

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**257<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**November 13 & 16-20, 2020**  
Online Meeting due to the COVID-19 Pandemic

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## Meeting Transcript Summary

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

## A. Call to Order

### 5. Agenda

**Marc Gorelnik** [00:00:00] Why don't we go next to the November detailed agenda and see if there's a motion or discussion on our agenda so that we can adopt it and proceed with the balance of the meeting. Chuck has pointed out that the SSC has adjourned or will have adjourned prior to receiving the notice of the proposed rule, so if we were to leave it on the agenda there would be no input from the SSC, which would typically be pretty important. Phil Anderson.

**Phil Anderson** [00:00:56] Thanks Mr. Chair. Yeah, I'm struggling with this one. As I understand it the notice is expected to be published either on this day, November 18th, when we had this scheduled or Mr. Wulff indicated in a prior conversation that we might be able to get a look at it on Tuesday afternoon and maybe that is the day that it gets published, can't remember exactly, but understanding that the way that this agenda item was originally envisioned was we would have that, would be able to develop comments. We would have the expertise that the SSC brought to the issue for us to possibly incorporate in our comments and understanding that we won't have that opportunity now, but I'm also thinking that there might be some benefit in keeping it on the agenda and having Ryan or his designee walk through the new rule and identify in particular where the changes were made in response to the court's decision to vacate it. And so, I think if I see a good informational piece for us and whether or not we have any comments on it, we can ascertain that after we hear from NMFS and it would also give the benefit of the public the opportunity to hear the explanation that NMFS would provide us and make any comment under the H.3.b, Public Comment time frame. So, I'm a little bit torn. I do see some advantage in keeping it on given that we're not going to be together again until March and have a little bit of opportunity to have some give and take with NMFS after the rule comes out might be beneficial not only for us but the public.

**Marc Gorelnik** [00:03:13] Thanks, thanks for that, Phil. John Ugoretz followed by Ryan Wulff.

**John Ugoretz** [00:03:20] Yeah thanks Mr. Chair, and following up on what Phil said, I'm concerned about keeping this on the agenda. We will not only be lacking input from the SSC, but it's highly unlikely we would have meaningful input from any of our advisory bodies if they receive the rule the day before, and even if they are meeting that day would not have time to consider it, discuss it, and make a meaningful comment to the Council. While the public may marginally benefit from hearing NMFS describe what they can read in print, I think that they and we would be at a disadvantage in not having time to have a reasoned approach to the discussion and a fully informed approach having time to consider and digest what's there, so I don't think it's a good use of Council time to keep it on the agenda.

**Marc Gorelnik** [00:04:30] Thank you John. Ryan.

**Ryan Wulff** [00:04:34] Thank you Chair. So, I just wanted to offer some input here to help the discussion. Happy to defer to what the Council wants on this. Of course, NMFS is very open, as we've stated, to getting Council input on this. We tried very hard during a challenging time, a Federal Register to get this published as fast as we could. There's a very, very quick timeline on this from the court overall. I can confirm that the rule will file at 8:45 a.m. Eastern on the 17th, the day before, and at that point it can be made available so it will at least be available the full day before. It will formally publish in the Federal Register of the day of the agenda item on the 18th but I'm not commenting on whether or not on John's point, whether or not that gives the advisory bodies enough time, I just wanted the Council for this discussion and be aware that the document will be available first thing in the morning on the 17th and if Council does choose to keep this agenda item open per Mr. Anderson's comments, NMFS

would, of course, be prepared to walk through the rule and especially highlighting any changes from the previous rule. Thank you.

**Marc Gorelnik** [00:06:03] Thank you Ryan. Further discussion?

**Chuck Tracy** [00:06:08] Mr. Chairman.

**Marc Gorelnik** [00:06:08] Yes sir.

**Chuck Tracy** [00:06:10] This is Chuck. Just to let you know Caren Braby is on, but I believe as an attendee and she has a comment and we're trying to get her promoted to a panelist but haven't quite been able to do that yet so would it be possible to allow Caren to speak as an attendee?

**Marc Gorelnik** [00:06:32] Sure. I thought Caren was in the chair for this for A, B and C today, so whatever you need to do to enable her let's do it.

**Chuck Tracy** [00:06:50] So she's been unable to connect by her phone, so I think....

**Marc Gorelnik** [00:06:52] But here I just promoted her to panelist.

**Chuck Tracy** [00:06:57] So you're able to. Okay great.

**Marc Gorelnik** [00:06:59] So she should be with us now. Dr. Braby?

**Chuck Tracy** [00:07:20] Yeah, I don't think we've got her yet. She needs to use her phone to call in apparently.

**Marc Gorelnik** [00:07:27] Yeah, she's using an older version of RingCentral meetings and so she's using an older version. So, let me see if there's, there must be some other hands up. Corey Niles why don't you take the floor here for a moment while we get Dr. Braby straightened away.

**Corey Niles** [00:07:46] Yeah thanks Mr. Chair. Maybe I could add a little bit to what Phil and John said, maybe by buying you some time here to get Caren's comments, but I think I'm, I would say it doesn't feel great taking it off the agenda or and along the lines of what John is saying doesn't feel great expecting that we would have detailed thorough comments like we would want to if we if we kept it on the agenda. Yeah, I appreciate what Ryan said there. I have no doubt that NMFS tried their best to get the rule out in time for further consideration we'd all like. This is a court-imposed timeline that doesn't work well with our process, so I fully understand that they have had challenges there but, yeah, I would trust the Council or one I would not, if the rule comes out early the morning the day before I would not ask our management team to give thorough attention to it. We're not expecting SSC comment, but I guess my point here is I would trust the Council to limit its discussion and comment otherwise, and I would trust that we would be able to do that while receiving information that from National Marine Fisheries Service would still be valuable and, yes, that would go for us, but also potentially for the public. So again, not feeling great either way I would be leaning towards keeping it on the agenda.

**Marc Gorelnik** [00:09:33] And I think.....

**Caren Braby** [00:09:34] Mr. Chair.

**Marc Gorelnik** [00:09:34] Are you with us?

**Caren Braby** [00:09:37] I am with you on the phone only. Still having problems, apologies, but this is Caren from Oregon and I agree with what Corey just said and I've been able to follow the conversation. I would like to have the opportunity to hear about the rule and have public comment even if we don't have the benefit of full advisory body comment on the published rule. I think that we should retain that.

**Marc Gorelnik** [00:10:17] Okay. I think, you know when we put this on the agenda, we obviously anticipated a more robust, comprehensive discussion. Louis.

