmon that continue to decline in abundance and sea birds whose populations mirror the abundance and scarcity of shortbelly rockfish. I think we can all agree that the recent trends of abundance in shortbelly rockfish will not continue in perpetuity, it will fluctuate significantly due to ocean conditions. When this occurs, we don't want to add an additional layer to Council deliberations before meaningful action can be taken. That is our fear if shortbelly rockfish are moved outside of the fishery. It seems much more reasonable to simply increase the ACL to a much higher level of 3,000 metric tons, one which industry has never come close to exceeding to account for the current increased interactions that we're confident will occur versus removing management right before we know there will be more interactions. Our intent is not to constrain or curtail fisheries, but since it is such an important forage species, especially the juvenile shortbelly rockfish, we would like to see assurances when populations are low. Thank you.

**Phil Anderson** [00:05:41] Thanks Tom for those remarks. I'll looked to others. I'm also happy to entertain a motion when you're ready. Heather Hall.

**Heather Hall** [00:06:03] Thank you Chair Anderson. I do have a motion to offer on this and Sandra if you pull up our WDFW motion for shortbelly and before I read the motion, I did notice that I forgot to change the, this is actually WDFW motion 2. Thank you. I move that the Council reclassify shortbelly rockfish as an ecosystem component species in the groundfish fishery management plan. The ecosystem component designation would still allow the Council and NMFS to monitor and manage the species, and in a timely manner determine whether Federal management is needed for the National Standard One guidelines. If catches exceed 2,000 metric tons in a calendar year, the Council will investigate changes in catches, stock abundance, fishing behavior, marketability or other factors and reconsider EC species designation. The Council may also recommend other management measures for shortbelly rockfish that meet the Council's ecosystem objectives in the FEP. Other management measures may include, but are not limited to, area closures, gear prohibitions, bycatch limits, seasonal closures, permits, et cetera.

**Phil Anderson** [00:07:56] Thank you Heather and I believe the language on the screen accurately reflects your motion?

**Heather Hall** [00:08:00] Yes it does.

**Phil Anderson** [00:08:03] Thank you and is there a second? Seconded by Pete Hassemer. Go ahead

and speak to your motion Heather.

**Heather Hall** [00:08:11] Thank you. As Maggie mentioned in the introduction, there's been a significant amount of discussion around this issue and I really appreciate the discussion, the willingness of people to have good conversations and collaborate on a path forward. I recognize that there are different views about which pathway might be best, but I just want to say in general I feel like for the most part we're on the same page. So we've, management of shortbelly rockfish using a low ACL was intended to accommodate incidental bycatch of shortbelly rockfish while allowing most of the harvest, harvestable surplus of the stock to be available as forage to predators in the California current ecosystem. New recruitment information provided by the GMT clearly shows the variability in that abundance, and to provide some context, the GMT noted that the shortbelly population sizes in 2019 may be on the order of magnitude 1,000 times greater than in 2005. So, knowing where to appropriately set an ACL to maintain the precautionary approach is difficult without more information on the current status of the stock. The Council moved closer to getting that information in our recommendation yesterday to consider a shortbelly assessment in 2023. So until then, as I mentioned, I hear a common desire to continue to be precautionary, to keep management simple and acknowledge that the best management approach for now relies on self-regulation by industry. The GMT in their report 3 under this agenda item did a good job of outlining the factors that should be included when, considered when, when thinking about whether a stock is a good candidate for EC management. We've heard testimony from the GAP and whiting industry members that the incentive to avoid schools of shortbelly rockfish is largely driven by the reduced economic value of whiting landings that include higher shortbelly bycatch, and I understand that they're using their cooperative manage approach to avoid shortbelly rockfish as much as possible. I think it's challenging to see how that economic benefit and efficiency by way of avoiding shortbelly rockfish would change under an EC species designation, and just would note that this self-regulation by industry is one of the factors that the Councils can consider in determining whether stocks require conservation and management per National Standard Guideline One. So this motion is intended to address, to address the common interest in ensuring that we're carefully monitoring incidental catch and responding to changes and an overarching intention is that we maintain the precautionary approach that we've long taken for shortbelly rockfish but not depart from it, and I'd be happy to take any questions.

**Phil Anderson** [00:11:50] Thanks Heather for the motion. We'll have some discussion on the motion. Aja Szumylo.

**Aja Szumylo** [00:12:05] Thank you Mr. Chair and thank you Heather for the motion. So, I have two questions just for clarification. One, the way the motion reads it sounds like that reconsideration about catch or about the status of the stock in the fishery if catch exceeds 2,000 metric tons might happen out of the biennial cycle, so I'm wondering there if the intent is rather to align that consideration with the biennial cycle rather than making the change mid-cycle or if the intention is to have that happen at each year, at each fishing year, as soon as we identify catch exceeding that level.

**Phil Anderson** [00:12:49] Heather.

**Heather Hall** [00:12:51] Thanks Chair Anderson. Miss Szumylo. Yeah we discussed having something more definitive in the motion that would specifically trigger that conversation under the spex process, but also wanted to acknowledge that it could happen at any time and so wanted to leave it open that this conversation could happen during inseason or whenever it was most appropriate, so not specifically having it limited to just during the spex process.

**Phil Anderson** [00:13:34] Maggie Sommer.



**Maggie Sommer** [00:13:38] Thanks Chair Anderson. Part of some of these discussions on this, my understanding, or I guess my thinking about this is that it would be best to align it with the spex process that allows us to consider it along with the more holistic suite of other potential changes and actions we are considering as part of that. We just wanted to I guess provide some flexibility to allow for whatever the circumstances might be at the time, whatever our expectation is, for example on the availability of new stock assessment or other relevant information on shortbelly rockfish, but I think the, I think the best place for such reconsideration of the EC species classification would be in a spex cycle.

**Phil Anderson** [00:14:46] And Aja you still have your hand up. Do you wish to address that further?

**Aja Szumylo** [00:14:52] Thank you Chair Anderson. Yes, I have a second question, and yeah I just, you know I can save this for discussion or I'll save my comment about that, the verification Maggie and Heather. My second question is about the final sentence of the motion, so other management measures may include but are not limited to a suite of different management changes, and my question is similar, what's the intention for using that suite of the changes in used in a....(signal lost)....my or is it something that would be planned for the beginning of the fishing year at the beginning of a biennium, and again my concern there, just in terms of what we analyze here, is that I would want the suite of potential management that we might use in response to different things still analyzed in this action and transparent to the public so that people understand what actions the Council might take to address catch issues. I see the same potential issue that we have right now where there's uncertainty about what the management response might be under the circumstances and they run into the same issue that we ran into with the non-trawl RCA changes in specifications where the agency isn't able to quick fix the fire and the Council can't confirm that the analysis is there to adequately support a quick change inseason, so if we go that direction, you know I know that the Council has the inseason framework already set up, but I'd want to just make sure that we, that the Council's analysis for this action includes some discussion and analysis around what would happen for those potential changes right now. The other alternative that I see and how you stated that is that this just might be a description or a nod to how the Council might manage the forage rule or ecosystem rule of shortbelly in the future if it saw some issues with catch rising above a certain level while it was an ecosystem component, and so that if, that's one possibility, too, if you're not really intending to plan for those uses right now and are just saying, you know, as justification we might go in this direction in the future, that's one thing, but I just want to note that it will be troublesome coming back in inseason unless we plan for it, plan for the potential inseason responses in advance, and I'll stop there. Thank you.

**Phil Anderson** [00:17:23] Thanks Aja. Heather.

**Heather Hall** [00:17:27] Thank you. Yes I think, Miss Szumylo, your understanding the intent here with that last sentence to be more, more broad and we really wanted to just be able to highlight that we, and we would need to analyze management measures and recognizing that and the suggestion I mentioned before about, you know, inseason was really just to get at if there's an extraordinary conservation need, we wouldn't need to delay any discussion until a spex cycle, if that was far out, and so recognizing that there would need to be some analysis done on management measures that would be utilized down the road when we identified a need, so I hope that helps.

**Phil Anderson** [00:18:27] Okay. Other discussion of questions on the motion? Christa Svensson.

**Christa Svensson** [00:18:35] Thank you Mr. Chairman and I feel like I should say something, considering shortbelly appears to be near and dear to me in terms of coining the term potato chips for the Council process. I would like to say that I am appreciative of the motion. I am appreciative of industry for coming forward, both in terms of the fleet who brought the issue to our attention, but also to the processing community who really has highlighted why both at this time and in the future we're

unlikely to see a market developed for this fishery. I'm not saying never, but it's unlikely. I'm also appreciative of the 2,000 metric ton flag. One of the concerns I had about going this route was that, you know, you can say you're going to monitor and manage, but kind of what check is in place there, so I think that for me does provide a bit of reassurance and that if there are other recommendations for management measures on shortbelly specifically, I would be interested in hearing about those, particularly from folks who are a bit more familiar with groundfish and what would be potentially successful and with that I will close my comments. Thank you.

**Phil Anderson** [00:20:00] Thanks Christa. I'll go to Rich Lincoln.

**Rich Lincoln** [00:20:07] Thank you Chair. I appreciate the opportunity to provide some comments. I will be supporting the motion. I just wanted to offer a few insights about my thinking along those lines. There's been a lot of discussion in our Council meetings, both in the last one and earlier this week about the potential comparison between ACL management and potential classification of shortbelly as an EC species and I think earlier in the week, part of the connotation or part of the, I guess connotations the right word, that some people have felt about an EC designation. I think one of the phrases that came up earlier in the week is that for some people it represented taking our hands off the steering wheel and I have to say that I think the team did a great job in its report, detailed, thorough analysis of the topic but at the same time, I did take exception to one particular statement that the team made in its presentation that I think actually inappropriately contributed to this idea of taking our hands off the steering wheel and that was a fairly declarative statement in the team's presentation that I think it was something along the lines of best available science supports that forage and conservation objectives for shortbelly could be accomplished even if full ABC was taken in 2021, 22 and I thought that was a bit of an unusual statement from a couple of perspectives. One, that it's usually the purview of the SSC and NOAA's internal process itself in terms of making declarative statements, the best about best available science. Not that the information that the team presented in its report wasn't relevant, but I felt that that particular statement was probably would have been much better characterized as a, an informed opinion of the team rather than a declarative statement about best available science and I say that from a number of different perspectives but the most important one, I think, is that the Council's never identified specific objectives, forage objections for shortbelly in the ecosystem. There's a lot of uncertainty in our overall ecosystem plan about what the forage needs are to ensure ecosystem health and I think all of us will remember that we've had a lot of discussions in the Council process about the interest and need for ecosystem indicators and the difficulty of doing that, so I just thought that was a bit unfortunate and perhaps lending to this idea that we could just about do anything in the Council in terms of catches up to some level like that without having any concerns and I think that, for me that started to create this characterization of EC species as being a designation, as being something that really identified a lack of management conservation concern, especially given the Council's importance that it's recognized of shortbelly as a forage species in terms of the California current ecosystem health. So I think the, some of the discussion that we've heard from public comment is that if we made an EC species designation and stopped using an LC, ACL management approach, that, that was kind of a bad idea because the ACL had been a, an essential tool in ensuring that bycatch was, it was minimized for the species and I think that we heard a lot of, we have had a lot of discussion in the Council process in terms of market conditions and operational constraints in the fishery that would, I think, lead me to conclude that currently there isn't really, I haven't seen evidence that the ACL management by itself has been a key factor in terms of the bycatch outcomes in the fishery. With that said, I think that feeling or that idea that ACL management is a key tool to minimize bycatch is premised on an idea that without specifying an ACL that somehow fishery behavior, fishermen's behavior would change and that there would be targeting and significant increases in bycatch, and I would suggest that that certainly could be viewed as a hypothesis and I think that the Council taking, potentially taking this path of an EC species designation would be a pretty, would provide a pretty easy way to test that hypothesis without presenting much risk, especially in the way that the motion has been developed. If the motion passes, I

am going to offer some further guidance about that the Council might offer the team in terms of specific guidance, including a line on inseason sport, the report card in terms of just the monitoring the status of shortbelly catch during each of the seasons so that, so that we are visibly keeping track. Personally, I would be really surprised, I mean we're seeing bycatch in the last couple years and it seems to be tracking this year like, or catch levels of shortbelly in the fishery that have been well less than a thousand tons and I think if we are keeping some clear visibility and tracking of the fishery that we're going to, we're going to see pretty quickly any significant increase in bycatch that could lead to this kind of discussion with industry about...so what is happening out there and a chance to look at some of the investigations that the motion calls for in terms of trying to understand whether behavior of market conditions have changed that would lead the Council to towards a future reconsideration of whether the EC designation should be changed or whether specific management measures might be needed. I wouldn't necessarily, I wouldn't expect that those changes would happen inseason, but certainly the discussion and investigation could happen at any time and should happen if some of those changes are observed in terms of deciding what the appropriate course of action might be in terms of future management response. I think that I will stop there. I think that this is a thoughtful motion. It has, it anticipates the idea that we're not taking our hands off the wheel, but we're actually implementing a considered kind of management strategy that presents both some vigilance and some opportunity to implement management changes in the future if they appear warranted, in fact for some reason the hypothesis that we have concluded that market and operational conditions are in fact doing a good job of controlling catches a shortbelly for some reason change in the future. Thanks.

**Phil Anderson** [00:28:26] Thanks Rich. Louis Zimm is next.

**Louis Zimm** [00:28:30] Thank you Mr. Chair and thank you very much for that Mr. Lincoln. That extensive review of possibilities has reassured me considerably on this measure. I do need to have one clarification and this is probably because I haven't been, I don't have the experience that you have and this, you can answer this or maybe Aja can answer this, is what is the difference between an EC species and a shared EC species as it applies to a directed fishery for shortbelly?

**Phil Anderson** [00:29:18] Aja, would you like to take that?

**Aja Szumylo** [00:00:00] Thank you Mr. Chairman. Thank you, Louis, for the question. I'm actually, I only really understand ecosystem components and the Magnuson-Stevens Act contacts. I don't have the FMP background and details about the shared EC species in the Pacific Fishery Management Council FMP so I would defer that question to somebody who's been around in this Council a little longer than me and can maybe highlight the differences.

**Phil Anderson** [00:00:29] Why don't you go ahead Louis with any additional remarks you have and if someone volunteers to answer that question, we'll get to that.

**Louis Zimm** [00:00:39] Well thank you very much Mr. Chair, and that does make me feel a little better as far as my, the breadth of my knowledge, so maybe I could just cut this question down to, if we designate this an EC species, is there any possibility of a directed fishery for shortbelly legally?

**Phil Anderson** [00:01:06] Aja can you just take that one?

**Aja Szumylo** [00:01:11] Thank you Mr. Chair and thank you, Louis, for the question. I struggle with this one a bit because I don't, you know my, the definition of a directed fishery is very hard to pin down in a multi- species complex and so if you mean a trip that's targeting shortbelly in particular that's, you know, that's one constant I've seen a trip connected....(background noise)..... a truck is outside of my house.....if you mean a trip that catches shortbelly and lands it and retains it, that's a different answer

and I'll need to reconsult with the regs on that, I don't have that offhand right now, but I am wondering what exactly you mean about directed, and that can help refine my answer but....

**Louis Zimm** [00:01:59] Well thank you Aja. Thank you, Mr. Vice Chair. Yes?

**Phil Anderson** [00:02:04] Just hang on just one sec Louis if you would. John DeVore.

**John DeVore** [00:02:11] Yeah thank you Mr. Chair. Mr. Zimm to answer your first question on what the definition of shared EC species is. In our context it's an EC species that's designated so across multiple FMP's, so the example of that is krill, which was considered under the FEP but it's also a prohibited species in all our FMP's. The answer to your second question is hearkening back to Marion. It kind of depends. I mean one of the things that goes with an EC designation is a clear monitoring requirement, and one of the things that we need to monitor for any EC species is potential evidence of targeting, and if there is such evidence then we have to reconsider whether an EC designation is appropriate at night and that we've already experienced that when we originally classified Big Skate as an EC species and then subsequently we got some information that suggested that you know there probably was some targeting of Big Skate and so that was reversed and now it's actively managed again, so that's, from my understanding is how the EC management goes. You have to monitor. You have to be checking to see if there is targeting going on. You also have to if you have information on stock status and it looks like the stock is potentially subject to overfishing or being overfished under whatever criteria you might consider, in this case perhaps an MSY from a stock assessment, which is what we're using for our definition of OFL currently, that sort of thing might trigger a consideration for active management of the stock if it looks like those things are happening.

**Phil Anderson** [00:04:21] Thanks John. Chuck Tracy.

**Chuck Tracy** [00:04:27] Thank you Mr. Chair. Maybe just to clarify, between the EC and the shared EC's, actually krill is not a shared EC species. I don't know there might be thousands in that, in the list, but that was a separate classification for krill so EC species, however, are designated across all our FMP's. There's a specific list of those and they also have a set of criteria for considering fishing on them so these, you know these are initially classified as unmanaged forage fish, so that is how they came in so that we arrived at that classification, and again we set up some criteria and I believe in a COP to consider removing them from that list if, or other management measures, if impacts seem to increase, so that's the specifics of the shared ecosystem component species, and then the other ecosystem component species I don't have that criteria laid out for them and they are specific to individual FMP's.

**Phil Anderson** [00:05:48] Okay thanks for that Chuck. Louis did we get at your question?

**Louis Zimm** [00:05:53] Yes you did and I particularly like the targeting term, that really helps me because I cannot see how any large oceangoing vessel would target a fish if they get point 0001 cent for when they could just as well target a fish they could get eight cents for, which still isn't very much, but thank you. The targeting was key to me.

**Phil Anderson** [00:06:22] Okay. Aja you have your hand up and is it pertinent? Is your comment pertinent to this topic we're on right at the moment?

**Aja Szumylo** [00:06:34] Thank you Chair Anderson. It was an accident that my hand is up, and I will lower it.

**Phil Anderson** [00:06:38] Okay. Rich Lincoln is it an accident that your hands still up? Okay. So, I'll go to Maggie Sommer.

**Maggie Sommer** [00:06:52] Thanks Chair Anderson. I will be supporting the motion as well and wanted to offer several comments related to it. ODFW has really been putting a lot of thought and emphasis and in fact analysis, both technical and policy, recently across our entire agency on the issue of climate change and looking forward to potential impacts on the fish and wildlife that we manage and their habitats, and what will be needed to make sure we are supporting those populations into the future knowing that there will be, there will be a range of changes in environmental conditions. We really are thinking quite a bit about what's needed to provide for resilience in the face of these changes to provide for potential shifts within predator prey interactions, prey availability, distributions of various species, timing of life cycle processes, et cetera and you know sort of a very big picture here because we are here talking about shortbelly rockfish because of their importance as forage in the California Current ecosystem and I just wanted to emphasize that that really is the priority I'm bringing to this, and within that framework, I do think this is the best approach to managing shortbelly rockfish at this time. We've been responding over the past, it feels like a long time, the past year and a half at least I think to the challenge that managing the stock under an ACL framework presents. We have been pointed more recently after our April meeting to information that really, I guess, it reinforces our understanding of the very wide variability in abundance of the stock as well as distribution and that's really been a challenge with trying to work with the rigidity and the lack of flexibility in the systems of ACL's. It has been recognized that we, in fact, have done that response. We have gone through the process to adjust the ACL for 2020. We have been, I will say reacting and attempting to respond proactively but within this framework it is really a management intensive effort and I'm not sure that I, that it is resulting in any difference in the amount of shortbelly rockfish bycatch. I, you know we have had some input. We've heard some differing opinions on what is driving the current levels of shortbelly bycatch and I really am convinced that it is not regulation, it is the economic and operational factors that have been described to us, so I don't see the ACL management as the right tool to make sure that we are not allowing too much removal of shortbelly rockfish from the system as bycatch. So, I do think this is a good approach. I will pause in just a moment and maybe, I know Rich mentioned he would have some guidance later on and I have some remarks to make. We have heard about the very intensive monitoring, the daily monitoring, information sharing that the whiting co-operatives do among themselves. The transparency, the availability of that information to the public through a variety of routes, I really appreciate that and I will make sure that we, that that continues and that if there are places where we can augment that, that we look for those just to make sure that everybody is aware of what is going on so that we can, as John DeVore said, and as is indicated in the motion, we are able to monitor what's going on. We are able to keep our attention and our understanding on any changes in the fisheries, pardon me, the industry self-management. I just have a couple other things before I conclude here. I wanted to address the question specifically about directed fishery and targeting the exchange that we just had with Louis and Aja and a few other folks jumped in. I know there have been, that has come up in a lot of conversations we have, there's been a lot of thinking about ways to prohibit a directed fishery or a lot of questions about even what a directed fishery means and I just would agree that that's challenging. As an example, point us back to the whiting trips, the shoreside whiting trips that brought some shortbelly into Oregon a few weeks ago and I believe they only landed shortbelly rockfish, no whiting. They went out, fished in an area where there had been clean whiting tows, saw what looked just like whiting on the acoustics and pulled up a net full of shortbelly rockfish, and so those tows coming back in then by some definitions or some understandings may have appeared to be something that could be called a targeted or a directed trip, even though it was never the intent, obviously, to bring in shortbelly rockfish. So, I just wanted to highlight maybe some of the challenges of trying to wrap a definition around that. And finally, I have heard some questions and some concern about the feeling that this consideration of ecosystem component species has really come up very rapidly and I will say it's certainly something that's been on our radar. We discussed it last year. It has been in our range of alternatives and I, for, from my own perspective I will say it really is, you know, we have had so much information presented to us by the GMT, but they have wrote.....I want to thank Dr. Andrew Thompson in particular. I know he, kind of throughout this, has brought in a lot of information that informs our

understanding in shortbelly population dynamics and current conditions and just having the information that the GMT pointed us to again after our April meeting underscored the challenges that our ACL management system presents, and that's one, that's really what redirected my attention back to the potential for an ecosystem component species classification as maybe being even a better route to highlight the ecosystem role and forage value of the stock and manage it appropriately going forward. I think it's a clear signal of what this Council believes is the best use of shortbelly rockfish as forage in the ecosystem and as I said, I support it. Thank you.

**Phil Anderson** [00:15:00] Thanks Maggie. Pete Hassemer.

**Pete Hassemer** [00:15:04] Thank you Mr. Chair. Clearly, I seconded this motion. I would like to offer some words in support of it and maybe address some of the items that were brought up in this discussion. I do believe this is the best pathway forward for the monitoring management of shortbelly rockfish. I do not like the steering wheel analogy, but if that resonates with people, I don't think we're taking our hands off. I don't think we're relaxing our grip. I think we are readjusting our grip to properly and appropriately recognize all of the fisheries that are going on and the interaction or intersection of those fisheries. What as I've priced this and done my background research, I see two things going on here. Number one is the status of the shortbelly stock is really an unknown. There's a lot of evidence of recent high recruitments or good recruitment events, high abundance. Clearly, it's contributing more to some of the bycatch in the fisheries and the recent reports indicate that this might be with us for up to a decade and that's a good thing. If they're important forage species, we recognize that and having them be abundant in the waters is a good thing. On the other hand, we've got fisheries, other fisheries that we're trying to increase the yield of. A couple of things I point out, the midwater trawl EFP or the year-round trawl EFP that has the potential to increase the capacity for fishing on the waters. We've had discussions about whiting in the mothership sector, the amount of quota that is left unharvested each year and the potential to investigate ways or make changes to increase the harvest there, so on that side there is the potential in future years we would see increased harvest in a number of fisheries where we intend that to occur to achieve optimum yield and that may or may not result, and that would be a good thing, that's our desired outcome, and the intersection of the shortbelly and all these other actions is that if everything is going along as we intended and we view that as a good situation, it could result in the closure of some fisheries or sectors of fisheries simply because a particular stock is thriving and doing very well and that's just the wrong direction to go if we have management measures in place that would close the fisheries in that order, so I think this is a very good approach that it allows us to continue to monitor and potentially manage the stock. Ideally this would, some of that monitoring status assessment and various management measures would occur within the biennium but I believe, as Heather stated, if extraordinary events cause unexpected outcomes that we do have the opportunity to address this in the interim, there was a question about the last sentence in the motion, that's simply I think a nod to the toolbox we have with management measures. It's not exhaustive but if there are ways that we could address this issue and also, so I do have concerns, though, that as we went through this and we thought if we take this approach and catches of shortbelly do increase, what is the effect on those forage species, and I know salmon aren't as important to Idaho but up and down the coast shortbelly, juvenile shortbelly are an important forage species for salmon so I have concerns about those impacts. It was noted that it's primarily the juvenile shortbelly that are the prey items but there are other predators, sea lions and killer whales and so forth that eat the larger ones, but I was concerned about what impact this might have on the juvenile forage species so I did a little my own investigation on what's happening and that was triggered by the comment we heard on Tuesday during the public comments section, I guess full disclosure, Heather Mann mentioned that this year the size of the fish that was taken in the bycatch was about 8 to 10 inches. I sent her a query about size of fish in prior years, shortbelly that had been caught. She did send me a picture of this year's fish, at least four, I don't know if was a random sample, but those fish were all looked to be about 250 millimeters, 10 inches. Through her efforts she queried PSMFC who got out to ODFW WDFW staff. I was able to get my hands on length information of

shortbelly and the bycatch for I think 9 years from Oregon and 3 or 4 years from Washington. I just note consistently across the years they are larger fish and what was really unique to me in the Washington samples is they also noted, he noted a minimum size of fish measure, and I think the minimum size in all years was 200 millimeters or something like that, so they're consistently larger fish and I'm not saying there's some selectivity going on here, but it triggers the next question is that if these are reproducing fish, could that have an impact? Well, clearly, they're not catching the small juvenile fish but could this have an impact on recruitment and with some of the recent recruitment events, I thought no, but also I looked back to the last assessment and assuming some of that information is relatively current, there are some length at age plots in there and also there is a proportion of the group that is reproductive at various sizes and you know what? We all know these fish don't get very large and these 10 inch, 8 to 10 inch fish that are being caught in the fisheries right now as bycatch are close to the asymptotic size that shortbelly would reach. They'll get a little bit bigger, but not much and if you look at the sizes and ages at which reproduction is occurring, these fish are reproducing across a wide range of age classes and size classes so I don't feel that it's selecting out a large reproductive portion of the population. So with all those things in mind and trying to balance impacts to one fishery and impacts to the forage species and so forth, again I really feel this is the best path forward is that we are putting some attention on them. We have the opportunity to monitor the catch, the bycatch and we have the opportunity to reassess this designation in the future should something change but maybe importantly, if it allows us to monitor the behavior of the fishery now as we proceed and see how this was developed as we go along. So, thank you Mr. Chair. I'll leave it there and again, I do support, strongly support this motion.

**Phil Anderson** [00:24:15] Thanks Pete. I'm going to jump over a couple of people just to and go to Maggie Smith in the event she has something that's procedural in nature or something about FMP that would be, help us in a, or addressing a prior discussion. Maggie.

**Maggie Smith** [00:24:37] Thank you Chair Anderson and hopefully, I'm sorry, I didn't want to interrupt the flow of the substantive conversations but I did want to comment on the structure of the motion and thinking ahead about what implementation might look like down the road. I think that the motion seems to combine a bit of what I would call sort of operative language and rationale for the action and just to make sure we have a very clear record moving forward, I just wanted to make the observation that it's really that first sentence of the motion that NMFS would be implementing in regulation and you know the remainder of the motion I think speaks to rationale or Council intent or policy moving forward and again, I just wanted to make sure that that was clear. You know I think I would also say just in general, to the extent that, you know thinking about motions, rationale is hopefully something that doesn't need to be included in the motion text because it can be somewhat confusing to our record moving forward and so, you know, there might be questions on that but I just wanted to make that really clear before the Council voted that it would be that first sentence that would be moved into regulation.

**Phil Anderson** [00:26:24] Okay thanks Maggie. I mean, just in response to that. You know I think the second sentence to me is the one that's more justification than a particular direction but I'm not sure I agree with that, with that the sentences that fall below that are in that same category, that they are different in my mind but aren't ones that would necessarily, they look like guidance and provisions that wouldn't be captured in a regulation. That's the way I was looking at this. Anything else Maggie?

**Maggie Smith** [00:00:01] Yeah, I understand your point there, but I, you know, again, as long as the Council is clear that that guidance would not be going into NMFS, cannot be implemented by NMFS and would not be going into regulation. I think that satisfies my concerns.

**Phil Anderson** [00:00:25] Okay. Heather, I see your hand and I'll get to you in a minute. I want to get to Marci Yaremko and Brad, then I'll come to you. So, Marci you're up next.

**Marci Yaremko** [00:00:37] Okay thank you Mr. Chair, and I guess I'm going to start with an apology. I'm very sorry I just cannot get here. I cannot get on the page of supporting this approach to dramatically change how we've been managing shortbelly for many, many years. The sad part about it is I think as Corey Niles mentioned to me last night, you know, we are close, very close in terms of what our ultimate goal is and I think it's just a matter of how we get there and I just can't see getting there by making this complete turnaround and how we classify the species in the groundfish FMP. When I think about shortbelly and the life history and the boom and bust nature and the information that we have in front of us about the current spikes in recruitment, it's, it looks, the trends look quite similar to some of our CPS stocks, things like Jack mackerel, things like Pacific mackerel, where you see one or two years with spikes and then nothing's for many, many years and then another spike comes along and then we go back to nothing. I am not completely sure what the right mechanism is to deal with those events, but one thing I know is that changing the determination and not setting specifications doesn't seem appropriate to me. I feel like shortbelly is kind of just, no one will say it, but it's this inconvenience. It's an inconvenient rockfish and that you know we've had so many discussions about what an appropriate ACL should be. We've taken several regulatory actions in 2019, 2018, 2020 to make sure that we set an ACL that helps us manage the fishery activities appropriately and that there is a response to attaining an ACL. I don't know why with this history of recent action and in our rules and making adjustments that the right approach now is to just stop doing what we've been doing and not take those active steps. I guess it seems like, you know, we're talking about eliminating an ACL because we were having difficulty establishing what the right management response should be, such as a closure upon attainment of ACL's, but we've obtained ACL's before on both healthy target stocks, on overfished stocks, rebuilding stocks and that's what management's all about and while I recognize there is flexibility in the Magnuson Act that allows us to establish management measures on EC species, I just don't know why we are so afraid of continuing to set OFL, ABC, ACL. I just don't, I don't understand it philosophically. I appreciate the discussion we had at the very beginning of this item where we talked about the consideration of removing the species and making it an EC species in the spex process, if that was, this was appropriate in the spex process, and I'll be honest I hadn't really thought about that until we had this discussion. But I do recall back I think at the March meeting there was some discussion about well, we should even though we've you know, we've kind of dismissed this is as viable alternative we should keep it in the range of alternatives because we've already done the analysis so there's no point in removing it from the range of alternatives, which seemed perfectly reasonable to me and now on reflection, I probably should've had more thought about that. When I think about changing a species designation, I feel like we need to be holistic about that, and we took a holistic approach when we dealt with the shared EC species, and we spent a lot of time on that thinking about our other active FMP's and what appropriate measures we establish that would prevent development of a directed fishery, for example. We worked through that, worked through our Ecosystem Workgroup and did some homework and came up with a pretty decent set of rules and I don't think we've been holistic or comprehensive here in looking at the species in the groundfish FMP and what groups of species or what other species also might be appropriate for EC designation? When I think of small, inconvenient rockfish, there is more out there than just shortbelly. Pretty familiar with the Southern California recreational fishery, and there's something called a Flea cod, which is a calico rockfish I believe but we also have half bandeds, squarespots, some others that are small, inconvenient rockfish that are not desirable, not marketable, but are subject to some bycatch due to co-occurrence, so I kind of have a difficult time when we talk about this one species and looking for a path forward and how to continue to manage the bycatch of the species. I just have a hard time getting to a decision that the solution should be to move it to an EC species without a more comprehensive look across the board. A few other notes, no shortbelly are not desirable or targeted. Did look at some historic information that we have in our CDFW records and in 1982, there was a directed commercial shortbelly fishery that took 700 tons in a joint venture, venture with Russia. I guess it failed. There's been no other interest since and I'm not saying that we should leave that option open or preclude it but there was some interest and desire at that time, also Deb Wilson Vandenberg in her long career with us ran a CPFV on board sampling



program and from 1987 through 1999 and we did record 130 shortbelly rockfish kept and retained in the CPFV fishery and that was in the Monterey, Santa Cruz, San Francisco area. So, desire is in the eye of the beholder I guess I'd say, and times change, and I feel like, you know I'm very interested in continuing this discussion and determining appropriate management measures. I'm very aware of the new information on recruitment and I'm glad that we have shortbelly on our stock assessment priority list for 2023. I'm looking forward to new information from such an effort. Clearly there is high recruitment and the GMT's identified that and how we use that information in setting an ACL now I think is certainly a discussion I'd like to have, but not setting an ACL is, is really not where I was hoping to end today. I kind of when I think back to Tuesday and Geoff Shester's testimony and some recommendations about ACT and on attainment of an ACT, looking at trip limits, and in fact he was looking at those CIBA 1 regulations that for shared EC species, right now the regs require that by definition of what a directed fishery is on shared EC species that you cannot land more than 10 tons combined weight of all shared EC species in any trip or more than 30 tons of shared EC species and any calendar year and those volumes are pretty low and in fact, you know, thinking about an aggregate 30-ton annual limit, I mean, that certainly isn't something that would work in the case of shortbelly right now. Don't know about a 10-ton trip limit either but those are management measures that are there right now for the shared EC species so, you know, maybe that's how we get there is talking about some sort of trip limit or total volumetric limit but, you know, it's clearly inbounds to do that for EC species but again, I just don't feel like the way forward is to put the species into a different designation. I think we can move forward within the framework we have and continue to manage appropriately, considering the needs of the industry and the target stocks to access the target stocks so I think I'll stop there, but I do appreciate the discussion and I respect that there are several ways to get to, to get at this issue and, you know, it's been a healthy discussion and I thank you for your time.

**Phil Anderson** [00:12:52] Okay thanks Marci. Brad Pettinger.

**Brad Pettinger** [00:12:56] Yeah thank you Mr. Chairman. You know you look at the shortbelly issue. A few years ago, when the whiting fishery first started catching them, I asked myself, like, what are the fishermen doing different? Are they doing something to catch those fish where might normally, where they have in the past and it's pretty apparent that they haven't been doing anything different and I think it's really important to say that what we're seeing at the bycatch in the fleet is something that it should be expected given the recruitment in the fishery. I think for perspective, I think the page 3 in the GMT 1, Report 1, was that I could read that, it says further shortbelly rockfish recruitment in 2013 was more than three orders of magnitude or forty three hundred times higher than the average year recruitment among all rockfishes from 1990 to 2012. Shortbelly recruitment classes for 2013 and 16 were larger than any recruitment class for any species besides shortbelly rockfish from 1990 to 2012. By all accounts, shortbelly recruitment and subsequent adult populations are astronomically high, and so I think when you read that combined with there.....(signal lost).....rockfish species this year. Why would we see anything different? I mean when we're talking about you know ACL's and ABC's, think about.....we're looking, our ACL's and ABC's are from a 2007 assessment before that recruitment happened. If you look at those numbers and you plug them into a new assessment in 2023, I would submit to you that those that the ACL for shortbelly to be well above a hundred thousand tons. So really, I mean, really, where are we at? I mean as far as, I mean the ocean is very dynamic and it changes greatly in some of these species, and this is a boom and bust species and that's not because any bycatch in the whiting fishery or any other fishery. It's a reality and how are we going to deal with that as we go into the future? Now when I think about management, you know as managers what do we do? Really where we can we incentivize fishermen through regulations to do, to meet our objectives and I think about what could we do more to incentivize the fleet not to catch these fish? I mean, the reality is no one wants these fish. The fishermen don't to want to catch them. The processors don't want to deal with them. The environmentalists really doesn't want us to catch them and as managers we don't them to catch them, so I mean there's no incentive to catch these fish, and I think it's very important as we move

forward. Now we're talking about the EC, doing EC with this stock, I think we have a very recent example, where we're building a species from the management into EC and then back out, and that'd be Big Skate. So, it's not like we're stuck on it. It's not like it's going to the deep freeze in EC forever. I mean this Council has shown itself over the years to be extremely flexible and do the right thing when presented with the right, with the information and I think that looking more out right now, with what the scientists have told us the next 8, 10 years, what's the best way to deal with this fish and I think that what Heather's put forward is a good motion. I'm going to support it and, you know, this is, I'd say this is not a, we visit this every 2 years and I think in closing, you know the whiting fishermen, given these numbers, you've got to give your hats off to those guys for reducing their, or keeping their catch as low as it has been and so I'll stop there Mr. Chairman.