**Louis Zimm** [00:10:28] Thank you Mr. Chair. I might point out that if we don't have it on the agenda, we're most likely going to receive it in open comment anyway, so it might be best just to keep it on the agenda and have more informed comment when we get to that point. Thank you.

**Marc Gorelnik** [00:10:50] Chuck.

**Chuck Tracy** [00:10:59] Mr. Chairman I believe John Ugoretz has his hand up.

**Marc Gorelnik** [00:11:02] John, I'm sorry. Go ahead John.

**John Ugoretz** [00:11:05] Thanks Mr. Chair. I disagree with Mr. Zimm. I don't know what Open Public Comment we could have on a rule that has not published. I'm also concerned that Council members may be sort of misunderstanding our role here. This is a NOAA proposed rule that is court mandated. The Council is not advising NOAA directly on preparation of this rule. We are simply commenting as another stakeholder in the process and I again do not feel that the Council should engage in that commentary before we've had time to adequately digest and understand the rule.

**Marc Gorelnik** [00:11:54] Thank you John. Further discussion on the November agenda? Is there a motion? John. John Ugoretz.

**John Ugoretz** [00:12:18] Yes, I move that the Council adopt the agenda with the exception of agenda item.....

**Marc Gorelnik** [00:12:34] John you muted yourself. We only got part of that motion.

**John Ugoretz** [00:12:44] Technical difficulties here. Sorry.

**Marc Gorelnik** [00:12:47] Just take it from the top.

**John Ugoretz** [00:12:48] Yes thank you. I move that the Council adopt the November agenda with the removal of Agenda Item H.3.

**Marc Gorelnik** [00:13:02] Thank you John. Is there a second? Pete Hassemer seconding. Please speak to your motion as necessary.

**John Ugoretz** [00:13:12] Thank you. I think I've given the rationale behind my motion.

**Marc Gorelnik** [00:13:17] Thank you. Questions for the maker of the motion or discussion on the motion? Louis Zimm.

**Louis Zimm** [00:13:24] Thank you Mr. Chair and thank you, John, for your explanation. I know that you're much closer to this subject than I am and as I did point out, that if anybody feels they must comment on this, especially from the environmental groups, that they could comment in an open, so

I'm prepared to take your advice and support this motion.

**Marc Gorelnik** [00:13:52] All right. Further discussion on the motion? I'm not seeing any hands. Well, now I do. Corey Niles followed by Brad Pettinger.

**Corey Niles** [00:14:12] I will yield to Brad, but I was also just going to ask, maybe it's my, my mistake here, but I'm not seeing any language on the screen, or maybe we don't do that this early in the meeting, but I'm pointing it out I will yield to Brad here.

**Brad Pettinger** [00:14:27] Yeah, thank you, Corey. I'm kind of curious is this, John's motion is to take it off the agenda. Phil mentioned making it informational, an informational agenda item being the lack of the some of the advisory bodies. I'm kind of curious if that was going to be, if this would not go, this would fail would there be a motion.....(garbled)....

**Marc Gorelnik** [00:15:08] Well Brad, someone could move to amend to make it an informational item but again, it would take someone to make that motion to amend. I don't know if Caren is able to engage with us yet, I see she's on the phone so I don't know if she can raise your hand...

**Caren Braby** [00:15:36] Thank you Mr. Chair. I am here and I am listening. I still feel like having an informational agenda item retained on the Council's agenda is preferable but if it is the will of the Council to remove it then so be it.

**Marc Gorelnik** [00:16:00] All right. Well, I'll...

**Chuck Tracy** [00:16:02] Mr. Chairman?

**Marc Gorelnik** [00:16:04] Yes.

**Chuck Tracy** [00:16:06] I think it's just a question of whether it's on the agenda or off. If it's on, the Council can do with it as it pleases. They don't have to take the action described. They can defer if that's their preference, but I don't think we need to alter the agenda item. I think it's just a matter of whether it's on or off.

**Marc Gorelnik** [00:16:31] Okay thanks. Thanks for that clarification. Phil Anderson.

**Phil Anderson** [00:16:37] Well, we're going to probably use up more time discussing whether we have it or not than would take by leaving it on, but not withstanding that, I mean I'm not going to break my pick off over this. I thought it would be informative for us all to have NMFS explain the rule and the rationale for the changes that they made in response to the court's decision to vacate it, the other one, and just give people an opportunity to comment on it. If that seems a poor use of Council time by the members of the Council, then, I too, will go for your judgment, but I just did not see leaving this on here, giving Ryan an opportunity to provide us an overview and what the rationale for the changes were, giving the public an opportunity to make whatever comment they wanted it on it understanding that we're not going to hear anything from our management, or from our advisory bodies given the timing of the document coming out, but if they had something to say they could, so I know that's not very helpful.

**Marc Gorelnik** [00:18:07] Thanks very much.

**Phil Anderson** [00:18:07] I don't know why we're making such a big deal of this.

**Marc Gorelnik** [00:18:11] So, rather than getting wrapped around the axle here, if there's no further discussion on this motion I will call the question and Corey Niles.

**Corey Niles** [00:18:26] Well, thank you Mr. Chair. I would defer to your recommendation here, but maybe the cleanest way would be to vote on an amendment. I would be willing to amend the motion to, and maybe don't have the proper terminology there, but to adopt the agenda as is.

**Marc Gorelnik** [00:18:43] Well, I think where we are based upon what Chuck has said is we don't need an amendment. We either have it on the agenda or we don't. So, if the, if John Urgoretz's motion passes, we will drop it. If the motion does not pass, we'll have to entertain a further motion so we can move forward with this meeting but my inclination is to call the question so we can move this process along. So, unless there's any other discussion on John's motion I will call the question. All those in favor of the....and it's now on the screen. All those in favor say 'aye'.

**Council** [00:19:23] Aye.

**Marc Gorelnik** [00:19:23] Opposed no?

**Council** [00:19:27] No, no, no, no, no.

**Marc Gorelnik** [00:19:33] Without even calling for abstentions, I'm going to ask Chuck Tracy to do a roll call.

**Chuck Tracy** [00:19:39] Thank you Mr. Chairman, Council members. Please voice your vote as I call your name. Mr. Ryan Wulff.