**Phil Anderson** [00:16:57] Thank you Brad. Heather Hall.

**Heather Hall** [00:17:02] Thank you Chair Anderson. My question and comment goes back to what the information Maggie Smith provided us on how this, the motion was structured and the operative language in there, and I just wanted to make it clear that as we were crafting this idea, really one of the important features of this motion and the important thing we wanted included in it was this trigger. So if catch exceeds a certain amount and that was to be, again, transparent and provide that indication to the public of, you know, when we would look to make sure that this EC species designation was appropriate but also look at, you know, what's going on in the environment and the fishery and all of that and so if the regulation or the regulatory pathway isn't right, I just wonder if there is another way where we could make that clear and operative and potentially maybe that's in language that we would add to the FMP. I'm not sure if the regulation is the appropriate place for it, but I did want to highlight that feature explicitly.

**Phil Anderson** [00:18:44] Okay. Aja.

**Aja Szumylo** [00:18:50] Thank you Chair Anderson, and just to address Heather's comment just now. We would not include that 2,000 metric ton evaluation trigger in the regulations and so it'd be something that we'd ask the Council to either include it in a Council Operating Procedure or build into the FMP so it would be the Council's own policy commitment to itself to reevaluate under certain circumstances. It wouldn't be something regulatory, especially since it has no completed action after that point is reached. Thank you.

**Phil Anderson** [00:19:25] Okay. Thank you. Marc Gorelnik.

**Marc Gorelnik** [00:19:28] Thank you Chair Anderson. I'm a bit hesitant to weigh in because this fishery is a bit outside my comfort zone but I recognize, as Brad has said, that we're dealing with a biomass that is rapidly exceeding and the reason, the way we typically deal with this, with populations that can vary year to year, decade to decade is by adjusting our management targets and I appreciate that this stock has potentially become a constraining species for a very important commercial fishery but it seems like there are really two ways to have addressed this. One is to have maintained the current regime and adjusted upward the ACL and other numbers, or two to change the management regime completely and make it an ecosystem component. It seems to me the difference between these approaches is that under our current management scheme, if we had, if we reached an ACL then the burden would be on the fishery to come to the Council to seek relief, whereas now, under an ecosystem component, it's going to be up to the Council to address any problems that come up during the fishing year and I realize we have a guidance here of 2,000 metric tons in a calendar year but there's no requirement here for the Council really to do anything. It's not going to be in regulations and it was mentioned that perhaps this is something that should be undertaken in the biennial spex process as opposed to inseason and I'm not exactly sure whether this could be addressed inseason. What if the

abundance does drop? Are we going to go back to a different management scheme? I just, I mean, I understand the problem and I understand there's more than one way to solve it. I'm just not persuaded that this is an enduring way to solve this problem. Maybe it's okay for the next two years, maybe not but I don't know that this is really the way to address it in a long term and I'll end my comments there.

**Phil Anderson** [00:22:03] Thank you Marc, and I'll have a couple of remarks before we end this, but Bob Dooley.

**Bob Dooley** [00:00:00] Mr. Chairman, I wasn't going to speak to this because everything's been said and from the people that support it and I support this motion. It's a very well thought out, I've been following this and have been involved in this particular fishery for a long time particularly, and had never seen this type of occurrence in that fishery of having so many shortbellies, if any, and I think the data in one of the tables actually demonstrates that. We're in a situation right now where we don't understand, we do understand we've been shown that this population's exploding and it's not just migrating north, it's expanding, it's still in normal levels in the south as well, the last time we heard, so I think this is a good way to do this until we get an understanding, because I don't want to see us coming back to the table and addressing this every time we have a meeting. I think it's not the way to do that. I think that we're not anywhere at any danger of impacting the forage benefits of the stock. I think that, you know, if things changed, we have the ability to change like Brad said, we do that very well. This Council reacts to change on every, at every turn and does a very good job of it. As for the testimony we heard over and over again about the, you know, the marketability and what the built-in safeguards are there. The one thing I didn't hear, I agree with all the points that were made, but the one thing I didn't hear was the only viable product that could be made out of this at all if, and it's not even viable, the only product would be fishmeal and fishmeal plants are generally built to take a percentage of the fish like some very small percentage, less than 10 percent of the fish. When you get into this fish, it brings a processing plant, whether it's a CP, whether it's a mothership or whether it's a short plant to its knees and production falls by sometimes 10 times. When that happens, that plant makes zero money. The fishermen make zero money. This is, there is no way in the current state that we can make anything out of this fish. People don't want it. They will avoid it and if they get into much higher interactions with it, I would suggest they would lose their markets and they would, people would not be interested because they couldn't afford to stay out there if they were in that type of interaction. I think there's very little danger, and I think we're seeing now with the numbers and the proactive work of the fleet and just happenstance how things are going. We may see higher numbers later in the year, we don't know that, but the fleet's doing a good job of trying to avoid these because they have to, that's why. They have to. It's not marketable. So that's the, that is I think, I forgot who it was who brought it up but that National Standard One actually allows for that, that type of fleet control to manage this and I believe that that is one of the best tools we have. I think the problem I see is we don't have, we don't have a way of knowing the future. We went from 50 tons to 500 tons to now contemplating something higher and it just keeps us at the table. I don't think there's a problem with this, with interactions in this fishery. I think the problem is we need to make it, get through the next, get to a stock assessment, understand what the future brings and maybe, if necessary, bring it go down from there. I mean I looked at that chart of the table that showed the interactions and how they spiked up in the at-sea sectors in, or the whiting sectors, but I also noticed prior to that there was a bunch of zeros in that, in the columns, no interactions whatsoever in the whiting sector, however there, if you assume that that was a small, that that was because there wasn't a very big biomass, you might assume that the interactions were in the other fisheries because there were very small numbers there. So I think we're making assumptions in our mind that aren't necessarily valid but I do know we have to listen to our science that says this is going in the direction that we really can't put a number on it this time and I, to be, you know to recognize what is an excessive harvest. We have safeguards, I think, built into the system to prevent that. So, I will, I think this is a very good solution to this and I appreciate Heather's motion. Appreciate all the input from the public, from industry, from everyone and all their opinions and everything but I think

this is the right solution and I'll be voting for this motion. Thank you.

**Phil Anderson** [00:05:23] Thank you Bob. Heather is your hand up because you want to speak again or because you didn't take it down from last time.

**Heather Hall** [00:05:31] Thank you Chair Anderson. I did have a follow up. So, I appreciated the comments from Vice Chair Gorelnik and I think early on I made some suggestion that some of these things could be addressed in inseason. I just wanted to clarify that, you know, the idea around this trigger, which I mentioned, you know I think is an important piece of the idea in our motion, would allow for the conversation but fully recognize that bigger changes would have to be analyzed and thought through but the, the inseason comment I made was really that we have the opportunity to talk about what's going on and figure out, you know, what the response would be and then how that fits in with our spex and all of that and very similarly to the comment that Marci had on terms of the trip limits for the shared EC species, and if that's not a tool that we should be thinking about here, I think we talked about that a little bit in April when it first came up and again, that idea could then be filtered through the groundfish workload prioritization process and added to the list of things that we can look at, so it's not out of the option just because we've taken the EC species route. The tool's still there. It needs to be analyzed as Aja cautioned in the beginning and so just wanted to make that clarification. Thank you.

**Phil Anderson** [00:07:17] Okay thank you Heather. Well, it's my turn and I probably, I don't know, I think someone said everything has already been said and that may well be true, but that doesn't stop anybody else so you can take that as just a little bit of a funny here during this discussion. This is my last management, fishery management agenda item to oversee as your Chair so I will offer a few comments. I'll try to keep them relatively brief. I note there's a lot of things we all agree on. I think we all agree that these are important forage fish for a variety of other species. I think we, I haven't heard anyone suggest that they think it would be a good idea to have a directed fishery on it or that there's a desire to have one, so we've had as part of our previous kind of policy discussions the desire to prevent a directed fishery on this species. I think we all agree that we want to minimize any incidental catch of this species and I think that it's a shared desire by the, by our, the people that are participating in the fishery. I don't think any of us want to unnecessarily constrain our existing fisheries because of getting, you know, because of the abundance of shortbelly at this particular moment in time. I think we all agree that there's lots of them out there. How many? Don't know, but there's a lot of them and so given all that, what do we do? And this is one approach. When I look at the definition of an ecosystem component species in our FMP, there are species that are not actively managed in the fishery. These are no harvest specifications. No harvest specifications are specified for these species. They're not targeted. They're not generally retained for sale or personal use. They're not subject to overfishing. Are not overfished or approaching and overfished condition. All of those things are true yet we all, there are a lot of people at least, I'll say a lot, maybe not all that think it's a good idea to have some checks and balances and on what is taken and in this case and under today's scenario, what is taken as incidental, incidentally, even in this motion where we're saying it's an EC and nobody likes my term take your hands off the wheel. I get that but when I look at the definition of an EC species that is in our FMP, it's darn close to taking your hands off the wheel. That's my analogy but in this motion, we're saying no, we don't want to take our hands completely off the wheel. We want to, we want to monitor the incidental catch. There's an element in the motion that if it gets above 2,000, we're going to talk about it and investigate those things that are in the motion. So, this is in my mind almost a hybrid between setting an ACL that's way up there you know like, I think Tom Sinclair mentioned 3,000 metric ton ACL. Last year when there were lots of these critters out there, the fishery took less than 700 so I don't, I think a 3,000 ACL is way up there and would accomplish all of the things that we're talking about in my mind. It would have been my preference to go that way. Keep it in the managed fisheries category. Set an ACL that's up so high that your likelihood of you ever having to deal with it is remote but what we have in front of us here instead is going to an EC species designation and then providing some guidance, guidance in there that

ensures that we're going to track what's going on, and as the motion says that we may be able to consider some things along the way with the provisions and the caveats that Aja provided. So, I'm kind of in the same position that Vice Chair Gorelnik is on this one and Marci, but I want to express my thoughts on this before we move forward and with the vote on the motion. So, with that I'll ask if there are, if there's any other discussion on the motion before us? Okay I don't see any so I'm going to go ahead and call for the question. I'm going to try a voice vote. All those in favor signify by saying 'aye'.

**Council** [00:12:56] Aye.

**Phil Anderson** [00:12:56] All those opposed, no.

**Marci Yaremko** [00:12:57] No.

**Marc Gorelnik** [00:12:58] No.

**Phil Anderson** [00:12:59] Let me ask, let me make sure I heard, I heard two 'no's'. I believe I heard Marci Yaremko and Marc Gorelnik. Did I hear? Is that correct on the first. Is that correct?

**Marci Yaremko** [00:13:16] Yes for me.

**Marc Gorelnik** [00:13:16] Yes for me.

**Phil Anderson** [00:13:16] And was there any other 'no's'? Okay and are there any abstentions? No abstentions. So, the motion passes with noting that Marci Yaremko and Marc Gorelnik voted no. Okay let's see. That was fun, don't you think? So, let me check back with Todd and see whether or not there is further business that we need to address under this agenda item?

**Todd Phillips** [00:14:04] Yes. Thank you Mr. Chair. As far as I'm aware, the Council has confirmed the 2021 default harvest control rules and harvest specifications for the groundfish stocks and stock complexes. The Council has also adopted recommendations for the EFP's and the yield set asides thereof, and the Council has also completed all of the items that were on the action item checklist and it is my understanding that the, you have really good analysis here. You have good guidance that we can move forward, and I would say the Council has addressed all of the actions before it for this particular agenda item.

**Phil Anderson** [00:14:50] Okay thanks very much Todd. Rich Lincoln. You're still on mute.

**Rich Lincoln** [00:15:00] Thanks Chair and sorry for not popping up a little bit more quickly there. I did want to just close this item by offering or suggesting that the Council provide some guidance to the Groundfish Management Team to include a line on the scorecard that would be specific to shortbelly so that the Council is able to track the progression of shortbelly catch during the season.

**Phil Anderson** [00:15:34] Okay. Thanks Rich. I kind of, I'm sorry I didn't mean to jump away from the agenda item too quickly and ask for that summary from Todd. During the Council's discussion of the motion where the number 2,000 was in there to me required tracking but it's a good clarification that we're going to be asking the GMT to be reporting that out as they do their updates on the catch to date on those catch summaries, so thank you. Did I miss anyone else that had any other guidance? I apologize for jumping away from that if I did too quickly. Okay then that'll take us to the end of this agenda item.

## 2. Stock Assessment Plan and Terms of Reference (TOR) – Final Action

**Marc Gorelnik** [00:00:01] Okay. I've got 5:20 so let's move forward with Council discussion and action, and we have up on the screen our action items. We have five different ones there so I'm going to initially open the floor for discussion but if someone feels compelled to offer a motion, that would be fine as well, but let's start with the discussion. I don't know if folks want to take it in the order here or frankly, I'll take any order as long as someone wants to get us started, or do folks need more time? Corey. Many thanks. Please go ahead.

**Corey Niles** [00:01:11] Well, I was going to say maybe just a moment, a moment here, another moment would be nice.

**Marc Gorelnik** [00:01:18] Okay now we, I don't want to rush it if folks aren't ready to discuss it. That's fine. Do folks want a few more minutes? Let me know. Your will is my command. Maggie.

**Maggie Sommer** [00:01:37] That would be great. Thank you, Vice Chair.

**Marc Gorelnik** [00:01:39] Okay no problem. Would 5:30 be an appropriate time to come back? Is that enough time or more or less? Okay 5:30.

**Maggie Sommer** [00:01:53] Yep. Thanks.

**Marc Gorelnik** [00:01:54] All right. Very good. We'll be back at 5:30.....(BREAK).....It's 5:30. Let me check with folks and see if we're ready to proceed or whether we need a few more minutes, so I don't want to be premature. Maggie.

**Maggie Sommer** [00:02:14] Thanks Mr. Vice Chair and I understand I may have had a muting issue earlier. I apologize. There seems to be some late confusion on the best approach to take with a couple of these nearshore stocks. I don't think it will take much to resolve but I think this is an example of where a good in-person group discussion for five minutes could have helped us fix that. Perhaps we might consider postponing motions on the stock assessment lists until first thing tomorrow morning, and then the relevant parties can have a brief conference call after the Council adjourns.

**Marc Gorelnik** [00:02:59] Well I'm looking at the agenda for tomorrow, it's a relatively shorter day and if the Chair does not have an issue with that, we could defer action until tomorrow either on all of these actions or only on those for which further discussion is needed. Is there a sense whether we can move forward and conclude some of these five listed actions?

**Phil Anderson** [00:03:33] Mr. Chairman, Vice Chair.

**Marc Gorelnik** [00:03:36] Yes, please.

**Phil Anderson** [00:03:39] I would recommend we just delay the action on all five of them until the morning. Let folks have the necessary discussions to make sure we're all on the same page and I agree with you that tomorrow, while I don't think it's going to be a short day, I don't think we'll be, run as late as today has and I would support that at your discretion.

**Marc Gorelnik** [00:04:09] All right. Well since you're offering me that discretion I will exercise it and we will recess this Agenda Item F.2 until first thing tomorrow morning at 8:00 a.m., and at that time we'll have discussion and action and with that, as I would do customarily at the end of the day, I'll pass the virtual gavel back over to Chair Anderson.

**Chuck Tracy** [00:04:39] Mr. Vice Chair. This is Chuck.

**Marc Gorelnik** [00:04:41] Yes.

**Chuck Tracy** [00:04:41] Maybe just a question while we're still on the topic here. I'm wondering if we want to put this with the other groundfish item tomorrow? That might avoid some seat changing between the morning and the afternoon. Get, you know so the groundfish people are stuck in their seats for the duration of the groundfish items and don't have to switch back and forth. It's just a thought. I don't know how many people that would affect but I just thought I'd put something out there.

**Marc Gorelnik** [00:05:15] Well that must be why you're the Executive Director and I'm merely the Vice Chair. That's an excellent idea and unless anyone objects that's what we'll do. We'll start with fiscal matters. Move on to CPS and then pick this up but before F.3. Does anyone object to that order of business? I'm not seeing any hands. Chuck thanks for straightening me out on that and I'll turn the, now I'll turn the gavel back over to Chair Anderson.

**Phil Anderson** [00:05:56] Thanks very much. Thanks, Chuck for thinking of that. Makes perfect sense to me as well. So with that, let's go ahead and conclude our session for today and we'll stand in recess until tomorrow morning at eight o'clock and as the Vice Chair said, we'll pick up tomorrow with our first two items being the fiscal matters, followed by the Coastal Pelagic Species Sardine Rebuilding Plan and then we'll go back to groundfish and pick up with this, this one, which is up too. Okay have a good evening everyone. We'll see you in the morning.

**Marc Gorelnik** [00:06:36] Okay, welcome back everyone. I have 11:25 so we will resume Agenda Item F.2 here in a minute as soon as, there we go, our screen has changed. This here is a list of our action items and I know that there was, there has been some hard work done since we recessed yesterday so anxious to hear the fruits of those discussions. So, let me open the floor for Council discussion and or Council action on Agenda Item F.2. John DeVore.

**John DeVore** [00:07:32] Yes thank you Mr. Vice Chair. If I understood Mr. Tracy correctly, we were going to hear, get a little bit of information from the GMT first?

**Chuck Tracy** [00:07:47] This is Chuck. I'm sorry I had a little communication mix up here. I think we should move ahead with F.2 now and take care of that before lunch. I'm still trying to find, so the information Patrick is going to provide this for F.1, so I'm trying to find out if we're going to do that today or tomorrow but in any event, we're not going to do it right now. So, let's please move ahead with F.2.

**Marc Gorelnik** [00:08:19] Mr. Niles.

**Corey Niles** [00:08:23] Yeah thanks Mr. Vice Chair. So I was also in the same mindset as Mr. DeVore there, so I wasn't quite ready for F.2, but if there is no discussion we do have a motion that we could get started with if that's your preference?