**Ryan Wulff** [00:19:51] Abstain.

**Chuck Tracy** [00:19:51] Joe Oatman.

**Joe Oatman** [00:19:51] Yes.

**Chuck Tracy** [00:20:00] Corey Niles.

**Corey Niles** [00:20:02] No.

**Chuck Tracy** [00:20:05] Bob Dooley.

**Bob Dooley** [00:20:06] No.

**Chuck Tracy** [00:20:06] Pete Hassemer.

**Pete Hassemer** [00:20:06] Yes.

**Chuck Tracy** [00:20:06] Caren Braby.

**Caren Braby** [00:20:06] No.

**Chuck Tracy** [00:20:16] Phil Anderson.

**Phil Anderson** [00:20:16] No.

**Chuck Tracy** [00:20:21] Christa Svensson.

**Christa Svensson** [00:20:23] No.

**Chuck Tracy** [00:20:24] Butch Smith.

**Butch Smith** [00:20:25] No.

**Chuck Tracy** [00:20:27] Virgil Moore.

**Virgil Moore** [00:20:28] Yes.

**Chuck Tracy** [00:20:31] John Ugoretz.

**John Ugoretz** [00:20:32] Yes.

**Chuck Tracy** [00:20:35] Brad Pettinger.

**Brad Pettinger** [00:20:36] No.

**Chuck Tracy** [00:20:38] Louis Zimm.

**Louis Zimm** [00:20:38] Yes.

**Chuck Tracy** [00:20:42] Marc Gorel... Oh excuse me Marc. One, two, three, four, five, we have five 'yes' and seven 'no' so your vote will not change the motion. It fails. So, you can entertain another motion now.

**Marc Gorelnik** [00:21:07] Okay. So, Phil, go ahead please.

**Phil Anderson** [00:21:11] Yeah, thanks Mr. Chair. I move that the Council approve agenda item, our November agenda as put forward in Agenda Item A.4.

**Marc Gorelnik** [00:21:26] Is there a second? Seconded by Butch Smith. Please speak to your motion only as necessary.

**Phil Anderson** [00:21:34] Not necessary.

**Marc Gorelnik** [00:21:36] Thank you. Any discussion on this motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:21:44] Aye.

**Marc Gorelnik** [00:21:44] Opposed no?

**John Ugoretz** [00:21:47] No.

**Marc Gorelnik** [00:21:49] That was John Ugoretz with a 'no' I believe. Any abstentions? In the view of the Chair the motion passes. All right, so we have an agenda and, but we should keep in mind that the scope of Agenda Item H.3 is not going to be the same as we originally anticipated and let's try to

keep that in mind when that comes up on Wednesday. Any further discussion on the Call to Order Agenda Item A? Not seeing any we'll move on to Open Public Comment.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Marc Gorelnik** [00:00:00] That will take us to any Council discussion as necessary under this agenda item. Not an action item, just an opportunity for discussion. Marci.

**Marci Yaremko** [00:00:13] Yes, thank you Mr. Chair. I'd be remiss if I didn't speak a little bit about the multitude of submissions to the comment portal under the Open Comment agenda item and just thank those individuals that took the time to provide us input. When you log on the Pacific Council's website, when you just first come to the home page, there's a note posted that says, 'the Council is a transparent public process' and urges folks to get involved whether you are interested in fish because they're your livelihood, your joy, your food, or your job, we have a way for you to get involved. So, I feel like folks are seeing us and beginning to engage and just want to acknowledge the number of new names that we see among the open commenters for the November meeting. I want to thank those individuals and the small businesses that they represent from the communities of Crescent City, Eureka, Noyo Harbor, Bodega, Half Moon Bay, San Francisco, Santa Cruz, Moss Landing, Monterey, Morrow Bay, Port San Luis and the Associations that these folks represent, PCFFA, the Santa Cruz Commercial Fishermen's Association, Moss Landing's Fishermen's Association, Monterey Bay Fisheries Trust, the Bolinas Commercial Fishermen's Association, Crescent City Commercial Fishing Association, the Salmon Trolling Marketing Association, Port San Luis Commercial Fishing Association and the Monterey Bay Fishermen's Market. So quite a wide range of businesses and geography and ports represented in those remarks. Just want to note the common theme that people brought to us, which is supporting increased access to the RCA. Many of the comments speak to interest in utilizing the new midwater limits that are now available to the open access sector by using non-bottom contact gear, such as that the gears that are approved for use under our three midwater EFP's. Comments that Mike Conroy made today and in the PCFFA letter speaks of the need, the need to have open access opportunities as a lifeline and providing us with needed flexibility for commercial fisheries that may be experiencing changes or loss of opportunity in other fisheries such as crab, how important it is for these open access opportunities to be available when they're needed. So just really want to thank all of the folks that commented and I'm really looking forward to meeting those folks that I don't know yet that submitted comments. Thank you.

**Marc Gorelnik** [00:03:33] Thanks for that Marci and, as Mike Conroy pointed out, I guess we'll be perhaps visiting some of those issues a week from today during workload planning, so we'll pick that up then. Any further discussion on the public comments which we've received either in the course of the meeting or any of the written public comments we received, 46 of them at the portal? Anything further on this agenda item? Bob Dooley.

**Bob Dooley** [00:04:15] Thank you, Mr. Chairman. I just wanted to comment on Melissa Mahoney's concerns and the concerns of the group that signed on to that letter that she submitted I think to the Council's members directly. Missed the date but I believe that we need to think about this as the meeting goes on and understand how this could interact with our future workload planning. I seem to recall that, you know, that we had rule changes to the rule, to the EM rules and those need to be finalized by our June meeting and if it's a three meeting process, I think I understand that correctly, that puts us in March that we have to take some action or at least begin our three meeting process, so I know she mentioned some GEMPAC, GEMTAC meetings and some interaction and understanding what the progress is. I am also a little concerned that we seem to have not taken our foot, we've taken our foot off the accelerator a bit since we last visited this. I don't think the agency has. I hope they haven't. I think they have continued to work but I don't think industry is privy to where we are, and I think that's what was reflected in her comments. So, I would hope that we could, we will be taking this up I'm sure in workload

planning, but we need to think about it, and I hope that the agency is thinking about, you know, enlightening us to what the potentials are and that we back plan, and understand to put the proper things on the agenda as we go forward, so I'll stop there. Thank you very much.

**Marc Gorelnik** [00:06:00] Thank you. Thank you, Bob, for that comment. Yes, I agree this is something we discuss in a week. Anything further? All right thank you very much. That completes Agenda Item B.1. Do I see any other hands? I do not see any other hands. So, we'll move on to Agenda Item C.1.

## C. Administrative Matters

### 1. Council Coordination Committee Meeting Report

**Marc Gorelnik** [00:00:00] All right. That'll take us to any Council discussion and guidance. So, we've got a report from Chuck. There are, we have supplemental attachments in the briefing book and with Phil's signature on behalf of our Council.