**Marc Gorelnik** [00:08:43] Often a motion does spur discussion but let me just pause for a long period here to see if there's any hands go up and I'm not seeing any so Corey, were you going to move forward with a motion or is someone else going to move forward with a motion?

**Corey Niles** [00:09:05] I think I could start us off there Mr. Vice Chair if Sandra wants to open the, the WDFW motion. Thanks Mr. Vice Chair am I clear to?

**Marc Gorelnik** [00:09:44] Yes please go ahead with your motion.

**Corey Niles** [00:09:47] All right thank you. Thank you, Sandra. I move that the Council adopt the following list of stocks for assessment in 2021, for full assessment, full: vermilion/sunset rockfish off Oregon and California. (Data moderate or limited for Washington, as appropriate) Dover sole and lingcod. Data moderate: spiny dogfish, copper rockfish, quillback rockfish and squarespot rockfish. Update Assessment: sablefish. And catch only projections: arrowtooth flounder, canary rockfish, darkblotched rockfish and petrale sole.

**Marc Gorelnik** [00:10:32] Thank you Corey and the language there accurately reflect your motion?

**Corey Niles** [00:10:39] Yes it does.

**Marc Gorelnik** [00:10:40] All right. Let me look for a second. Looking for a hand to go up. Seconded by Marci Yaremko. Please speak to your motion.

**Corey Niles** [00:10:54] Thank you Mr. Vice Chair. I don't believe I need to speak too long to this. We worked in close collaboration with the other states and staff and NMFS and so on the particular stocks, I may speak to ones of interest to Washington here, but then ask my colleagues to add to the rationale as they still need it for some of the other species. But as you remember, we left off yesterday asking for more time to think through this with which stocks we asked for to be assessed this next, this upcoming round. I'm glad we took that time and had those extra discussions. This is, you know, in terms of importance, stock assessments are fundamental to what this Council does and in terms of the budget, how we spend that stock assessment budget is really important, and so the discussions we had as, well let me pause on there for a sec, but so really the thanks goes to the GMT and GAP and the Science Centers and staff for the good conversations and the collaboration's and we took their recommendations in large part, and so thanks for all that hard work and the choices where between some of the data moderate species for copper rockfish and quillback and versus brown, and I may ask my state colleagues to jump in and elaborate there, but I'm glad we took the time and they can explain why we are recommending the Council recommend copper and quillback and this is also in combination with you'll see another motion forthcoming on the 2023 candidates. So lastly, I think just to clarify on what the motion means for vermilion Sunset rockfish off Oregon and California and the parenthetical of data moderate or limited for Washington as appropriate. You may remember the SSC and others asked for us to help with the prioritization of assessments and when you do, when you do these nearshore or shallower shelf species, there's a lot of different areas that can be included which is, or each area is almost an assessment in of itself and so we've really appreciated that the approach we've taken the last few cycles of where these nearshore stocks and doing them state by state, so as the data and the science allow, we believe it shows that it shouldn't be a high priority for to do a full assessment for vermilion rockfish off Washington. If the data show otherwise we're all ears, but we think it's a for now and while we're waiting for more data to come in from our new survey, we think it's more economical to spend the time with the assessors and the star panels doing a data moderate or limited approach, and again, yeah very important on how we spend these resources. You've heard a lot of talk about how resources are limited in terms of being able to read otoliths and tell how old fish are when they're caught and our budgets are under challenge and we've been flat funded even before now on the resources that are there for those, for those important data collection methods so this is an important recommendation. I thank everyone for all of the thought and time and Dr. Hastie especially for guiding the process. I'll pause there and again, hoping the other states and folks can add to the rationale for other species as they see fit.

**Marc Gorelnik** [00:14:59] All right thank you very much Corey. Marci.



**Marci Yaremko** [00:15:04] Yes. Thank you, Mr. Vice Chair. Thank you, Corey for the motion. I'm very happy to support it. I just want to kind of add to the praise here. Really appreciate first of all the work of the SSC Groundfish Subcommittee and the length-based Assessment Methods Workshop that they held last month with what sounds like a great deal of success. Looking forward to the Council considering endorsement of these methods later in this year, which should allow assessment of an additional two to four species this assessment cycle. Also want to acknowledge the work provided to us in Attachment 1. This is a summary of the Northwest Science Center's West Coast Groundfish Bottom Trawl Survey Data for select species from 2003 to 2019. This a really neat document. It's just a great reference and I found it very simple to look at and made it really easy to compare across a number of our groundfish stocks what data sources is available and just a quick snapshot there. So, I really appreciate that document. Excuse me. A few notes on some California-centric stocks that are on this list that I'm very pleased to see. First, I want to talk about vermilion for a minute. I can't say enough about how important this stock is to our southern area fisheries, both California rec and California commercial, particularly in the southern reaches high value stock commercially in terms of the value. Also very important recreational target species and as you'll probably recall has been the source of a lot of discussion in the biennial certifications classes and management measures discussions that we've had, and in fact because of the age of this assessment and the fact that we do not have new information on the OFL, we're in a situation where we're needing to enact some additional management on this stock in the next biennium to take a step to reduce our fishing pressure until we can get a new assessment on vermilion. All the indices point to good news. The fisheries appear to be producing quite a lot of catch, increasing catch stream for the recreational fishery in California so we look forward to a new assessment on the stock. There is a good reason why it continues to be at the top of everyone's priority list and we're really looking forward to new information on this, a really important resource within our minor shelf complex. I also want to talk a little bit about copper rockfish. This is another stock that's hugely important to the California recreational fishery. We have pretty high attainment of this one as well where we are approaching harvest levels that are approaching the ABC contribution. The catches are also continuing to increase, so this is when we think it's important to take a look at sooner rather than later since the catch trajectories are going up. The other one I want to talk about is squarespot rockfish, which I kind of equate to our season recreational potato chip fish. This stock is commonly encountered and is becoming more frequently encountered as we've increased our authorized fishing depths, but it's not particularly desirable because it's quite a small species and generally is not retained as part of the bag limit because of its small size. Excited to see this one on the list. We're aware of very positive indices of abundance that are newly available through the Harm survey so there's a lot of information that should help us assess the stock. It's recommended for a one area assessment so it should be, not going to say easy, but one of those that won't require a lot of additional personnel to work on, kind of based on the discussion we had yesterday with Dr. Hastie about the number of areas requiring additional staff to pull together the various indices and look at the data on a regional basis, so looking forward to that one. That's one where we've seen the impacts of the harvest of this species or bycatch, whatever the case may be, we're looking at attaining one hundred and ninety five percent of the OFL on squarespot in recent years over the most recent three-year average so we do expect that the outlook for the OFL to improve considerably with the new assessment. So that's it from here. Again, I appreciate this discussion and all of the work that's gone into it. It's been a very, very effective process. Thank you.

**Marc Gorelnik** [00:21:31] Thank you Marci. Maggie Sommer.

**Maggie Sommer** [00:21:35] Thanks Vice Chair Gorelnik. Thank you for the motion Corey and to the comprehensive remarks, for the comprehensive remarks that you and Marci have made. I support all of them and would just add a couple comments on stocks that haven't been mentioned yet, one is Lingcod. I know that it was pointed out to us yesterday that we will have the opportunity in a new assessment to incorporate some new stock structure information and I think that would be of a lot of interest to all of

us for this stock which is so important to so many of our recreational and commercial fisheries, and the other one I think that hasn't gotten any, any love yet here in the comments is quillback rockfish, one of our stocks encountered in our nearshore commercial and recreational fisheries and I would just note that that was ranked relatively high in the NMFS summary listing that Dr. Hastie presented yesterday and it is I believe currently we are working on a category 3 assessment from a relatively long time ago and look forward to seeing what can be done with the existing data, although admittedly may be sparser than we would like, but thanks I appreciate the motion and support it.

**Marc Gorelnik** [00:23:01] Thank you very much Maggie. Any further discussion on this motion from around the table? I'm not seeing any hands raised so I will call the question. All those in favor say 'aye'.

**Council** [00:23:18] Aye.

**Marc Gorelnik** [00:23:19] Opposed no? Abstentions? Motion passes unanimously. Thank you, Corey for the motion. Well, we still have 2023 to go. So, is there a further motion under this agenda item? Maggie Sommer.

**Maggie Sommer** [00:00:00] Thanks Vice Chair. I would offer a motion that I believe Sandra has. Sandra if you could put up ODFW Motion 1. Great. Thank you. I move the Council adopt the following list of stocks as candidates for assessment in 2023 and identify the underlying stocks as preliminary priorities for assessment. Full: petrale sole, black rockfish, sablefish, roughey rockfish, shortbelly rockfish and redbanded rockfish. Full or update: yellowtail rockfish north. Full or data moderate: yellowtail rockfish south, greenspotted rockfish, flathead sole. Data moderate: bank rockfish, brown rockfish, starry rockfish, longspine thornyhead, shortspine thornyhead, English sole, rex sole, treefish, olive rockfish, speckled rockfish. Update: yelloweye rockfish.

**Marc Gorelnik** [00:01:05] Thank you Maggie. The language on the screen accurately capture your motion?

**Maggie Sommer** [00:01:09] It does. Thank you.

**Marc Gorelnik** [00:01:11] And I'll look for a second. I think that's seconded by Christa Svensson. Is that correct Christa?

**Christa Svensson** [00:01:17] That is correct.

**Marc Gorelnik** [00:01:20] Thank you Christa. Maggie please speak to your motion.

**Maggie Sommer** [00:01:24] Thanks Vice Chair and once again, thank you to the Council and staff and the public for your patience as we all work to refine this list along with a 2021 list overnight. This proposal does incorporate recommendations from the SSC, the National Marine Fisheries Service, the Groundfish Management Team, several representatives from the GMT and the GAP, as well as the states. Noting that the preliminary and final selections of stocks for assessment in 2023 will obviously occur in 2022 and this list is not intended to preclude other stocks from consideration or prioritization at that time. This list includes stocks of major fishery importance at the end of their 10-year projection period. Those with OFL's based on category 3 methods and one rebuilding stock, that's yelloweye, and the stock obviously includes, pardon me, this list obviously includes more stocks than would be possible to assess in 2023. We are all expecting that some will have to be dropped when we get to the prioritization and selection process in 2022 for the 2023....(signal drop)... The stocks identified as priority here are the identification of priorities is intended to help with planning for data collection, age reading, et cetera for those entities engaged in those activities and to possibly help forward stock

assessment planning. I have just a few comments on the rationale for the inclusion of several stocks on this list and then my colleagues from the other states may add more for some of the stocks that I don't touch on. I'll just note that black rockfish is certainly very important to Oregon's recreational fishery as well as our commercial nearshore fishery. We have mentioned that a number of times before, but petrale and Sablefish are also very important to our fisheries. For roughey, the roughey blackspotted assessment is reaching 10 years old and that we're seeing relatively high attainment. I do want to note the addition of shortbelly rockfish on here. This has been added due to the Council interest in this stock recognizing its ecosystem importance and we are currently all we have is a relatively old research assessment for that stock so we are hopeful that in 2022 when we come back around to looking at this list, that perhaps the Southwest Science Center can come and tell us what might be possible. I understand there's some potential discussion of, for example, of another academic assessment of that but we would certainly be intending to have some discussion of the, again, the relative priority of it for assessment as well as star panel capacity at that time. I think that I will maybe leave it there and invite others for comments on any other stocks if there are any, other than just jumping down to yelloweye rockfish, I think it's obvious that we will all want to check in on the rebuilding progress of that stock. That concludes my remarks. Thanks.

**Marc Gorelnik** [00:05:07] Thank you very much Maggie for the motion. Let me see if there are any questions for you or comments from other states on the motion? Marci Yaremko.

**Marci Yaremko** [00:05:27] Thank you Maggie for the motion and for your talking points in support of the motion. I don't have a lot to add. I just maybe want to re-emphasize the goal of the 2023 list in terms of helping our researchers and agencies focus their data collection efforts. Also note that this list is quite diverse and that it includes species that range all the way north to south and all the way shallow to deep, recognizing that we all are having some challenges at the moment with our sampling and our data production, age reading, et cetera, with some difficulties imposed by the pandemic. So, this list is large, and we will have some work to do in 2022 as Maggie identified. Just want to note that this list includes the broad net that was cast by the SSC as well as the GAP so this is a very inclusive list of species and we just support the priorities that are identified here in the motion. There are a number of California-centric stocks, but also stocks throughout the West Coast that are important to our fisheries and also are ones that at least tentatively show a lot of promise in terms of having robust data streams that will aid us well in an assessment in 2023, so thanks again.

**Marc Gorelnik** [00:07:24] Thanks for those comments Marci. Is there further discussion on this? Corey Niles.

**Corey Niles** [00:07:34] Thank you Mr. Vice Chair. Thank you, Maggie. I don't, also don't have much to add. These do reflect our priorities and we support the motion. Yeah I personally find it difficult to talk about 2023 already, but it does have benefits in knowing what the candidates are and signaling what stocks might be coming next and this might be repetitive to what Maggie said but on shortbelly rockfish just one thought to put out there, and again this is, it will be a long time before we come back to this question but you know the Council tomorrow on the recommendation of the GMT and GAP and others will be considering making shortbelly an EC species. So if that's the case I would still think there would be some interest in having some feedback from the Science Centers when we take this up in a year and a half or two from now, and if it's an EC species and we wouldn't need to calculate an OFL and ABC in that case, yet there still might be some interest in assessing what is going on with that stock, so apologies if that's repetitive to what Maggie said. And lastly, again, we're looking forward to 2023 as when we might have some of our data available from our new, newly designed nearshore survey. So, thanks for the motion. We support it.

**Marc Gorelnik** [00:09:15] Thank you Corey. Marci.

**Marci Yaremko** [00:09:24] Apologies, sorry.

**Marc Gorelnik** [00:09:25] No worries. Let me see, are there any further discussion around the table on this ODFW Motion 1? Brad Pettinger.

**Brad Pettinger** [00:09:40] Yeah thank you Mr. Vice Chair. I can support this list, realizing that you have 2 years that won't look much different and obviously it's just a snapshot for right now of what it might be so, also doing the shortbelly rockfish which Corey just mentioned, I'd just like to point out that if we did make shortbelly an EC species we would not need to do an assessment but they'll also have a new assessment probably precluded from ever having a fishery being it's also an EC species. So anyway, just want to throw it out there.

**Marc Gorelnik** [00:10:21] Thank you Brad. Any further discussion on the motion? Not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:10:34] Aye.

**Marc Gorelnik** [00:10:34] Opposed no? Abstentions? Motion passes unanimously. Since this was labeled Motion 1 maybe there's another motion? Marci.

**Marci Yaremko** [00:11:00] Yes thank you Mr. Vice Chair. Sandra has a CDFW motion regarding the stock assessment TOR.

**Marc Gorelnik** [00:11:11] All right. There it is on the screen Marci. Please go ahead.

**Marci Yaremko** [00:11:14] Yes. Thank you. uh oh.

**Louis Zimm** [00:11:19] Uh oh.....(laughter)....

**Marci Yaremko** [00:11:19] I move the Council adopt the final Terms of Reference for groundfish and coastal pelagic species stock assessments for 2021, 2022 as shown in F.2, Attachment 3 with the following amendments. Number one, the correction to appendix A to reflect review of a full benchmark assessment of the central subpopulation of northern anchovy rather than a catch only projection review as identified by the SSC, CPSMT and CPSAS, and number two, all edits shown in strike out and underline as reflected in F.2, Attachment 3. Additionally, in response to advice from the CPSMT and the CPSAS, direct Council staff to schedule future development of standalone CPS for groundfish stock assessment review TOR's in order for each to be effective by 2023.

**Marc Gorelnik** [00:12:30] Thank you Marci. Is the language on the screen accurately capture your motion?

**Marci Yaremko** [00:12:35] Yes. Thank you.

**Marc Gorelnik** [00:12:37] I'll look for a second. Seconded by Maggie Sommer. Please speak to your motion.

**Marci Yaremko** [00:12:47] Thank you. I really appreciate the work by all of the teams and Council staff and bringing us a final product on the TOR. I think the CPSMT and the AS have identified that maybe it's time for them to move ahead with their own TOR that is independent of the groundfish TOR because the stock assessment processes are quite different and I think when we started down this path of a combined stock assessment process and TOR it made some sense because CPS assessments and

groundfish assessments were in many cases conducted by some of the same people and they were trying to get the procedures kind of nailed down in one place to cover both activities, but I think as time has passed and staffing changes have evolved in the stock assessment world and the biennial process for our groundfish assessments has solidified, it is time for each group of stocks to have its own TOR so I really appreciate that recommendation. That said, there's been a lot of work, as you can see, with the copious amount of editing that was done to the TOR for this upcoming biennium that I think we want to finalize it for now and let it stand as the guidance for us for now with the idea that CPS can begin working on its own version of the TOR that would apply just to CPS assessments sometime soon. So, the language here reflects, reflects that activity of moving to separate this single TOR into two such that each would be effective by 2023.

**Marc Gorelnik** [00:15:08] Thank you Marci. Discussion on the motion? Questions for maker of the motion? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:15:28] Aye.

**Marc Gorelnik** [00:15:28] Opposed no? Abstentions? Motion passes unanimously. Thank you for the motion Marci. Maggie Sommer.

**Maggie Sommer** [00:15:47] Thank you Mr. Vice Chair. Sandra, I have, I am ready for ODFW Motion 2 please. I move the Council adopt the status quo Terms of Reference for the methodology review process for groundfish and coastal pelagic species and the Terms of Reference for groundfish rebuilding analyses for use in 2021 and 2022.

**Marc Gorelnik** [00:16:16] Maggie that language accurately captures your motion?

**Maggie Sommer** [00:16:19] Yes. Thanks.

**Marc Gorelnik** [00:16:20] All right. Is there a second? Seconded by Marci Yaremko. Please speak to your motion.

**Maggie Sommer** [00:16:26] Thank you. The Council received no recommendations from the SSC or any other source for changes to these documents. They have served us well over the past biennial cycle and I am proposing that they be carried forward, pardon me, in fact I should rephrase my opening statement in case I wasn't clear. We received a recommendation from the SSC to continue with the status quo Terms of Reference. No changes were recommended by anybody. So these documents which describe general procedures for methodology and data reviews related to assessment and management of coastal pelagic species and groundfish, and then also guidelines for conducting basic groundfish rebuilding analyses in order to meet requirements established by the SSC and in the groundfish FMP and bi-legal decision are in good shape to be moved forward for use in the next cycle. Thanks.

**Marc Gorelnik** [00:17:34] Thank you Maggie. Discussion on the motion or questions for maker of the motion? Okay I'll call the question. All those in favor say 'aye'.

**Council** [00:17:46] Aye.

**Marc Gorelnik** [00:17:46] Opposed no? Abstentions? Motion passes unanimously. Thank you for the motion Maggie. Further motions and or action, any other sort of action or discussion on this agenda item? I am not seeing any hands, so I'll turn back to John DeVore.

**John DeVore** [00:18:36] Thank you Mr. Vice....(talking at the same time)....

**Marc Gorelnik** [00:18:36] Seeing how we're....(talking at the same time)...

**John DeVore** [00:18:36] Oh....(laughter)....

**Marc Gorelnik** [00:18:47] Please go ahead.

**John DeVore** [00:18:49] Mr. Vice Chair, Council members, yes you have completed your action today. You adopted a final list for stock assessments in 2021. You know the schedule as tentatively recommended by Dr. Hastie for star panels will be pursued and heard no objection to that, but as always, we would ask to give them deference for logistic, logistical practicalities on the timing but generally the process for how assessment's will feed into the Council process has been determined. We have a refined list of stocks for assessment in 2023 with some priorities outlined, and that's very helpful. Thank you. We've adopted a final Terms of Reference for the groundfish and CPS stock assessments. That was in accordance with the SSC and other Council advisors, and then the same for the Terms of Reference for methodology reviews and groundfish rebuilding analyses, so with that you have completed this agenda item and had very thoughtful discussion. Thank you.

**Marc Gorelnik** [00:20:07] All right. Thank you for that wrap up John, and I think that concludes action on this agenda item.

### 3. Electronic Monitoring Program – Final Action

**Phil Anderson** [00:00:00] That'll conclude the public comment on this agenda item, and it will take us to our Council action and I'm going to pass the virtual gavel over to Vice Chair Gorelnik.

**Marc Gorelnik** [00:00:21] Thank you very much Chair Anderson. I'm honored to have the gavel back and we have a Council action which is to adopt the final recommendations, and we've had some rather detailed reports, some good public comment. I sense some disagreements so why don't we get started? Who wants, who wants to get the ball rolling on this action because I suspect we have some discussion before we have a motion. Maggie Sommer.

**Maggie Sommer** [00:00:57] Thanks Vice Chair Gorelnik. I'll start off what I expect might be a lengthy discussion or at least a thorough discussion. I guess first I want to say, you know a lot of the reports and the comment today has recognized the collaboration between industry and the National Marine Fisheries Service and the Council and Pacific States and others throughout the development of this program, and it really stands out and I wanted to recognize that and also recognize the calls to get back to a place where everybody is really feeling like that is being positive and productive. I also wanted to appreciate the close cooperation and partnership of our Federal and state enforcement agencies and I appreciate all the information you have provided us through the various reports to the Council under these EM agenda items, and then Greg Busch's presentation and response to some questions today was very informative and helps me to understand the full picture of this issue of the data retention period. I just wanted to speak very briefly about that, you know, really reflecting I think, as a lot of us have done on the goals and objectives of the program. You know we are, we have been designing this and the intent has been to reduce monitoring costs and increase flexibility while maintaining accountability and you know in looking at the procedural directive on page 2 it says that the recommendation is a minimum retention period and doesn't prevent NOAA fisheries or the Councils from recommending a longer retention period, depending on the needs and objectives of the program. It just, it doesn't seem to me that the needs and objectives of the EM program justify a longer retention period. Not trying to question the validity of the Enforcement Consultant's recommendations, but really looking back and trying to link the objectives of the program itself and the retention period, and then also in the procedural directive there's a passage on page 5 that was also highlighted in the coalition letter that Melissa Mahoney just mentioned and presented the highlights of in her testimony, and I wanted to thank all of the members there for that letter, but that one really struck home from me. Notes that many data collection programs other than EM have longer retention requirement periods, but the storage costs and those other, pardon me, let me go back to that, and there are instances where data quality or program compliance issues are discovered during that longer retention period and I understand that that relates directly to the Enforcement Consultant's recommendation and an interest in identification of that need, but the procedural directive also recognizes that the storage costs in those other data collection programs are less expensive than storing EM data, and that the requiring fishing industry to retain the EM data for the same duration as other programs is unreasonable and I just wanted to, I know that's been available in that public comment letter for us to look at, obviously it's been available on the procedural directive to us, for us to go back to look at, but to me that really gets to the heart of, I think, this issue that's been, that we've been wrestling with here today and, you know, all of our public commenters today noted that costs are mounting and even though the incremental costs in some cases may be relatively small, they are cumulatively a burden and put this program at risk of failure and, you know, we've all heard about the other nine hundred and ninety some papercuts that the program is suffering. I don't mean to trivialize them actually by using that terminology, but just wanted to recognize that the cumulative cost issue is a big one. Thanks.

**Marc Gorelnik** [00:05:44] Thank you very much Maggie and thank you for getting the ball rolling for

what will be a thorough discussion, but it will require more hands to be raised to keep the discussion going, or a motion, something. Bob Dooley.

**Bob Dooley** [00:06:16] Thank you Mr. Vice Chair. I've listened and participated in a lot of discussions over EM over the years and seen the most critical progress made by collaborative efforts and it seems like now we're spiraling down into a, into minutia, into things that really might not matter in the big picture and so somebody told me once that when you find yourself up to your neck in alligators it might be good to remember the prime directive was to drain the swamp, and I think we need to back up and look what we're trying to do here, cost effective program in lieu of human observers to reduce costs and, of course, be adequate and be thorough but what are we trying to achieve? We're trying to monitor discards of bycatch in this particular fishery and not necessarily come out with the answers with the video, but to determine whether the skipper is writing a reasonable number to represent the discards that he is discarding. We have heard a lot of testimony over the years about, about the whole, the whole issue of the observer effect, and I would submit the camera effect, that when you're being watched there's a different, a different behavior. I would agree with that and I think that we shouldn't be necessarily digging to find every detail, although if it was cheap enough that wouldn't be a bad outcome, but once again we have many trawlers that are not fishing now because of these costs. We're trying to get people to work. We're trying to get fish out of the water. Trying to get attainment up. Not sacrifice our integrity there, but we do have dockside monitors that monitor ninety nine percent of the fish that come to shore, probably or maybe not that high a number, but a lot of it, it comes that comes to shore, well actually a hundred percent of which comes to shore but, you know, of all the fish that's caught discards is pretty small, a pretty small number. So once again, the prime directive here is to verify that a skipper is writing a reasonable estimation of his discards, he's not weighing them, he's guessing much like an observer does with basket examples and extrapolation. So, I guess, you know, how much do we need to spend to be good enough and to understand how that we're, we're doing our due diligence and in having accountability in this fishery. So that's one thing. So like I said, the biggest amount of work here is done through collaboration and I think we've departed from that a bit and I think that, you know, Maggie spoke to that really well. I would agree with that. I would hope we could focus on ways to reduce cost. I don't think that requiring a higher level of data retention than the national policy that was well vetted and discussed is really warranted here. I agree with some of the comments that have, that wants to be longer if they want to...if enforcement needs to keep the data longer they certainly have the ability to take possession of that and should pay for it, but remember, data confidentiality, all of that stuff was a prime concern of this, of this whole program to begin with and I think we should be finding ways to make the program successful rather than ways to make it more costly and less likely to succeed. I do believe that we are on the verge of watching EM evaporate. There are a lot of forces poised on the outside of this, whether it's, you know, can we pay for Pacific States? Can we, you know, are we going to have too much data retention? Can we even get, will the rule be rolled over? Will any of these things happen? Will whiting be able to discard shortbellies and not lose hundreds or tens of thousands of dollars by not, by having to come in with a load of fish they don't get paid for. I mean can we solve those problems? And I think that's important, otherwise I think we're on the verge of seeing this program collapse under its own weight and that'd be a sad day because COVID-19 has shown one thing, when we don't have eyes on the water because we can't get observers on boats, EM does a pretty darn good job. So anyhow I'll stop there and thank you.

**Marc Gorelnik** [00:11:35] Thank you Bob. Chair Anderson.

**Phil Anderson** [00:11:40] Thanks very much. I do have a motion, but I don't want to cut off discussion. Certainly, there will be discussion about the motion I suspect but whenever.

**Marc Gorelnik** [00:11:52] All right. Well I appreciate that Phil and now that we know that a motion is coming. Let's see if there are any more hands. I'm not seeing any. Please go ahead Phil.



**Phil Anderson** [00:12:06] Okay thank you very much and if everything worked correctly, I believe Sandra will be able to project my motion on the screen thank you. I'll make my motion and then, of course, hopefully be provided the opportunity to speak to it. So first, I move that the Council adopt the following final recommendations for changes to the electronic monitoring program regulation. 1. Hard drive deadline: Increase the hard drive submission deadline to 72 hours from the beginning of the offload. 2. Reusing hard drives: That was not my phone. Require EM data to be removed before reusing hard drives only if end to end encryption is not used. 3. Limit on switching between EM and observers for whiting: Remove the limit on switching between observers and EM for whiting vessel. 4. Mothership catcher vessel endorsement: Remove the requirement for a mothership catcher vessel endorsement to use EM on mothership catcher vessel trips. 5. Pre-departure tests: Maintain status quo for the pre-departure test requirement as it is useful in ensuring systems for working before departure. Logbook processing: Allow EM providers to receive and enter logbook information rather than submitting to National Marine Fisheries Service. 7. Reporting deadlines for EM service providers: Required deadlines for EM service provider reports of technical assistance, logbook data, vessel operator feedback, EM summary and data compliance reports and others as specified elsewhere. Data retention: Align data retention requirements with NMFS procedures 04 dash 115 dash 03 entitled third party minimum data retention and EM programs for federally managed U.S. fishery. 9. Correct the reference to a NMFS accepted EM service plan under 660 dot 603 sub (a)(1) to 660 dot 603b parens (1) parens roman numeral 7(VII). 10. Change the implementation date to be no earlier than January 1st, 2022 in the EM program regulations for both the electronic monitoring provider permit, permits and responsibilities, and the vessel and the first receiver responsibilities. 11. Revising regulations regarding authorized release of EM data as described under F.3.a, Supplemental NMFS Report 1. Revise the regulations at 660 dot 603 parens (n), parens (3) to refer to an authorized representative of the vessel consistent with other West Coast regulations. 12. Revising regulations defining limitations on conflicts of interest for EM service providers as described under F.3.a, Supplemental NMFS Report 1. Revise the definition of a conflict of interest at 660 dot 603 parens (h) to exclude providing other types of technical and equipment services to fishing companies. In addition, the Council recommends NMFS approve the continuation of the existing EM exempted fishing permit modified as necessary until the effective date of the amended regulations. Further, the Council recommends that the EFP allow new entrants to join the extended EM EFP's for the purpose of gaining additional information to address EM issues associated with the bottom trawl fishery and the Council recommends NMFS 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 and assign the Executive Director of the Council to conduct the final review, deem and transmit regulations and consult with National Marine Fisheries Service on any necessary clarifications that are identified following the Council meeting with the intent of expediting publication of the proposed rule as soon as possible. Mr. Vice Chairman that concludes my motion.

**Marc Gorelnik** [00:17:39] Thank you very much Phil. That's a long motion and it's detailed. Let me first see if there is a second to the motion. It has been seconded by Bob Dooley and please speak to your motion.

**Phil Anderson** [00:00:00] Thank you Mr. Vice Chair. Well let me just the outset say I remember going to lunch, I was working with the, for the Washington Department of Fish and Wildlife I went to lunch with Randy Fisher and Dave Colpo. They took me out to lunch. I think I had to pay them because they couldn't take, they weren't able to buy me lunch under ethics laws, but anyway, and they were talking about a thing called EM. I had no idea what it was. They explained to me the basic outline and what they wanted to do and I thanked them for buy, for the lunch and went away going yeah, right good luck with that, but because of a tremendous amount of work by Pacific States Marine Fisheries Commission and the industry and many, many others, including National Marine Fisheries Service, here we are.

After several years of successful EFP's, we're ready to move this into regulation or we're getting close to it at least and I'm proud to be able to offer the motion. So I'll speak to these, each one of these. I'll try to do it as quick as I can. Some of them I, well most of them were contained in the motion that was put out for public review in April and I spoke to it at that time so this is going to be redundant for those of you who have a good memory. First on the hard drive deadlines. Number one there, this change would provide additional time for vessel operators to comply with requirements with minimal impact to the timeliness of data. It would also prevent confusion when EM vessels transition from EM EFP's to the EM regulation. The reusing of hard drive has to do with this would extend, potentially extend the life of the hard drives and reduce program costs. NMFS implemented this policy in the EM EFP around 2017 and it is consistent policies in other regions. Number four, or excuse me, number three, the limit on switching between EM and observers. By removing the limit 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. NMFS has already waived the limit on switching for whiting vessels and the final rules provided in the regulations and does not anticipate reinstating it in the future. The mothership catcher vessel endorsement issue. This requirement was included in the EM EFP's because having valid permits for the intended fishing activity is a standard requirement for EFP eligibility, however, a mothership catcher vessel endorsement is not required to participate in the mothership sector. The regulations allow for a vessel without a mothership catcher vessel endorsement, but that is enrolled in the mothership cooperative to deliver to a mothership. I've got to get a drink of water. The pre-departure test is a pretty simple one. It's beneficial for vessel operators to be able to make the tests and easily determine the issues with the EM system prior to leaving the dock. The logbook processing piece is just having the NMFS processed logbooks directly would require more back and forth with EM service providers to match logbooks with EM trips, select trips or hauls for review. Compare logbook and EM discard estimates and investigate any discrepancies. I would think it's going to be more efficient and cost effective to have the EM service providers receive both logbooks and EM directly and process them internally and simply report data to National Marine Fisheries Service. The reporting deadlines, there's a three piece or four pieces here, reports of technical assistance, logbook data, vessel operator feedback reports and EM summary data and compliance reports. This is contained in the, I believe in the GEMPAC Reports, also in National Marine Fisheries Service Report. So, it just it has these, provides the definition of deadlines for these items. The retention of EM data is obviously the most contentious issue we have amongst, I think in the motion and this has a, been a really tough one for me frankly. I had 2 motions written, one was this and one with the 36-month retention requirement and I've got a gold clock sitting on my desk here that's in a real beautiful rosewood box, it has an inscription in recognition of your dedication and commitment to the WDFW enforcement program, so I have a long history of supporting the use of our enforcement folks. My son's in law enforcement so this is, the first time I can remember supporting an alternative that is not consistent with the Enforcement Consultants on a matter like this and the reasons I have come to this decision in terms of putting this forward for Council consideration is based on a lot of the input and discussion that we heard, some that Maggie referred to in her discussion comments but I think it by the data retention requirements that's under the procedural directive I think accomplishes what we intended to do in terms of collecting and maintaining that data for the purposes of catch accountability, and I also think we need to, we need to reward good behavior, and that is to say that, not that the bottom trawler, the whiting trawl fishery has been perfect in every respect, but they have done one heck of a job in my mind and have built a really solid track record of complying with rules and regulations being innovative, going out of their way even when regulations didn't require them to avoid species of concern and so forth. And I think it's, I think in this case with the overwhelming support for having the data retention be consistent with the policy directive and understanding what the purpose of that data retention is, is satisfied, and I think that we ought to give deference to the EFP proponents as we move this into regulations and I would also suggest that if the video data is needed from an enforcement perspective longer than is what is provided under the procedural directive then there are ways for that video to be turned over, I believe, to the Office of Law Enforcement and they can keep the data for as long as they

want, but I just, and I'm harking off, a little bit off of Bob Dooley's remarks as well in terms of the purpose and in terms of the timing for data retention. So next up is correct the reference is an easy one. The NMFS accepted EM service plan under those references there. The next, the next one is changing the implementation date, of course relative to the implementation of the regulations as you can read it there, and I think everybody understands the purpose of this. We want to make absolutely clear in the regulations, address the issue where we have competing things that are out there right now in terms of putting them into regulations in 2021 and we also have this coming along with a EFP proposal for 2021, we need to clear the air here. We're going to have an EFP in 2021. We're not going to move these into regulations, and we need to put this in the regulatory language, so that's the purpose of this. Revising the regulations. This is a new one that was referenced in the GEMPAC report and maybe in another place as well, but it's having to do with whether you're referencing the owner or operator or whether it's an authorized representative of the vessel. I think this issue was simply that it allows the vessel owner to designate, if it isn't he or she, then they authorize a particular representative of the vessel rather than leaving it to assume that, for example, an operator has been authorized by the vessel owner. The last one in the list here of the regulation pieces is also the additional one which revised the definition of a conflict of interest, and this was brought forward as an issue by a service provider. I believe that that was referenced in the discussion today and it was supported by GEMPAC as well as National Marine Fisheries Service and so I thought it was a good addition. There are three other pieces to the motion. First, that we're going to, that we recommend NMFS approve the continuation of the existing EFP modified as necessary until the effective date of the amended regulation and it also then it's not simply a rollover, it's a recommendation that the EFP allow new entrants to join and I particularly called out the issues associated with the bottom trawl fishery and the ability and the intent here of expanding the number of participants that are in the bottom trawl fishery to address some of the deck sorting issues that have either discouraged them or prevented them from participating in the past. Appreciated Kate Cowher's testimony and willingness with her group to work on this issue. Next to the last is the Council recommends to NMFS in consultation with the Council to conduct a comprehensive review of the program guidelines and manual. This was also in our motion that we put out for public review in April. I've had some communication with Ryan Wulff from National Marine Fisheries Service, they're fully supportive of this I believe, he may speak to that, but we want to make sure that we rebuild the collaboration where it's fallen down and continue to support the cooperation and collaboration where it has continued and that's really the intent here. And finally, the last one is to assign the Executive Director of the Council, given that the Council does not direct the staff, he does, to conduct the final review and then deem and transmit regulations and consult with National Marine Fisheries on any clarifications that may be needed and so that we can get the proposed rule moving forward as soon as possible. So, Mr. Vice Chairman that completes my justification points to the motion that I'm putting in front of the Council for consideration. Thanks very much.