**Chuck Tracy** [00:00:26] We'll get that fixed.

**Marc Gorelnik** [00:00:27] Yeah, no they obviously... Phil holds a special place in Kitty's heart. See if there is any Council discussion or guidance? Phil Anderson.

**Phil Anderson** [00:00:46] I'm not sure it's in her heart.

**Marc Gorelnik** [00:00:52] Fair enough, fair enough. All right I'm not seeing any. I think that concludes this agenda item.

**Chuck Tracy** [00:01:10] Louis Zimm has his hand up.

**Marc Gorelnik** [00:01:10] Louis Zimm.

**Louis Zimm** [00:01:10] Thank you Mr. Chair. I just want to note and approve of the Council's letter referring to aquaculture activities in our great nation and reaffirming the interests of the Council's in this matter and I thank them for that.

**Marc Gorelnik** [00:01:38] All right. Thank you, Louis. Let me make one more last call for Council discussion and guidance on this agenda item? Louis is your hand still up? Okay. Anything further? All right thank you very much. That concludes Agenda Item C.1.

## 2. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] So that concludes public comment on this agenda item, NMFS report, and takes us to Council discussion and guidance as appropriate. So, I'll look for a hand. Phil Anderson.

**Phil Anderson** [00:00:25] Yeah, thanks Mr. Chairman and thanks to the NMFS leadership for coming forward with those reports and I, the workload piece of this is the most challenging. I was going to say troubling but it's probably both, and how we are to build a plan that will take us through the next 12 months I'll say just as a, it could be longer. It could be probably not a lot shorter and you know I understand and appreciate the, you know, prioritizing all of the things that are on our menu over the course of the next, again, just using 12 months as an example of the time frame to look at. But there's lots of, there's a number of those, of things that we have on our workload planning document and our, that are clearly not going to be accomplished in the timeline that we had originally set out to do. And with every meeting and the longer this goes with, I say this being the challenges primarily associated with COVID and everything that has transpired from there, relative to the loss of staffing, the capacity of people to produce work with all the challenges, all that stuff. At every meeting, as we've gone from April to June to September to this one, the challenges seem even greater, and are growing exponentially, and so it seems to me that we, and NMFS, has brought forward...kind of how they prioritize, what they see on the horizon in terms of their capacity, and what can get done and what is essential, and I think there are different, probably some different lenses to, in terms of prioritizing those things that Heather referred to, but I find this workload planning exercise that we do at the end of every meeting to be more and more difficult... let's say frustrating... and indeterminate because the things that we put on our March agenda, or April agenda, or our June agenda, and our September meeting. My guess is we're going to be taking some of those things off and moving, or moving them forward, and I think, rather than just having this be a moving target from month to month, that we need to just, we collectively need to just step up and do some, okay here are the things we can do and here's the things we can't do, and that the list of the can do's is growing, but this kind of iterative process that we've been using, and I understand why we've been doing it, you know, going from we have a meeting a month or two or three goes by, we have another meeting, the workload issues and challenges of getting our work don't, doesn't change and so we modify what we have on our future agendas. But I think we've got to lengthen out our planning horizon here so that there's some greater degree of certainty on the behalf, not only on behalf of the staff, NMFS and the states and the Council and the Council members themselves, but also, and as.....the public about what they can expect us to be able to deliver and as importantly what they should not expect us to deliver. That's about all I have.

**Marc Gorelnik** [00:05:33] All right, thank you Phil. Look for further discussion? Although I think Phil captured a lot of the sentiment of the Council. Further discussion? Barry Thom.

**Barry Thom** [00:06:04] Thank you Mr. Chairman. Two points, one I would just say shortly that I do agree with Phil's sentiments and I think from the National Marine Fisheries Service perspective, really digging into really a one-year plan. And as most of us are month by month, meeting by meeting, but did need to know when your plan, sitting down to actually work some of that stuff out, we'd be happy to engage in that to provide a little bit more certainty, even as painful as that might be, but providing certainly, I think, would help all of us around the table. And I also just wanted to clarify from the earlier discussion, there had been a question that came up on the halibut transfer and a note was slipped under the door to me that I think about this from the NMFS perspective, we will likely need to delay that, but that shouldn't prevent the Council from taking final action at this meeting, but the delay is probably more on NMFS end and the back-end process. So just want to clarify that. Thank you.

**Marc Gorelnik** [00:07:03] Thank you Barry. Any further discussion on this agenda item? Phil do you

have a further comment or...? All right, well I'm not seeing any more hands. There was a lot to digest in that presentation. I think it's good we're going to see more surveys. I think we've got to adjust to the new recusal rules and, as Phil mentioned, we've got this new reality and moving the ball down the court one meeting at a time sometimes isn't paying off because we have a years-long problem. If I don't see any other hands up, I guess we will close out this Agenda Item, NMFS Report C.2.

### 3. Standardized Bycatch Reporting Methodology

**Marc Gorelnik** [00:00:00] Well, that completes all of the reports we have for this agenda item and I don't believe we have any public comment so that will take us to our Council action, and which is there on the screen. And Brett Wiedoff has provided some suggested next steps, or at least a schedule for some next steps, so let's see what comments the Council has or if the Council wants to have Brett come back and offer, I think there was a portion of your presentation that was pretty useful for this, but let's first see if there's any hands around the table or anything from Executive Director Tracy since he can't raise his hand.

**Caren Braby** [00:01:12] Mr. Chair.

**Marc Gorelnik** [00:01:14] Yes Caren. There you go.

**Caren Braby** [00:01:17] Good afternoon.

**Marc Gorelnik** [00:01:17] Thank you Caren.

**Caren Braby** [00:01:17] I just wanted to say that it sounds like there's been a lot of work done by the teams and that things are progressing, and I think that's great. I do agree it would be nice to have Brett confirm that we've tidied things up, but from my perspective it seems like a lot of progress was made and look forward to additional steps on the timeline that he provided, which sounds like a reasonable timeline as well.

**Marc Gorelnik** [00:01:48] Thanks Caren. Appreciate that and I echo your comments. A lot of work has been done, and so let me just.....well actually Pete Hassemer has his hand raised. Pete.

**Pete Hassemer** [00:02:02] Thanks Mr. Chair and, you know, I appreciate the work the management team's put into this for their quick review. I think maybe it would be helpful, I'm looking at Brett's presentation, his review process, and he's, the last thing he's got up there is on the 2021 Year-at-a-Glance sort of a June, September, November schedule. Maybe since we've heard the management team reports, he can go back and explain again how much work he thinks might be done. You know we saw the deficiencies largely in data uncertainty and some of those areas, but before we get to it in workload planning, maybe refresh our thoughts or our knowledge on how much work this might really take so we can think about fitting it in.