**Marc Gorelnik** [00:12:55] Thank you very much Chair Anderson for the thorough motion and your explanation. We have a motion, it has been seconded. So now let's see if there are any questions for the maker of the motion or discussion on the motion? Corey Niles.

**Corey Niles** [00:13:24] Thanks Mr. Vice Chair and thanks Phil. Very impressive how you've grasped the details here and put them together into this comprehensive motion understanding we have one issue of where we've had differences in views, and I think that's number 8 if my visual memory is working here. So not, not grasping the details as well as you, I know number 8 doesn't mean 36 months, but how many how many months does it mean? I've seen, I'm probably confused, I've seen 27. I've seen 12 months. Can you explain the, what, how many months exactly you're intending there?

**Phil Anderson** [00:14:12] Yeah, it's, there's no one single answer to that. The way the procedural directive is set up, there is, there is a, let's follow the fishing year for the sake of argument and for the sake of our example, let's say the fishing year is 12 months so after you take a trip within that time, you

know, it's let's say it's in, let's say it's in January and that trips taken, that information then goes to the provider and it, they have, as I understand it then they would move forward with the data analysis and so forth and as we went through the 12 month period then, when we got to the end of the 12 month period, that data would have essentially been held for 12 months and then there's a 3 month period after the fishing year for all of the data analysis to occur, data analysis, and once that is completed then the clock starts and the clock is for a 12 month period. If you happen to be one of those trips that's in November or December then it's being held, you know, for 15 to 16 to 17 months, so the time from November through the 3 month window after the first of the year and then the year starts from there. If you're one of those first trips that goes into that, I'll call it batch, that year's batch in January that data sticks around for a much longer because it's going to be a full year plus the 3 months and then another year, so that's where the 27 months comes from and the 15 months comes from the example where it was the first trip in a particular year, excuse me, it's the last trip in a particular year, then the three month timeframe for the analysis of the data and then the years, and then the 12 month data retention starts there. That's my understanding of how it works. It's graphically displayed in the procedural directive and there's a link to that in the GEMPAC report I believe on page 2. We can, but...and then as we had our discussion about this and the explanation came forward from Melissa, I believe it was, she explained in a manner that I hope I just replicated and I am getting an indication from my colleague, Brett Wiedoff, that I correctly explained it. So again, it depends within that 12 month fishing year when the, you know what trip it was and what month that trip was taken, that determines the total length that the video is held before it's able to be discarded.

**Marc Gorelnik** [00:18:08] Further questions? Corey is your hand...

**Corey Niles** [00:18:13] Yes, I re-raised it.

**Marc Gorelnik** [00:18:15] Okay please.

**Corey Niles** [00:18:17] Thanks Mr. Vice Chair. Like I said, impressive Phil how you've grasped this. The other side of the coin here though is the cost. Do you feel that we have a solid understanding here of what the cost in terms of dollars to industry of what the difference between what you're suggesting and 36 months is? If you have as an impressive answer, it would be appreciated. I appreciate hearing that.

**Phil Anderson** [00:18:50] I don't. I don't have a good answer so therefore it's not impressive. I mean, we heard from Dave Colpo what I understood to be the total cost is in the neighborhood of twenty thousand dollars a year is what I understood for the video retention so, and then we, you know we also got that great work that Traci Lorinto provided us to in the California Department of Fish and Wildlife through their analysis. So part of it is, part of it is the cost I guess, that's one threshold in my mind but, you know, and I, it's like I don't know that it's a lot of money, but it is more money, and if you're asking the industry to pay more to retain the video for longer than what is needed to accomplish the goals of the program and what you're really doing is needing it for a longer period of time for enforcement, that's kind of where I'm drawing the line. I'm saying industry is responsible for paying that for as long as it's needed to make sure that we're doing a good job of catch accounting, but if enforcement feels like they need it for a longer period of time then we need to find another way to absorb that cost. And if it is in fact something on the order of twenty thousand dollars a year and if it is in fact that important to enforcement, then I think we ought to be able to find a way to pay the 20 grand if that's what they need to do their job, but not put that burden on the industry because it is a you know, it's death by a thousand cuts or a death by a thousand adds in this case of costs that are associated with implementing our catch share program and our EM and all the other things that go on with this, so we're trying to minimize costs. So I'm trying to draw the line here and have industry pay for what is, I think, their responsibility, but not have them pay for something that isn't.

**Marc Gorelnik** [00:21:22] Thank you Phil. Further questions, discussion on the motion? Marci Yaremko.

**Marci Yaremko** [00:21:31] Thank you Mr. Vice Chair. I'd like to offer an amendment.

**Marc Gorelnik** [00:21:35] Please go ahead.

**Marci Yaremko** [00:21:38] Thank you. Sandra with regard to item 8 in the motion please strike the language and replace it with the following: Maintain the retention of records requirements specified in 50 CFR. 660 point 603 m 6 as referenced in Agenda Item F.3.a, Supplemental EC Report 1.

**Marc Gorelnik** [00:22:47] Give Sandra an opportunity to do her thing here. So, Marci is the language on the screen, the changes on the screen accurately reflect your proposed amendment?

**Marci Yaremko** [00:23:32] Yes. Thank you.

**Marc Gorelnik** [00:23:34] Is there a second? Seconded by Corey Niles. Please speak to your amendment.

**Marci Yaremko** [00:00:00] Thank you Mr. Vice Chair. Maybe it would have been easier if I just stated maintain the 36-month retention requirement, but I thought I'd refer to the report. I appreciate this discussion and it's been a topic of keen interest of our agencies since the April meeting and the discussion on the same point that we had around the table in April. We got to talking internally about what were really these costs, this increase in cost above the minimum established in the National Policy Directive and I read some things and nothing really ever kind of hit home to me as to what the actual cost was per vessel per year for the additional time to store the data, hence we embarked on developing the CDFW report to try to quantify the cost increase in a way that had some meaning for the industry and for the public so that was the origin of the report. Thinking back in time, in 2016, as Greg Busch's explained to us earlier, enforcement recommended a five-year retention requirement, which is consistent with other requirements of the MSA with regard to data retention and compromised on the three-year period. I'm not really sure why the compromise was made, but I'm expecting that part of that compromise was with an assumption that cost of the five-year period was too burdensome on the industry, who would bear this cost in addition to other costs of the program. I think that both Shems and Heather have it right when they say that the issue probably isn't about cost, so I guess I'm wondering I don't know that I see anything differently today on the other issues than the Council had at its fingertips to make a decision back in 2016. I see no reason to depart from the decision in 2016. I believe one thing has changed since 2016 which is why I'm really glad we're having this discussion and we went through this exercise. The costs have come down considerably. Until, you know, until we developed our analysis and looked at what these costs actually were today to store the data for 36 months versus the 15 to 27 month retention period in the National Policy Directive, I was comfortable acknowledging that this is something we needed to consider as we know the costs of this program have piled on and on and on, but now that we've had this look, to me the benefits that come with the ability to retrieve and review data up to three years in my view clearly outweigh the nominal cost of under two hundred dollars per vessel per year total. This is a good program. EM program offers flexibility. It offers an opportunity for operators to make decisions about whether they want to use EM or not on a given trip and I think the program has delivered as we envisioned the goal to be, which is offer flexibility and provide an opportunity for vessels to make the right business decision for them about whether to bring an observer or whether to utilize EM. Another thing I wanted to note in the EC Report, the mention about the sampling rate that we're moving to for some sectors of the fishery that will be at a 25 percent sampling rate, while others will remain at 100 percent sampling rate of video review. The 25 percent sampling rate for those sectors will be random and as the EC notes issues might be identified in year two or year

three that would prompt a need to retrieve and review data back into prior years. Just want to I guess reflect on that decision, and this comes out of the NMFS directive and we haven't had a, I don't recall what, on what grounds NMFS reduced that sampling rate down to 25 percent for those sectors but I'm going to guess that cost had something to do with it and the desire was that we were comfortable moving to a level of 25 percent random review in lieu of a 100 percent, because the cost of reviewing the video data is a real and expensive cost so I think we have considered cost in every step of our decision making along the way. I think another thing that we should feel some comfort in, we should feel good that a three-year retention period substantiates that decision to reduce the sampling frequency to 25 percent random for those sectors, because we do have that safety net of the three-year review. One other thing that I think has been sort of missed in the GAP discussion and some of the testimony that's been provided on the notion of requiring a longer retention period and that the feeling of unfair treatment. I guess I would you know I, to me records can go both ways. Whatever records you might be talking about, whether it's a fish ticket or a logbook record, kind of the sense I got from the public testimony is that maintaining records for a longer period is only something that would be used as a tool against a vessel or an operation and the GAP Report referenced actually that there is no benefit to the fisher of a longer retention period, and I guess you know I, I have to disagree and I have to mention that records can go both ways. A record that is around for retrieval can support a statement, an affirmative statement by an operation that something was, a boat was where it said it was, a catch was what it said it was, an operation is doing what it said it was doing. I think about that and as we work through discussions about disaster relief funding and, you know, by and large, the way that vessels are compensated for relief under various programs is because of their record keeping and because they have something to fall back on and to say that they were doing something that entitles them to relief or to exoneration or whatever the case may be. So I just want to I guess incorporate that in the discussion here that records, this notion that records are a bad thing for operations, I just feel like that characterization misses the other half of the argument. The glass can be half full. The glass can be half empty and so I guess with that, that concludes my remarks. I appreciate the discussion and again I think this is a wonderful program. We should be celebrating its successes. Thank you.

**Marc Gorelnik** [00:09:51] Thank you, Marci. Is there discussion? Are the questions for Marci on her amendment or discussion on the amendment? Corey Niles.

**Corey Niles** [00:10:07] Thanks Mr. Vice Chair. I'm having flashbacks to when we voted on this issue last time without much discussion. Appreciate Marci's speaking to that there. I really appreciate Phil's explanation and thoughtfulness here. I'll try to be brief here, but just some many thoughts rattle around in my brain and first off, I was fortunate to work under Phil's leadership as Director and heard some of his enforcement stories and I think we like to joke that he could have been an enforcement officer in a different, different life for sure, so no doubt in my mind that Phil has the utmost respect and understands the role that enforcement plays in our system. And also, yeah, this is an issue where I understand how smart people are coming down differently but I guess I'm kind of, I'm backing up to the bigger picture of costs and those are real. This Council has been responsive to all the industry requests, for example, trying to get the EFP going for longer while we figure these issues out. I feel like we've been very responsive to costs and we all, and when people speak to what the goals of the program are, I think we all agree it seems on this one issue that a lot of the frustrations are, we're taking out our frustrations on this one issue where the costs are pretty, pretty low. Phil has me, I was pretty sure I would vote for this amendment until Phil spoke and I think that the issue, the deeper issue in my mind and I tried to speak to this last time in March, is this a fair share, a reasonable share between what industry pays and what the public or government pays for monitoring of the public resource and so I'm a bit compelled by that. If this is going to push that debate towards how much should the government pay for our enforcement needs, or do we need to put it all on industry cost? That is an argument I have, I mean a question I have in mind, and I have I guess also in the back of my mind is the idea that we're going to continue to look at this program, evaluate it you know every, every three to five years or I've heard people mention or

even more. So people are going to keep looking at costs and effectiveness and how well we achieve the program's objectives, so I yeah I'm seeing the GEMPAC get 90 percent of what it's asked this Council for and then on this one issue where costs are not large, I just I don't, I'm a little perplexed on why, why all the, why we're spending so much energy on this one, and the EC has compromised a bit on what they think is the right, the right time frame. I can't tell you what the right time frame is because I don't think we have enough information. I tend to defer to our EC on enforcement matters. Lastly, I think I'll end on saying, you know the strength of this Council is, it makes decisions using data and science and facts and reason. You know emotions fit within that for sure but, and my point is this Council makes better decisions than national guidance. I am not compelled by the fact that this is national guidance, that it is authoritative and makes better decisions than we could using that data and that reasoning and information so I'm not looking to that as an authoritative source. I really don't think we have the data to answer what the right answer is at this point and I do expect us to come back and reevaluate and I think Marci brought up a good point and EC's brought up good point about the difference between a subsampling of the video versus 100 percent. There are a lot of issues to think through so to be honest, I don't even, I might change my mind on how I'm going to vote on this after I stop talking, because I don't think it's a huge issue either way. We're going to have enforcement abilities. We're going to have a good program to start out with and it's those bigger questions, where the costs are coming from that really, really are the more concerning ones.

**Marc Gorelnik** [00:15:05] Thank you Corey. Bob Dooley.

**Bob Dooley** [00:15:09] Thank you Mr. Vice Chair. I just wanted to add a little perspective to the video review percentage. I believe and I think I recall these numbers correctly, I don't have them in front of me, but about 90 percent of the sea days that are collected in the EM program come from whiting and or the midwater vessels and in the rule that's been, you know, the guidelines of manual rules that says how much video is going to be reviewed, those, the whiting sector has 100 percent review because it's, it was stated by Pacific States and the guidance that it's as easy to do 100 percent on those trips than it is to do 25 and it doesn't cost anything more, so there's very little in the big picture not being reviewed at a 100 percent right now or contemplated to be that way and right now too so, in the EFP, so I think that the fear that some lesser amount of review in the big picture, maybe in some sectors were not, but in the overall EM program, it's nearly a hundred percent, so I don't necessarily think that's a, you know I just wanted to clear that and make sure that people understood that, that we are not all at 25 percent. The vast majority, like 90 percent of the sea days are being judged at 100 percent review. So, thank you.

**Marc Gorelnik** [00:17:03] Thank you Bob. Let's see if there's any further discussion on this amendment. I'm not seeing any more hands raised so I will call the question on the amendment offered by Marci Yaremko. All those in favor say 'aye'.

**Council** [00:17:18] Aye

**Marc Gorelnik** [00:17:21] Opposed no?

**Council** [00:17:23] No. No, no, no, no.

**Marc Gorelnik** [00:17:33] Executive Director Tracy could we do a roll call?

**Chuck Tracy** [00:17:39] Yes Mr. Vice Chair. I think that's appropriate. So, this will be for the amendment to Mr. Anderson's motion made by Miss Yaremko. Council members please give me your vote yes or no as I call your name. Virgil Moore.

**Virgil Moore** [00:18:03] Yes. Aye.

**Chuck Tracy** [00:18:03] Ryan Wulff.

**Ryan Wulff** [00:18:09] Yes.

**Chuck Tracy** [00:18:14] Louis Zimm.

**Louis Zimm** [00:18:16] No.

**Chuck Tracy** [00:18:17] Brad Pettinger.

**Brad Pettinger** [00:18:19] No.

**Chuck Tracy** [00:18:21] Joe Oatman.

**Joe Oatman** [00:18:21] No.

**Chuck Tracy** [00:18:28] That was a 'no'. Rich Lincoln.

**Rich Lincoln** [00:18:28] No

**Chuck Tracy** [00:18:32] Corey Niles.

**Corey Niles** [00:18:32] Yes.

**Chuck Tracy** [00:18:37] Maggie Sommer.

**Maggie Sommer** [00:18:39] No.

**Chuck Tracy** [00:18:42] Bob Dooley.

**Bob Dooley** [00:18:45] No.

**Chuck Tracy** [00:18:45] Pete Hassemer.

**Pete Hassemer** [00:18:45] No.

**Chuck Tracy** [00:18:48] Christa Svensson.

**Christa Svensson** [00:18:52] No.

**Chuck Tracy** [00:18:57] Marci Yaremko.

**Marci Yaremko** [00:18:58] Yes.

**Chuck Tracy** [00:19:01] Phil Anderson.

**Phil Anderson** [00:19:01] No.

**Chuck Tracy** [00:19:06] Mr. Vice Chair, we have four in favor, nine opposed. The amendment fails.



**Marc Gorelnik** [00:19:15] Thank you Mr. Tracy. So, we are back to the original motion and I'll ask to see if there's any further discussion? Amendments? Any other, anything else the Council cares to do prior to taking a vote on Chair Anderson's motion? Ryan Wulff.

**Ryan Wulff** [00:19:44] Thank you Mr. Vice Chair. I didn't get to raise my hand earlier in discussion on the motion so I did want to thank Phil for the motion for his extensive comments on the history of how we got here, but also on the rationale for these specific measures here in this motion. Appreciated the discussion on number 8 that we just had and NMFS, as I stated in April, obviously we could support either way the doc would have gone. I do want to, and I'll underscore because Phil referenced maybe what in the.... if you could scroll down to the bullet number two. So, well I guess all of these bullets really I mean, just in general and with the comments that have been made, NMFS agrees with the Council that the collaborative approach taken here has been responsible for most of its success and will continue to be a key component for success going forward and we are committed to a productive dialogue with the Council, with industry in looking for cost savings and flexibilities wherever we can consistent with policies and applicable law. So just to reiterate my comments under the management entity report, we would like to host a webinar in July, the guidelines and manual, but we have not forgotten about previous discussions regarding the auto function and the confidentiality issue, which was touched on briefly here and we do plan to continue dialogue's on those issues as well as we look towards 2020 implementation so I just wanted to state that and express my support for the overall motion. Thank you.

**Marc Gorelnik** [00:21:49] Thank you Ryan. Any further discussion? Raise your hand. Any further amendments raise your hand and I'm not seeing any hands, so I'm going to call the question. All those in favor of this motion signify by saying 'aye'.

**Council** [00:22:14] Aye.

**Marc Gorelnik** [00:22:15] Opposed No? Abstentions? Motion passes unanimously. Good work. Thank you, Chairman Anderson, and thanks to the Council for getting this done. Is there anything further on this Agenda Item F.3? Corey Niles.

**Corey Niles** [00:22:47] Thank you Mr. Vice Chair. I think in public testimony we heard some questions earlier and Ryan spoke to it at the start of the agenda item and on this uncertainty about the funding for next year and the extension of the EFP and I was just wondering if Ryan could speak briefly into how we might keep up to date on those developments. I heard him say that's not a definite no, the funding won't be there, but I may have missed all of what he said, but when we can expect to hear more on that?

**Marc Gorelnik** [00:23:27] Ryan.

**Ryan Wulff** [00:23:27] Thank you Mr. Vice Chair. Thanks, Corey, for the question. Well at this time I can't say anything more than what I said. Obviously, we have allocated for 20 funds already at this point in the fiscal year. We do not know what will be in the appropriations for 2021, whether it addresses this issue specifically or just in general for the agency. I will pass along the comments that we've heard here, as well as Council discussion and the reports that were read in. You know we will have a July webinar that will touch on guidance and manual, I can see if there is an update then otherwise, as far as the Council goes in this agenda, the next agenda item would be September and we'll provide an update then. I recognize there might be a need for more certainty sooner and I will pass that along and see if there's a way to update prior to that, but other than that, that's about all I can say at the moment.

**Marc Gorelnik** [00:24:36] Phil Anderson.

**Phil Anderson** [00:24:39] I didn't want to interrupt that particular train of conversation. I had one other comment to make but I just want to make sure Corey, I did want to step in front of Corey.

**Marc Gorelnik** [00:24:50] Corey, did you have a follow up?

**Corey Niles** [00:24:53] I appreciate the answer. I think that makes it clear for me and appreciate it Phil and Mr. Vice Chair and Ryan.

**Marc Gorelnik** [00:25:00] All right Phil.

**Phil Anderson** [00:25:06] Just I didn't speak to the second bullet and any depth, which was the piece that had to do with conducting a review of the program guidelines and manual and those kinds of things, the same thing that was in our motion essentially in April, and you know I'm only one Council member for sure but my thought there was that the Council staff and NMFS would use the same method, that partially being the GEMPAC and GEMTAC to, and schedule the appropriate meetings and consultation and those kinds of things, to do that I wasn't, you know I didn't want to leave that without at least giving my thought on how to accomplish that particular part of the motion and I didn't, I didn't think it would be a good idea to recreate the wheel in that they have to form some new group of people or something. I think they have done a really good job of working through these issues. They know them well and that's what I would recommend.

**Marc Gorelnik** [00:26:32] All right. Thank you, Phil. Thanks for that clarity, on that, on the motion. Further discussion on this agenda item from around the table. Brett, how are we doing?

**Brett Wiedoff** [00:26:50] Thank you Vice Chair Gorelnik. I think you're doing very well. I think again we've really pushed to try to finalize the EM program. I think we're back on track as far as trying to finalize the program. I know there's some things that we need to work out to get these regulations in place. I appreciate everybody's flexibility, continued desire to make this work. I do really realize that it's been a long road and lots of deep breaths, so I appreciate that from everyone around the table. We have a motion that provides us the details that we need to adopt the final recommendations for regulatory changes and to work with NMFS and the Executive Director to finalize those regs and get them out for a proposed rule. We also have looked to extend those exempted fishing permits and the deadline for those, we'll have to think about, well NMFS will have to decide on how they want to propose that opening up the EM permit and the availability of those so as they have done in the past, leave it to them to do that. So, the final step here is with the program implementation. We have, like you said, like Ryan said, that we have an update in September that we can come back and provide the Council with an update on the things that have happened over the summer. Regarding the NMFS hosting a Q and A and some back and forth with the industry. I can, as well, schedule some GEMPAC/GEMTAC meetings in support of a comprehensive review of the EM manual and guidelines that reflect what is being proposed and finalized in the final rule that implements those regulatory changes. I think we'd have to leave it to staff and NMFS to decide if there's so many things that need attention and Council action and then decide to schedule those at some time, so maybe in September we might have an indication about that, maybe come back in the spring if needed for some further action. I don't anticipate that right now but at this time, at this time I haven't identified anything that would indicate that. So again, I want to thank all the Council members and Phil with the motion and finalizing this action here today. I think that's all I have as far as my notes and the things moving forward. Hopefully, the funding issues will get worked out and we can come up with some creative ideas to continue this program into 2021 and beyond. Thanks a lot.

**Marc Gorelnik** [00:29:52] All right. Thanks very much Brett.

#### 4. Inseason Adjustments – Final Action

**Marc Gorelnik** [00:00:00] With no public comment that will take us to Council discussion and action and we'll see who wishes to break the ice here. Maybe they get a special donut the next time we meet. Marci.

**Marci Yaremko** [00:00:20] All right. Maybe this will earn me a pass out of donuts since I had a violation there. Hopefully so. I'm prepared to offer a motion if there's no discussion.

**Marc Gorelnik** [00:00:34] Let me just pause you for a moment and see if anyone cares to discuss this agenda item before we have a motion and its discussion. I'm not seeing any hands so please go ahead Marci.

**Marci Yaremko** [00:00:48] Okay thank you Mr. Vice Chair. Ready Sandra? I move the Council adopt Option 2, trip limits, oh there we go, you read my mind, in Agenda Item F.4.a., Supplemental GMT Report 1, June 2020.

**Marc Gorelnik** [00:01:19] Marci does that language accurately reflect your motion?

**Marci Yaremko** [00:01:23] Yes it does. Thank you.

**Marc Gorelnik** [00:01:25] I'll look for a hand for a second. Seconded by Maggie Sommer. Please speak your motion, as necessary.

**Marci Yaremko** [00:01:32] Yeah thank you Mr. Vice Chair. GAP recommendation, we were alerted to this by one of our south of 40°10' fixed gear participants who was eager to avoid needing to discard boccaccio with the increased trip limits that were offered in the April inseason action so hoping to take the opportunity to retain and land those fish, so appreciate the GAP's work on this and the GMT's recommendation.

**Marc Gorelnik** [00:02:10] All right. Are there any questions for Marci on her motion or discussion on the motion? Not seeing any hands, I'll call the question. All those in favor, say 'aye'.

**Council** [00:02:22] Aye.

**Marc Gorelnik** [00:02:22] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Marci for your motion. Let me first go look to the Council members and see if there's any further issues to be raised under this agenda item and I'm not seeing any hands so I'm going to turn back to Todd and see if we have completed our work here.

**Todd Phillips** [00:02:52] Yes thank you Mr. Vice Chair. Looking at the one motion and approval of that motion I believe that you have adequately covered the agenda item and I would like to echo Mr. Richter's congratulatory expression. This is a great inseason agenda item. Thank you.

**Marc Gorelnik** [00:03:14] All right. Thank you very much Todd. Well, Chair Anderson here's the gavel.

**Phil Anderson** [00:03:24] Thank you very much. Great job. Marci, I appreciate that motion on that agenda item but I regret to inform you that you are not out of your donut obligation. Maybe if it were a more complex motion, you know, there had been some consideration of that but not for that one sentence job.

**Marci Yaremko** [00:03:50] Ah....(laughter)....

## G. Coastal Pelagic Species Management

### 1. Sardine Rebuilding Plan

**Marc Gorelnik** [00:00:02] That concludes public comment on this agenda item and takes us to Council discussion and action and we have the Council action there on the screen and I'll turn to Briana Brady.

**Briana Brady** [00:00:32] Thanks Mr. Vice Chair. I wasn't sure if you wanted to go over the Council action first.

**Marc Gorelnik** [00:00:41] Well we can. The Council action is up there on the screen one through four. I don't know what the will of the Council is in terms to take them in order or whether there's going to be a consolidated approach but let's just have discussion on either the process or on the substance.

**Briana Brady** [00:01:02] Okay. Thank you. So, in thinking about the alternatives I would like to see first sardine rebuilding. I'm trying to come from the thought process of what it is that we are trying to accomplish, given that the ocean is going to be the main driver as to when sardine comes back and also what we have already been doing to sustainably manage the sardine stock. At the same time, I think we all recognize the drastic impact the decline in sardine has had on our coastal communities. I've seen it firsthand in California where many CPS processors and fishermen are struggling to stay afloat, in addition to impacts to the fleet in Oregon and Washington. I really appreciate all the discussion and work the CPS Management Team and the CPSAS and members of the public have put into understanding this rebuilding process and in proposing an ROA and the comprehensive report by the advisory bodies, specifically that MT's proposed ROA provides room for exploration on how to determine a rebuilding plan for this stock that, if needed to meet rebuilding timelines, could allow for a reduction that would be based on current control rules from the FMP. I think it's important to recognize that our control rules have prevented overfishing and have not been the reason for the decline in sardine overall. So, Mr. Vice Chair I have an idea for a motion of put forward when ready after some more Council discussion if needed.

**Marc Gorelnik** [00:03:04] Thank you Briana. So, let's have some further discussion. We've had some pretty detailed reports. We've had some pretty clear public comment from different perspectives. Rich Lincoln.

**Rich Lincoln** [00:03:30] Thanks Vice Chair. Just a few thoughts. I guess maybe it might seem a bit random just so, I'm just thinking about a few things and thinking about the reports that we got. So with respect to the idea of a preliminary preferred alternative, I don't, I mean it seems like we're at such an early stage of analysis without really having any clearer sense right now what the range of, what a range of alternatives might pop out. There seems to be quite a bit of, perhaps for those besides me that have all kind of a lot of foreknowledge about what these analyses might look like and presumptions that they're not going to necessarily show much difference, regardless I think it's probably premature to worry about a preliminary preferred alternative at this point without some better information. I actually, I think it definitely is helpful to have a broader range of alternatives to think about in September. We may still be at a point at that time either confirming some presumptions about what that analysis might look like or finding something that we didn't expect. I think the SAS put forward a suggestion of an alternative that included a five percent constant exploitation rate. I think there is some, I believe there is some merit for that in terms of analysis as just one approach. I think the suggestion was actually put forward in this AS report as an alternative to an absolute zero option, which I think folks have reacted to. I think the team originally put the proposal forward as just two bookends that to get a full range out there and I kind of understand that approach but I think there's been some reaction to having zero at the bottom end of that range as it doesn't feel like it perhaps has any viability, considering it's kind of

extreme outcome and probably the inability to actually execute it effectively, but in any case I think there's some good logic for including five percent in a constant exploitation rate for sure in an analytical range, whether that would have the team's idea about their third option of just looking at things in a different way. I mean I don't know exactly what that might include, but certainly given the feedback we had from the SSC that once Andre works on the analytical tool itself, it shouldn't be a big stretch at all to analyze something that is that simple in its approach and again, whether it's whether people consider that a viable approach or not I think that's what the analysis is supposed to help us evaluate when we come to a discussion in September. I think I'll kind of leave it, leave my thoughts there. Thanks.

**Marc Gorelnik** [00:06:52] Thank you very much Rich. That's helpful. Further discussion either about process or substance? Corey Niles.

**Corey Niles** [00:07:05] Yeah thanks Mr. Vice Chair. Maybe I have a question and thanks Briana and Rich for the thoughts. I think, yeah, a broad range of alternatives is the way to go. I guess my question and thoughts are more about bullet number 2 and the information we get back within those alternatives. So yeah a question for, you know I can't see who's in the NMFS seat or the NOAA GC seat there, but maybe a little more discussion on what we need, what we should be looking at to make a final recommendation and just a little more context of what I'm thinking, well I guess I'll say that one of the ideas we have out there is we have this range of alternatives between the status quo and the no fishing alternative and that, let's uh, look at something else if status quo does not rebuild within 10 years. So, I'm curious, thinking back to our example of petrale sole, which is the one groundfish I can think of that could rebuild within 10 years. We still look at various options for rebuilding within 10 years and so the idea was that to justify a slower rebuilding time, you still had to demonstrate that we were avoiding some serious economic consequences to the fishery. So yeah, my question, if status quo proves that it can rebuild within 10 years, is it sufficient that's the only thing we would look at? Yeah I'm really just looking for a little more discussion on what on number 2 we should be, we would need to look at in this range of alternatives, and if that question isn't clear then I'm happy to, to try to rephrase more succinctly.

**Marc Gorelnik** [00:09:06] All right thanks Corey. I think there's enough there, perhaps for someone from NMFS, so Maggie Smith.

**Maggie Smith** [00:09:15] Thank you Vice Chair Gorelnik, Mr. Niles. So, as I understand your question, you're asking if a rebuilding alternative is less, shows that t-target of less than 10 years. Is anything else required in terms of analysis? And I would point you to the statutory language, which says that for any fishery that is overfished the fishery management plan must specify a time period for rebuilding that shall be as short as possible, taking into account the status and biology of any overfished stocks of fish that need the fishing communities, recommendations by international organizations and the interaction of the overfished stock of fish, and not to exceed 10 years except in certain cases. So, both of those things should be considered when selecting your rebuilding target.

**Marc Gorelnik** [00:10:24] Did...did that answer your question Corey?

**Corey Niles** [00:10:28] I think so Mr. Vice Chair, but just maybe one more, so I think like would say a hypothetical of we have one alternative that rebuilds within nine years and that one could rebuild in five years and but the five years had some pretty drastic economic consequences, we would still need to show or consider that, you know, that the difference between five and nine years would have to be justified based on those serious economic consequences? Just because it rebuilds within nine years that doesn't make it per say acceptable, we still have to address that shortest time to rebuild and the needs of the fishing community, is that, am I getting that right Maggie?

**Marc Gorelnik** [00:11:22] Maggie. Go ahead Maggie and your muted.

**Maggie Smith** [00:11:36] Thanks. Yeah, I, you know I don't love to answer hypotheticals, but I would again just point to that statutory language and encourage the Council to have a full record for its decision based on those statutory standards.

**Marc Gorelnik** [00:12:03] And Maggie by a full record are you suggesting that the Council can weigh these socio-economic factors and expressly weigh them against the timeline and that would be the judgment of the Council would be an adequate record?

**Maggie Smith** [00:12:28] Yeah. Yes. I mean I think that's right, that the Council, you know as we've done in other rebuilding plans explain why the time, the time period is the shortest possible while taking into account those factors, which here it seems like the needs of fishing communities are the ones, is the one that the Council would be most concerned with and that that would constitute the record for a decision.

**Marc Gorelnik** [00:13:00] All right thank you Maggie. Louis Zimm has a question.

**Louis Zimm** [00:13:04] Thank you.

**Marc Gorelnik** [00:13:04] Discussion rather.

**Louis Zimm** [00:13:06] Thank you very much Mr. Vice Chair, and this is directed to NMFS GC and most likely to Maggie. You mentioned in international considerations that this is definitely a cross boundary stock as indicated in the GMT reports and other data we have. How does that cross boundary question enter into this in our considerations? Thank you.

**Marc Gorelnik** [00:13:36] Maggie, you're in the hot seat here.

**Maggie Smith** [00:13:42] Yes. Thank you. Well I think if the Council is aware and I know that the management team and SSC has considered under the National Standard One guidelines that t-min numbers are the minimum time to rebuild the stock is calculated, taking into account all sources of fishing mortality including international fishing mortality. With respect to, you know, the analysis for the, sorry, new problem, analysis for the rebuilding plan itself, you know those factors include recommendations by international organizations and so you know as I understand, that doesn't exist here so it wouldn't be one of those factors.

**Louis Zimm** [00:14:50] Thank you Mr. Vice Chair. Thank you, Maggie. I think I understand that, but there still is a lot of, a lot of questions in my mind about the efficacy of a rebuilding plan that does not take into consideration the situation of this being a transboundary stock so I will try to offline pursue that a bit. Thank you.

**Marc Gorelnik** [00:15:17] All right Louis. Thank you. Is there further discussion and if there's....Brad Pettinger.

**Brad Pettinger** [00:15:28] Thank you Mr. Vice Chair. You know when I look at this stock and I just, we talk about rebuilding it, I honestly, I honestly believe, I think most of everyone else does too that it's not going to happen until the natural processes in the ocean change and that's, I just note a 10 year rebuilding timeline, while it sounds great is just an illusion in my mind. This stock could be rebuilt in the next couple years and it won't be because of our doing. In my mind, this what we're doing right now, what we've done is we're basically trying to not fish a stock down any more than we have to.

We're trying to keep the other fisheries going and not be impeded by a lower ACL that would curtail those fisheries and I thought was very interesting in the Oceana presentation where they're talking about, one of the last slides about the fear of fishing it down so far that we'll have a longer time to rebuild, and I would submit to him and to the Council that what we're doing the last four or five years is anything but what was happening in the 60's on the last time this stock collapsed. I've been trying to find some information on landings and I did find something on the Southwest Science Center page here but it's pretty small, but it looks to me like in the 60's we probably averaged between I would say 40 to a hundred thousand tons in the early 60's before this stock totally went away and so I would submit to you that what we're doing now is anything but that and there's also a, I would say that for the last four years while we have set the quota or the ACL at 4 or 5 thousand tons or something like that, we've only been catching about 31 percent, so it's been the cap, well actually the ACL is with the cap, but we haven't come anywhere close to that and really in my mind, most of those fish that have been caught have been in the live bait fishery, which had never left the ecosystem, and so anyway I think it's something that needed to be said in the discussion as we move forward here. Thank you.

**Marc Gorelnik** [00:18:03] Thank you Brad. Further Council discussion and I know that Briana has a motion prepared, but I don't want to be premature unless there's some, I don't see any further Council discussion so I'm going to turn to Briana.

**Briana Brady** [00:18:28] Thank you Mr. Vice Chair. Sandra can you please post the motion?

**Marc Gorelnik** [00:18:37] Yeah why don't you, I think the motion will certainly spur some further discussion.

**Briana Brady** [00:18:53] I move the Council adopt the ROA as listed in Agenda Item G.1.a, Supplemental CPSMT Report 2, June 2020.

**Marc Gorelnik** [00:19:06] Is this something you've sent to Sandra or is?

**Briana Brady** [00:19:10] Yes.

**Marc Gorelnik** [00:19:11] Okay. Got it. All right now I see it. Is the language on the screen accurately reflect your motion?

**Briana Brady** [00:19:24] Yes it does. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:19:26] And I will look for a second.

**Louis Zimm** [00:19:35] Louis Zimm would like to second.

**Marc Gorelnik** [00:19:37] All right. Seconded by Louis Zimm. Briana please speak to your motion.

**Briana Brady** [00:19:43] Thank you. Thank you, Mr. Vice Chair. In essence, we have been rebuilding for the past five years. It is unprecedented to have a rebuilding plan already in place, plus ocean conditions will be the primary factor determining when the population recovers. I'm proposing that the Council select the MT's ROA because it encompasses a full range of what potential outcomes could be for rebuilding based on the current management framework in the FMP, which to me means continuing to use our annual process and harvest control rules. We're using our control rules, but with some reduction if necessary. I think that looking at purely U.S. harvest will be an informative metric that from an analytical economic standpoint you probably want to see, noting that zero U.S. harvest would not be feasible from a management standpoint or economically viable. Also, I don't think this leaves



out any of the options proposed by others and that other scenarios could be looked at by the MT if necessary, for rebuilding. I think the plan and timeline that have been outlined in the management team report is going to be difficult to meet, but something the Council should do our best to maintain, and that includes an SSC subcommittee meeting with Dr. Kevin Hill during the summer, most likely in July, and then final action in September for the rebuilding plan. Thank you, Mr. Vice Chair.