**Marc Gorelnik** [00:03:03] I think it's a good idea, Brett, and I'm looking at a slide in your presentation that talks about the review process including next steps, so.....

**Brett Wiedoff** [00:03:12] Sure I can.

**Marc Gorelnik** [00:03:14] Help us out here?

**Brett Wiedoff** [00:03:16] Thank you. Thank you, Vice, or Chair and Mr. Hassemer. Yeah, under the review process, I'm looking at page 4 of my presentation, what I'm seeing right now is we got a little bit of work to do to dig into... what the AB's have presented to us. I don't know, I can't gauge how big of a heavy lift that would be between now and June but I think we could work pretty quickly on assessing the deficiencies and see what kind of information is needed and we can work internally, but also then reach out to the AB's to assess really what they are concerned about and start to pan out what needs to change and I think we could come back with sort of a workload assessment of that in either the spring and give you a report, an info report that you could assess the workload for coming up to further scope

this out in June. I can't gauge how much time you would need on the agenda at this point, but we would want to decide whether an FMP amendment is needed or could we simply update documents that the FMP references that houses a lot of this information, so rather than doing an FMP amendment per se, which could shorten the process or reduce the workload, we would look to those documents that we reference and make changes there, because some of those, like the Preseason 3 report are done annually, the SAFE report's done annually. If we can continue to maintain those reports and how is that necessary information that we're seeing as deficient, that might speed up the process and lessen the workload, at least for the Council to take action and develop new language for an FMP amendment. If there's something that's missing, like, let's say the HMSMT report says we need some information from the recreational side, we would have to go back and take a look at that and see really is there a new methodology that needs to be developed and work with the Science Center to do that and come up with a new plan to assess that information and develop a methodology. This final rule does guide you in developing those methodologies and gives you the criteria to do so, so that was probably the one that perked my ears up that might take a little more time if that's needed to do an FMP amendment and include developing a methodology working with the SSC and the Northwest Fisheries Science Center or the Southwest Fisheries Science Center. So, at this point, that's kind of what I'm seeing on the table. I would get to work on this as soon as possible of course, so that it could get a sense of that effort needed and possibly come back to you in March or April with a quick report, as an info report, and then you could do some more workload planning to think about the future. For now, I'd probably leave scoping ROA and FPA where it's at, but that's just my thoughts on the next steps. I hope that helps.

**Marc Gorelnik** [00:06:38] Yeah, we may need to check-in. Pete.

**Pete Hassemer** [00:06:41] Thanks Mr. Chair, and just a follow-up to that. Thanks very much, Brett, that helped to kind of identify the workload and from what you said in something in the STT report, maybe just clarification from NMFS so we make sure we're going down the right pathway, but there was discussion about maybe having some of these to avoid doing an FMP amendment, putting it in a SAFE document or some other document that the FMP references and I guess the clarification from NMFS is that consistent with the final rule that talks about the FMP's must contain this or the requirements should be stated in the FMP, does that allow the flexibility to have them reference other documents that might be updated annually?

**Marc Gorelnik** [00:07:45] Frank, do you have some guidance on that?

**Frank Lockhart** [00:07:49] Yes. First a sound check. Can you hear me?

**Marc Gorelnik** [00:07:51] Yes.

**Frank Lockhart** [00:07:53] Okay. Yeah, Pete thanks for the question and the final rule is actually quite extensive and I believe, given my reading of the rule and some discussions I have had, that it does have that kind of flexibility. The final rule recognizes not only that there needs to be flexibility between Councils but also within Councils, each FMP is slightly different for each Council, so it does provide a lot of flexibility without oversimplifying it too much. Basically, the Council needs to explain how they are meeting the requirements and having things referenced in other documents is something that is discussed in the final rule in various places and so I think that will be fine, but I think the way that Brett has outlined moving forward on this. You know he and I and other staff members can work together on this and having that check-in in March or April, we could identify any issues that have come up that maybe having this kind of reference to another document, if it doesn't work in some particular circumstance, we could identify that and come back to them.

**Pete Hassemer** [00:09:17] All right, wonderful. Thank you.

**Marc Gorelnik** [00:09:20] Thanks for that Frank. Marci Yaremko.

**Marci Yaremko** [00:09:27] Thank you Mr. Chair. Maybe this is a follow-up question for Frank or for Brett, I'm not sure who, but do you foresee that there's flexibility in proceeding between FMPs on different tracks and different mechanisms to accomplish the goal by the deadline? We talked a bit about the STT and heard that discussion about the use of a SAFE document. I'm guessing that CPS and HMS might also have potential there as well but I'm just trying to really evaluate on Brett's review process, agendizing a June scoping, a September ROA and a November FPA. Is that, I mean I guess, I have no concerns really with a placeholder, but would our goal be potentially to maybe not need that much work at the Council level?

**Marc Gorelnik** [00:10:38] Brett.

**Brett Wiedoff** [00:10:41] Thank you Chair. Thank you, Miss Yaremko. I have thought about this and whether you'd want to package this as one omnibus FMP amendment or keep separate tracks. I think the former is a better route, if at all possible. I wouldn't want to couple any FMP amendment with another action that the Council's already considering, maybe under CPS or some other FMP amendment that's in the works, so I would like to package it all at one time to meet the end goal of finalizing things in November. That's my idea at this point. Like I said, my hope is it isn't a heavy lift, but I think it's a good idea to have a check-in to see if anything is going to go sideways, which I don't anticipate but and then we could decide if one train needs to go slower than the rest, I guess that's my feedback on that and I hope that answers your question Miss Yaremko.

**Frank Lockhart** [00:11:43] Mr. Chairman, may I add just one thing?

**Marc Gorelnik** [00:11:46] Of course.

**Frank Lockhart** [00:11:46] And maybe to carry the analogy, you know one track could potentially go slower or faster, but it also, and it also can be different tracks. I thought that was part of your question. Each, we don't have to align all of the FMP's to be exactly alike on this so we can look, look at each separately and potentially have separate solutions for each FMP as long as they meet the overall requirements. Thank you.

**Caren Braby** [00:12:18] Mr. Chair?

**Marc Gorelnik** [00:12:20] Yes Caren, go ahead.

**Caren Braby** [00:12:22] Thank you. So, I'm left a bit confused because I thought the conversation was going towards using potentially alternative documents and both the STT and the GMT, maybe the other teams suggested using other documents instead of an FMP amendment. Brett expressed an interest in having FMP amendments done all simultaneously, which seems to be an alternative to putting it in the SAFE document or other supporting documents, and now Frank has just said that that's not necessary to meet the regulations and so I wanted clarification. My understanding is that we do not need to have FMP amendments, that we could choose other pathways and that the FMPs do not need to meet that requirement with the same toolbox or tool inside of the toolbox. Is that correct?

**Frank Lockhart** [00:13:46] Mr. Chairman.

**Marc Gorelnik** [00:13:46] Brett.

**Frank Lockhart** [00:13:46] Okay. Go ahead Brett, sorry.

**Brett Wiedoff** [00:13:50] Yeah, thank you Chair and Miss Braby. Yes, you're correct. It doesn't have to all be amendments. That's part of the scoping that we would like to try to put on the table in June to provide the ideas of moving forward and I think that's where we're starting to get into right now and sort of scoping out what's the best path forward for an FMP amendment, or just amending some supporting documents and then an amendment isn't needed for that FMP. So, we don't want to get ahead of ourselves here in the conversation, but I think that's what I was trying to relay. If an omnibus amendment package is needed, that could be one of the ideas we put on the table as far as, okay these three FMPs need to be amended, we're going to package those and move those forward. Over to here on these FMP' we're just going to update some documents that the FMP references and there's no amendment needed. We want to start to start dealing with that process over here. I hope that clarifies it.

**Caren Braby** [00:15:00] That's very helpful. Thank you.

**Marc Gorelnik** [00:15:03] And Frank, do you have something to add?

**Frank Lockhart** [00:15:07] No, I think Brett covered it pretty well.

**Marc Gorelnik** [00:15:10] All right great, thanks. Any further questions, discussion, comments? Chuck Tracy.

**Chuck Tracy** [00:15:28] I found my hand.

**Marc Gorelnik** [00:15:30] Yeah, good for you.

**Chuck Tracy** [00:15:33] Yeah, so you know I think we obviously need a little bit more discussion among staff here, but I think there's a fair amount of flexibility built into this process. So you know I think, I guess I'm not too concerned about finding a way to come into compliance within the time frame and again, whether that's, you know is an omnibus process or an individual one, I'm not too, I think we can do that, particularly I think with, you know, with the uncertainty issue, which is, you know, and it is the issue in CPS and salmon and it is an issue and HMS so, you know, the HMS may, you know, that maybe, may take a little bit more consideration but I think there's sufficient ways to address it and I guess I would say that even if we do need to do something in an FMP amendment for something like salmon or CPS versus the one issue, my guess is it would be pretty straightforward. It would be essentially a reporting requirement and I don't think there would be any, you know, significant biological or economic effects of that amendment so I think the, I think a process could be very straightforward and streamlined relative to a typical FMP amendment process, so I guess those are my thoughts. Thanks.

**Marc Gorelnik** [00:17:12] So, do we need to check-in in the spring? I think Brett offered that and it seems like that may be appropriate before we get to scoping in June. Does anyone disagree with having an updated check-in or some sort of... and having something on the agenda in either March or April? I know those are busy months but... Frank Lockhart.

**Frank Lockhart** [00:17:46] One suggestion so that you don't have to schedule an agenda item. Brett talked about an informational report, that informational report could come under future agenda planning and basically just say, you know, here's the results. We believe we'll need blank hours for each of these agenda items in June, September and November, so that could be the check-in without scheduling a whole new agenda item. It would just be under future agenda item in the form of an informational report.

**Marc Gorelnik** [00:18:20] Okay, well that would seem to work, and we can certainly wrap that up

tomorrow on our last agenda item but just wanted to see what the flavor of the Council was. Anything else from the Council on this agenda item? Brett, please tell me how we're doing here?

**Brett Wiedoff** [00:18:48] I think we're in a good position. You've got a sense of the workload that's before you, a little bit of a sense. Like I said, we can come back if needed with an info report in March or April. I would like to hear maybe under workload planning tomorrow to confirm that, thinking about your schedule and then we'll think about as well, continue scoping in June and September and November. I think that's, that would be appropriate.

**Marc Gorelnik** [00:19:24] Frank, did you have something further?

**Frank Lockhart** [00:19:28] No sorry, I forgot to raise my, or lower my hand. I'll do that now.

**Marc Gorelnik** [00:19:36] All right. Well, I think that wraps up this agenda item. Thanks everyone. A lot of good work's been done. There's more work to go.

#### 4. Legislative Matters

**Marc Gorelnik** [00:00:00] So that concludes all the reports and public comment. Brings us the Council discussion, which is to consider the report and recommendations. There were no recommendations. We were not asked for any comment, but obviously there is some legislation on the horizon that we will need to be mindful of. Louis Zimm.

**Louis Zimm** [00:00:27] Thank you Mr. Chair. I know you've been party's to discussions in the CCC on this and I wonder if the CCC is writing a letter or what their involvement is in that?

**Marc Gorelnik** [00:00:46] Well, I can tell you that this, the CCC was not aware of this in general at our last meeting in September. I brought it up at the meeting in September and a copy of it was distributed to members of the CCC thereafter, so there has been no discussion at the CCC. There's been no meeting of the CCC Legislative Committee to discuss this but when and if that happens, of course, I'll do my best to keep the Council apprized.

**Louis Zimm** [00:01:26] Greatly appreciate that Mr. Chair. Thank you.

**Marc Gorelnik** [00:01:31] Bob Dooley.

**Bob Dooley** [00:01:33] Thank you Mr. Chairman. Sorry for my voice, a little rattly today. I really wanted to thank Jennifer and the Legislative Committee for all the hard work she did to summarize this bill and just for information, the job she did summarizing sure helps navigate that 360-page plus report and I just wanted to acknowledge that. I think this whole, particularly in title 2 that's been addressed by the, the letters that Mike referenced and industry widely supports nationwide, that we're kind of left in the dark here. They're going, it seems like the authors of this bill are not very interested in Council or Magnuson support, and I think that's really problematic. I guess, you know, a lot of the components of this that they're speaking about, particularly in their 30 by 30 conversation, seems to be a lot of the things that we're dealing with on a daily basis in the Council process and doing it very well and have a long-established record, so it's puzzling to me that they would not come to us and embrace the fact that we are actually, we actually support a lot of their goals. In other places in this document there are things that we would support, but I'm really worried that we're being left out, so I would, the question I have I guess to whoever can answer it, I guess we really can't engage in this unless we're invited to comment, I guess, in that they are, and that's the question but the volume of the comment on that is that in that they're not typically looking to us anyhow for any comment. Are we going to be asked to comment on it? So how do we navigate that? So I believe that question there, but I sure support the Council being involved in this and keeping a watchful eye and I appreciate all the industry folks that are doing that and being proactive so I'd like to thank Mike for that as well. Anyhow I'll leave it there.