**Marc Gorelnik** [00:21:37] Thank you Briana. Are there questions for maker of the motion? Discussion on the motion? Rich Lincoln.

**Rich Lincoln** [00:22:02] Thanks Vice Chair. I don't know so much discussion, but I would like to offer an amendment.

**Marc Gorelnik** [00:22:12] Please go ahead.

**Rich Lincoln** [00:22:15] Let's see here. What's the best way to do this. Let's see, I guess after the, just after June 2020 I just start an additional sentence 'In addition, the Council would request the additional analysis of a five percent constant exploitation rate of the age one biomass'. Hold on a sec. As mentioned in modified alternative 2 of Supplemental CPSAS Report 1, Agenda Item G.1.a.

**Marc Gorelnik** [00:23:59] Rich, take a moment to look at that language and make sure that it is consistent with your amendment.

**Rich Lincoln** [00:24:11] Yes, I think that, I think they should do it. It may not be perfect but I think it does the job.

**Marc Gorelnik** [00:24:20] Okay thank you Rich. I'm looking for a second for Rich's amendment.

**Phil Anderson** [00:24:26] Phil Anderson seconds.

**Marc Gorelnik** [00:24:28] All right. Seconded by Phil Anderson. Rich, please speak to your amendment.

**Rich Lincoln** [00:24:37] Yes. Thanks Vice Chair. Just briefly, so I think we've had a good discussion and certainly the management teams approach does present a range of options, as I understand, however as I understand alternative 3, it still represents a variation on I guess I would call a kind of a modified variation of status quo, and just in terms of scaling it, scaling it down in different ways to see what the effect is. This amendment is simply a way to help the Council understand what I would call a modification of the no fishing option in a way that for analysis, I'm not prejudging that it would, I think it's important in these discussions not to prejudge, excuse me, how any of the Council members might project how a specific option might or might not accomplish the needs of rebuilding and associated and dealing with the associated potential socio-economic impacts of any alternative, but I guess this would, in fact, reflect something that perhaps, as you know, provides another bookend to the analysis that could reflect a, an approach that would under some set of conditions would accelerate achieving being above the stock level that represents overfishing and get us to a rebuilt state and just provides a way of looking at an option, a lower end option that provides the opportunity for continued incidental harvest, and I thought that it was a thoughtful process that the SAS used to consider and present the option in their, in their report. Thanks.

**Marc Gorelnik** [00:26:59] All right. Thank you, Rich. Are there, is there any questions for Rich or discussion? Briana Brady.

**Briana Brady** [00:00:00] Thank you Mr. Vice Chair and thank you Mr. Lincoln and Mr. Anderson for the amendment. I guess I would just say that fishing is not driving the population, but to be more specific with a question, I am wondering just why five percent is needed if we reduce the high, if we reduce from the high mark down to reach the 10-year mark, if you could just cover that for me again please.

**Marc Gorelnik** [00:00:43] Rich.

**Rich Lincoln** [00:00:47] Well I'm not sure I completely understand your question Briana but it, I think perhaps what I was implying that all of the, except for no fishing, all the options in the team's report, including the third alternative, seem to be scaling or looking at some level of ABC based on an approach using the current harvest control rule so that as the population fluctuates up and down, whatever option the team looks at, whether it's a some current control rule or some scaled down version of it, it would always, it would always look at that feature of harvest, controlling harvest in the same way. I guess implicit in the amendment just looking at it, just trying to inform the Council what a different approach might look like, if in fact you're fishing at a lower exploitation rate in some cases, if the environment produces some better recruitment and higher stock sizes, yes, you could say that there would be more opportunity in those years for higher harvest but this would be a way of looking at the question of, well, if you, if you used the lower exploitation rate across a wide range of potential abundances, would it, in fact have an effect on rebuilding timeframe? And for myself I don't think I would have a way to answer that question explicitly without having some analysis.

**Marc Gorelnik** [00:02:33] Briana did that answer your question?

**Briana Brady** [00:02:38] Thank you Mr. Vice Chair. Thank you, Mr. Lincoln. Yes.

**Marc Gorelnik** [00:02:43] Further discussion on the amendment? Louis Zimm and then Ryan Wulff.

**Louis Zimm** [00:02:48] Thank you Mr. Vice Chair, and this is, this comment is directed to the amendment. I see in Briana's motion language that I did not see included previously in the analysis or the backup stuff we have. I saw a reduction if necessary and so asking for analysis of reduction if necessary sounds pretty much the same as what Rich is proposing, perhaps even more flexible, so I'm on the, I'm on the fence on this and I appreciate maybe some more fill-in on this.

**Marc Gorelnik** [00:03:43] All right thanks Louis. Ryan Wulff.

**Ryan Wulff** [00:03:49] Thank you Mr. Vice Chair. This is a clarifying question for Rich for the amendment. I just want to clarify, I think I understand now that the analysis would be on the full range of statutory factors, but I wanted to clarify whether or not you were recommending this is as an official alternative in the range.

**Marc Gorelnik** [00:04:21] Rich.

**Rich Lincoln** [00:04:21] Well considering the way the team's report is written in terms of their alternative 3 being a potential range of all kinds of analyses, that question sounds a bit like semantics to me Ryan so I guess in terms of maybe it was poor wording in terms of the Council considering specific forms of analysis or approaches to rebuilding. Yes, I guess I would have to say that including this in the analysis would have the practical, I guess practical outcome of allowing the Council to consider it as a harvest approach.

**Marc Gorelnik** [00:05:13] Ryan.

**Ryan Wulff** [00:05:15] Okay. Just as a follow-up. Thank you, Rich for that. I think that's supple. I mean I do think if this is adopted that it is more appropriate as an alternative, but I appreciate that it to some extent is semantics so thank you.

**Marc Gorelnik** [00:05:33] Corey Niles.

**Corey Niles** [00:05:36] Yeah thanks Mr. Vice Chair, and thanks Rich. I don't want to derail from for the bigger picture questions, but I think as a small question, I think it's pointed out to me maybe in, this is a clarification question Rich, put on your, you say on your motion age one biomass but I believe the CPSAS is what was talking about age one plus biomass, so I'm assuming you intend to capture what the CPSAS was suggesting and you meant age one plus biomass, which is the way, what they typically look at?

**Marc Gorelnik** [00:06:21] Rich.

**Rich Lincoln** [00:06:22] Yes thanks. Thanks, Corey for that question. That was a, that would be a fairly major omission in terms of its literal interpretation. Yes, I did certainly intention, intend age one plus biomass there.

**Marc Gorelnik** [00:06:44] So let me ask Chuck a question here. The intent of the maker of the motion was to have it read age one plus. Can we make that change informally here or do we need to go through a formal process?

**Chuck Tracy** [00:07:02] Thanks Mr. Vice Chair. Trivial as it is, you're asking a process question from a process guy so I'd say we should have an amendment.

**Marc Gorelnik** [00:07:15] All right. Probably the appropriate way to proceed here would be for Rich to seek the permission of Phil to withdraw the amendment and then enter a new amendment.

**Chuck Tracy** [00:07:29] Mr. Vice Chair. I believe we can amend the amendment once.

**Marc Gorelnik** [00:07:33] Okay. All right, but the amendment may be offered by, not by Rich, is that correct?

**Dave Hanson** [00:07:43] Correct.

**Marc Gorelnik** [00:07:44] Thank you Dr. Hanson. So would someone wish to offer an amendment to the amendment?

**Phil Anderson** [00:07:54] I had my hand up.

**Marc Gorelnik** [00:07:56] All right. Phil, I'm sorry.

**Phil Anderson** [00:07:59] Thanks Mr. Vice Chair. I would move an amendment to add to the amendment to add the word 'plus' after age one. So age one plus biomass.

**Marc Gorelnik** [00:08:18] All right Phil. Your amendment to the amendment is on the screen, is that accurate?

**Phil Anderson** [00:08:25] Yes, it is.

**Marc Gorelnik** [00:08:26] All right. Is there a second? I see Bob Dooley, do you want to take that second?

**Bob Dooley** [00:08:35] Yes.

**Marc Gorelnik** [00:08:35] All right. Speak to your amendment, as necessary.

**Phil Anderson** [00:08:41] Thanks Mr. Vice Chair. I do think this is an important clarification of the amendment, that we are talking about the exploitation rate on the age one plus biomass rather than just the age one age class, so it's an important distinction and I'll leave it there. Thanks.

**Marc Gorelnik** [00:09:04] All right. Any discussion on Chair Anderson's amendment? I'll call the question. All those in favor of this amendment signify by saying 'aye'.

**Council** [00:09:19] Aye.

**Marc Gorelnik** [00:09:19] Opposed no? Abstentions? The amendment by Chair Anderson passes unanimously. We're now back to the Rich Lincoln Amendment as amended. Briana Brady.

**Briana Brady** [00:09:38] Thank you Mr. Vice Chair. I just wanted to express some thoughts that baiting a need for a specific alternative is plainly stating a need for specific alternatives less than status quo assumes that status quo will not allow rebuilding in 10 years. To me the team's proposal allows for this if needed but does not presume it prior to analysis so I'm not necessarily seeing a need for this amendment.

**Marc Gorelnik** [00:10:18] All right. Thank you, Briana. Rich Lincoln.

**Rich Lincoln** [00:10:23] Thanks Vice Chair. Maybe just briefly a thought in response to Briana's comment. I actually was compelled a little bit by the discussion that we had a little bit earlier. Corey's question about and Maggie's response in terms of statute limitations, I think the Council actually would be well served to have some analysis that looked potentially looked, I mean if in the case status quo does rebuild the stock in 10 years I think that Council would be very well served given its statutory requirements to evaluate options and as providing a potential basis for saying the choice of something that a status quo alternative, if the Council's choice of that giving, given that it, for instance, created some kind of a 10-year rebuilding timeframe, that the Council's justification and strength of that choice certainly would be well served if there were some additional analysis to show if an alternative option that, I'm not presuming that it would, what the analysis would show in terms of a timeframe, but if it happened to be significantly less than it would certainly provide a basis for the Council to say that it chose an option, that 10-year timeframe based on perhaps on some social economic consequences and impacts of doing that, so I can only see that, I can see no, that it does the Council no harm at all in terms of its information base for a decision and probably strengthens its ability to make an informed, both an informed decision and justifying that decision in its record. So that just, that's just my thinking. Thanks.

**Marc Gorelnik** [00:12:26] Thank you Rich. Is there further discussion on the amendment to the main motion? Maggie Sommer.

**Maggie Sommer** [00:12:33] Thank you Vice Chair. I just wanted to say I support the amendment as well as the main motion and I agree with the comments Rich just made. I appreciate that the articulation of the intent and the value of this might provide informing the Council. Thanks.

**Marc Gorelnik** [00:12:58] Thank you Maggie. Any, any further discussion on the amendment? I'm not

seeing any further hands, so I'll call the question. All those in favor of the amended amendment signify by saying 'aye'.

**Council** [00:13:14] Aye.

**Marc Gorelnik** [00:13:14] Opposed no?

**Briana Brady** [00:13:18] No.

**Louis Zimm** [00:13:19] No.

**Marc Gorelnik** [00:13:22] I think I heard 'No's' from Briana Brady and Louis Zimm. Were there any other 'No's'?

**Bob Dooley** [00:13:29] No, Bob Dooley.

**Marc Gorelnik** [00:13:33] Any abstentions? According to my ears, the amendment passes unless Executive Director you believe we should have a roll call I think we can move on to the main motion as amended.

**Chuck Tracy** [00:13:53] Thank you Mr. Vice Chair. I believe the vote tally is pretty clear. We've got Brady, Zimm, and Dooley voting no. No other no votes. I don't know if we've asked for abstentions yet?

**Marc Gorelnik** [00:14:09] There were no abstentions that I heard.

**Chuck Tracy** [00:14:13] Great. All right. Motion passes.

**Marc Gorelnik** [00:14:13] Motion to amend passes. We're back to the main motion as amended. Let me see if there's any further discussion? I'm not seeing any hands, so I'll call the question. All those in favor of the main motion as amended signify by saying 'aye'. Wait Louis, Louis I just at the last minute I saw your hand go up. Did you have a question or comment?

**Louis Zimm** [00:14:43] I just wanted to add a comment for discussion and put on the record that the international questions with regulation in Mexico is important and I hope it's investigated. Thank you.

**Marc Gorelnik** [00:15:01] All right. Any other comments or discussion on the main motion as amended? Okay all those in favor say 'aye'.

**Council** [00:15:18] Aye.

**Marc Gorelnik** [00:15:19] Opposed no? Abstentions? Main motion as amended passes unanimously. Now I haven't cross-referenced. The motion has passed with the action items we have before us on this agenda item so let me first turn to the Council and see if there's any further discussion or motions and if not, then I will turn to Kerry Griffin to see where we are. So, let me first look for hands and I am not seeing any so let me, what? Corey Niles.

**Corey Niles** [00:16:24] Yeah thanks Mr. Vice Chair and thanks Briana and Rich and Phil for those motions. I think they, in my mind they covered some of the questions I had about what we'll be getting back in September. Briana spoke nicely to the challenges in the timeline here and getting set up for success this summer. I don't, I was just wondering if, I'm seeing in my, looking over in my mind's eye

to see if Kerry had any thoughts or others about if they needed anything else from the Council on how we set up the summer for success here. If no more discussion is needed, great, but if more input could be helpful on what needs to happen to make sure we get that challenging timeline that Briana mentioned I'd be curious to hear.

**Marc Gorelnik** [00:17:28] Looking for hands? I'm not seeing anything. I'm waiting an extra-long time. Kerry.

**Kerry Griffin** [00:17:48] Yeah thank you Mr. Vice Chair and Mr. Niles. Yeah we've had a lot of discussions the last several days, as I think I mentioned in the overview, about what it would take and, you know, to get this over the finish line in September. It will be a bit of a heavy lift but, you know, I think we have some talent and we have this firmly on our plans. We've already looked hard at a couple of dates to schedule an SSC subcommittee meeting and have good buy-in on that and the CPSMT is on notice and ready to start diving into refining these alternatives and then after a subcommittee meeting and the final analysis, then we'd be able to put some numbers in and, you know, relative to that analysis. So you know I think the endorsement that Miss Brady gave or in speaking to her motion that was supportive of that subcommittee meeting and other work that needs to happen was very helpful so I know we appreciate that the, and then Mr. Vice Chair I know that you were also looking to see if, you know, we've completed business here and I think that we have. The only other thing, just to make sure, is the fourth item was to identify a preliminary preferred alternative as appropriate. I did hear some commentary from the Council saying basically that they thought it was a little too preliminary to, or premature to pick a PPA, but just wanted to make sure that there wasn't someone who wanted to pursue that a little more, and in lieu of that, then I would say that you have accomplished the necessary action for this item.

**Marc Gorelnik** [00:19:54] All right thank you Kerry. I actually have a question for Maggie Smith because I know where we've got a tight timeline here and we've heard the language for Magnuson that a rebuilding plan should be submitted to NMFS within 15 months. It's a bit curious the use of the word 'should' rather than 'shall'. I know that staff and the states and the Council work very hard to conclude this in September but should it roll to November, would there be a violation of Magnuson there because I'm not exactly reading it that way?

**Maggie Smith** [00:20:52] Thank you Vice Chair Gorelnik. I'm actually going to let NMFS answer this question.

**Marc Gorelnik** [00:20:59] All right. Ryan.

**Ryan Wulff** [00:21:01] Thank you. Yeah, I put my hand up. Yeah so thanks for the question Mr. Vice Chair, and you are correct, it is an NS1 guidelines language that you're quoting, The Council should provide NMFS their proposed rebuilding plan within 15 months of notification. That notification timeline, the 15 months, as noted by Kerry in his Sitsum, we notified you July 9th, so 15 months would be October 9th, which is right in between the September and November Council meetings so no, it's not a violation. Again, it does stay shut, however from NMFS perspective, delaying final action should only be considered if it's really necessary to complete the analysis on the rebuilding plan alternatives to really support the record and the decision that the Council needs to make for final action.

**Marc Gorelnik** [00:21:59] All right. Thanks for that, Ryan. Let me....Corey Niles.

**Corey Niles** [00:22:07] Yeah thanks Mr. Vice Chair. I think you got to namely where I was, what I was going to get at but appreciating what Ryan is saying, I'm hearing there's flexibility if needed, hoping we don't need it but I think we're in this, this is no critique because I understand the reasons, but we're

starting late in this and this discussions had this week, I understand from the team and others and the SSC would have been easier had they had the rebuilding analysis tool than been further along. So we're starting late. We want to get this right and make a recommendation as well informed as possible, so I hope we get there in September. I'm hearing if there's good reason we might take longer. Again, hoping we don't need it but yes thank you for those, that question Mr. Vice Chair.

**Marc Gorelnik** [00:22:59] Thank you Corey. Ryan is your hand up for further comment?

**Ryan Wulff** [00:23:02] Sorry.

**Marc Gorelnik** [00:23:03] Okay. Further discussion around the table before I go back to Kerry and re-check with him? Okay. Kerry.

**Kerry Griffin** [00:23:20] Yes thank you Mr. Vice Chair and Council members. That's good discussion. We have a motion that was adopted and the team will be able to handle the analysis that was requested and we'll get to work this summer and refine a range of alternatives or more, you know, a suite of alternatives that will be analyzed and plan to come in at the September meeting with sufficient information and analysis on both the population modeling side and as well as socio-economic impacts to allow for the Council to take final action. That's what we're aiming for.

**Marc Gorelnik** [00:24:06] All right thank you very much Kerry and let me just take one more look to see if there are any hands to be raised before we conclude this agenda item. All right, thanks very much. That concludes the one and only CPS agenda item we have on our agenda.