**Marc Gorelnik** [00:04:02] All right Bob. I can tell you that we were expecting a request for comment from Senator Cantwell, but I think that a lot of other things happening in the world of politics at the same time, so that request did not come in. Heather Hall... followed by Louis Zimm.

**Heather Hall** [00:04:22] Thank you Chair. I just wanted to let the Council know that our agency did get a request to comment on the bill and so we'll be reviewing it and providing comments. There was just, I think, the first meeting this morning with staff from all of our programs to talk about that but Corey and I can keep the Council posted on how that goes in our comments going forward.

**Marc Gorelnik** [00:04:50] Heather, was that a request from a Federal officeholder or not?

**Heather Hall** [00:05:00] I am not sure.

**Marc Gorelnik** [00:05:03] Okay. That's okay... I was just curious.

**Heather Hall** [00:05:05] Okay.

**Marc Gorelnik** [00:05:06] All right, Louis Zimm followed by Dave Hanson.

**Louis Zimm** [00:05:10] Well, thank you very much Mr. Chair. When I pull back to the staff summary of Ocean Climate Solutions Act Discussion Draft Attachment 3, I do note that this bill incorporates many separate bills that were introduced during the 116th by people that we're fairly familiar with and have been supportive and have reached out to the fisheries community. Of course, Jared Huffman, Mr. Chair, and I knew that you took part and so did Bob and I in discussions with him so I'm hoping that through some of these people that maybe we can make some impact. Thank you.

**Marc Gorelnik** [00:05:54] Dave Hanson.

**Dave Hanson** [00:05:56] Thank you Mr. Chairman. It is correct that the Council needs a request to be able to respond, but that prohibition doesn't extend into individual Council members putting, adding their input. The other thing is, I think the Legislative Committee was unanimous in commending Jennifer for an excellent job in sorting through a huge bill so that we can focus on the sections we want to and don't have to wade through the whole thing quite as much. Thank you.

**Marc Gorelnik** [00:06:31] Thank you Dave. Caren.

**Caren Braby** [00:06:34] Thank you. Dave's question or comment just raised a different question, which is whether the same requirement applies to the CCC? Does the CCC need to receive a request to comment in order to provide comment to Congress?

**Marc Gorelnik** [00:06:57] I would think so, but I'll let Dave answer that question.

**Dave Hanson** [00:07:00] I think that's a question for NOAA GC actually. Thank you.

**Marc Gorelnik** [00:07:11] Heather Hall followed by Chuck Tracy.

**Heather Hall** [00:07:14] Thanks Chair Gorelnik. I just wanted to follow up on your question to me that the request to comment came from our congressional delegation.

**Marc Gorelnik** [00:07:24] Okay. Well maybe they care how we, what we think about it as well... just saying. Dave, your hand is still up.

**Dave Hanson** [00:07:35] I'll put it down.

**Marc Gorelnik** [00:07:36] All right, Chuck Tracy.

**Chuck Tracy** [00:07:38] Yeah, just in regards to Dave's question about the CCC, they are bound by the same rules as Council, so a request is needed.

**Caren Braby** [00:07:52] And Mr. Chair, if I may?

**Marc Gorelnik** [00:07:53] Yes, yes.

**Caren Braby** [00:07:56] So I just, I appreciate where Mr. Dooley was taking us in thinking through

how we as a Council can best leverage this discussion on this. I think that's what we're collectively agreeing on, that we would like more ability to comment, more discussion about the provisions in an act that might get reintroduced and how do we achieve that, so I've heard today individual Council members taking this issue to congressional members or other individuals who might work to get a request to comment to our Council or to the CCC, that's something that is up to each individual Council member and as a way to kind of generate that. That's just a thought there. I expect that we're going to have a lot of time as a Council to respond to any reintroduction because this is such a complex and large piece of legislation. It's going to take time not only to reintroduce it, but just then to work through it once it's reintroduced, so that gives me some comfort that we can make a good case through those variety of networks to have the Council more involved in commenting on the provisions here and possibly be involved in solutions to some of the problems we see. That's all.

**Marc Gorelnik** [00:09:40] All right, thanks Caren and I don't think we're going to have any difficulty getting a request from, as I said earlier, we were supposed to have received one already. Bob Dooley followed by Phil Anderson.

**Bob Dooley** [00:09:56] Thank you Mr. Chairman. I just wanted to add that, you know, as this goes forward, I think it's important that we're proactive in this because we know it's coming, and I think it's important the Council continue to point out the past and current work on these types of protections that they're laying out and creating a parallel process isn't exactly helpful and detracts from the good work we're already doing. At the Pacific Council we have a long and outstanding track record of protecting sensitive habitat while still allowing fishing, our fishing businesses to still thrive and provide sustainable seafood to consumers. I think it needs to be acknowledged in any of these kind of protected area conversations, particularly in that we're not excluded from the room, we are the people, we're the frontline defense on this so I know I'm kind of beating a dead horse here a little bit. I think there's a lot of agreement, but I think we definitely have to look at this and make sure we're proactively making the points that we need to make. So, thank you.

**Marc Gorelnik** [00:11:05] Phil.

**Phil Anderson** [00:11:08] Thanks Mr. Chairman. I'm just thinking out loud here a bit that it might be good for us to get started on a draft response given how comprehensive the bill is and the number of elements we may want to offer some comments on that maybe getting started on that draft might be time well spent. You just never know when you might get a request.

**Marc Gorelnik** [00:11:39] Well I can see the efficiency there, but I'm concerned that we'd be undertaking a task for which we've not yet received a request, although we expect one to come. Also, the bill may change in the next Congress, we don't know how but it's expected to change somewhat, but it's a good idea. Louis Zimm.

**Louis Zimm** [00:12:06] Thank you Mr. Chair, and thank you very much Phil for that input, that idea to really get the gears working in those folks' heads that can really do this kind of work. I really appreciate you pushing to get things going because from what it sounds like in the discussion, it sounds like a request might be intimate and it might be well before we get to meet again, so thank you.

**Marc Gorelnik** [00:12:43] So Phil has made a good suggestion about starting a draft to respond to requests that we expect but have not yet received. I don't know if folks have had an opportunity to review the draft legislation, but it's not entirely dissimilar to the AB3030, the State, California State legislation that has previously been discussed by the Council and I think the sense I'm getting is that we at the Council have done, we've been very proactive in protecting habitats and stocks and that those measures need to be taken into consideration, fully taken into consideration, and if they were, I guess,

you know, we don't believe there's much, if any, opportunity needs to be reduced. Jennifer, can I ask you a question?

**Jennifer Gilden** [00:13:53] Yes, Mr. Chairman.

**Marc Gorelnik** [00:13:55] So there's a, Phil has suggested, and I haven't heard any objection to it, that perhaps it would be sensible to start on a draft in anticipation of that request coming in so that we could respond more quickly since it is a rather comprehensive bill. What would you need from us in order to provide you with sufficient direction to get started on a draft?

**Jennifer Gilden** [00:14:32] Well Mr. Chairman, members of the Council, I think I probably do have enough direction, honestly. The Council has written a number of letters on issues that are, that overlap with this bill and I think that we could probably start putting together an outline and just stay light on our feet in case something new comes in. Yeah, I think that is doable.

**Marc Gorelnik** [00:15:04] So you think you can get started on an outline and then once we have a very specific request, that could be fleshed out more quickly than if we started from scratch?

**Jennifer Gilden** [00:15:14] Yeah. Yes.

**Marc Gorelnik** [00:15:17] Marci Yaremko.

**Marci Yaremko** [00:15:21] Yes, thank you Mr. Chair. I think I like the idea of an outline better than the idea of actually putting full text behind the idea. Just I'm thinking about the discussion under public comment and the mention that Mike Conroy brought to us about the prospect of executive orders that may take pieces of this bill, and that that would get out in front and obviously then we wouldn't be commenting on legislation so I would just hate to see a huge amount of work be invested in a draft letter until we're a little more clear on the content, but I can get behind the idea of an outline for sure.

**Marc Gorelnik** [00:16:16] Right, and I would not be surprised too that we would receive a request for comment in the near term and since any new legislation next year, while it may be different, will probably address many of the same issues. That outline probably would, could be moved forward. So, is that acceptable to folks around the table that we task Council staff of putting together an outline? Chuck Tracy.

**Chuck Tracy** [00:16:54] Thanks Mr. Chair. Yeah, I think that's, well I wasn't intending to answer your question directly, but I think I will. I think that's an appropriate job for staff to do. I guess I would note that, you know, it is the responsibility of the committee to put their thoughts down on this, and while Council staff is there to assist, I guess I would be, especially with a bill of this nature, that I guess I would not be looking for Council staff to draft a letter at any point really without substantial assistance from the committee itself. So I guess, you know, if it's a divide and conquer sort of approach or whatever, I guess I would just ask that the committee keep that in mind as we're thinking about further developing these ideas, but I think in terms of, you know, developing an outline and identifying points that need to be addressed, and for that matter even digging through old reports or old letters that may have relevant Council positions on them, I think that's fine for Council staff. Thanks.

**Marc Gorelnik** [00:18:14] Yeah, we will not, the committee will not meet again until March, but it's an awfully big piece to bite off should we receive a request to have something put together in March without having something from which the committee can start. So I agree that it's the job of the committee to do this drafting but having staff put an outline together with perhaps some references will

help the committee get its job done in March, presuming we got our request, which I think is pretty likely. Chuck.

**Chuck Tracy** [00:18:55] Yeah, thanks. So again, you know, timing is everything on this and so, you know, we don't know when we might get a request for comments and what the deadline might be just minus, that would be associated with that request, if it's for this Congress and somebody actually wants something before this Congress adjourns then that's a different animal than if it comes, you know, later after the bill's been reintroduced or after, you know, if it's changed its status so... but that being said, I guess I would just point out that the committee is not scheduled to meet until the March Council meeting but, you know, again depending on the timing, the committee would be subject to notice but, you know, it could meet in the interim if necessary to help put this together, so you would have to abide by the 23 day Federal Register notice timeline so, you know, it takes a good three or four weeks to set up a meeting, but if it needs to be done before March, it could be.

**Marc Gorelnik** [00:20:10] Well the committee could do its work, but we would still need, it's the Council that sends the letter so would we have to rely upon the quick response for that or how would the Council weigh in on the recommendations of the committee?

**Chuck Tracy** [00:20:26] Yeah, if it had, if the letter needed to come out before the Council met, yes, we would have to rely on the quick response.

**Marc Gorelnik** [00:20:35] All right, thanks. Bob Dooley.

**Bob Dooley** [00:20:38] Yeah, thank you Mr. Chairman. You know in conversations I've had with different industry folks, there's a really strong likelihood that this may come out in an executive order, particularly if there's a thought that the majority in the House and in the Senate doesn't go isn't, is too tight or hasn't changed, so I think there's that possibility, it'd be nice to keep our ear to the ground anyhow and understand the potential for that. It seems likely and I don't know how we, other than making comments earlier than that could happen, get our point across, so I know it's being well stated nationwide by many industries, but I don't know that the Councils are doing that and I think it's important that we do and if we get a request, it seems like we may want to be proactive with that because of the, you know, the January inauguration and such and that executive order I heard may come out as soon as 10 days after that so that's just, that's what I'm hearing so I think we need to at least have some thought or discussion here of how to, how to react or how to be proactive to that because obviously once the order's done, it's done and then you're, we're playing catch up so I'll stop there. Thank you.

**Marc Gorelnik** [00:22:22] Thanks Bob. Well, I appreciate the need to be proactive, but we don't have a request yet. We're not prepared to write a letter, although we have provided some instructions to staff. Legislative Committee could be recalled but would need to abide by the Federal Register notice requirement, so there is a limit to how proactive we can be here without a request and without a meeting scheduled until March, at least at the moment. But within those constraints, I think that we should be proactive. Brad Pettinger.

**Brad Pettinger** [00:23:04] Thank you Mr. Chairman. Obviously for an executive order there's not much you can do about that. I mean if the administration hasn't asked for input it'll be too late after it's issued. I'm sure we'll have a letter, we'll have a request for Council feedback at some point in time here and I think we ought to prepare for that because obviously that will be when we go to the Congress and the folks who will push back on any draconian efforts here would certainly, would use and I think it would, I would hope it would help in the argument to kind of push back on what the folks are trying to do here. So, I would say we just plan on it happening and do we can and get it in place best we can and go from there.

**Marc Gorelnik** [00:24:02] Caren.

**Caren Braby** [00:24:06] Thank you Mr. Chair. I lowered my hand because I thought that it's all being said, but I just wanted to weigh in one more time and express support for taking extraordinary measures to respond to any request for comment by the Council, which could include the 23-day notice and convening of the LC and drafting a letter through rapid response. I think it's, I think it would be very worth our time and extra effort to do that given the opportunity, so thank you.

**Marc Gorelnik** [00:24:47] Okay, thanks Karen... Caren. I think that's a good idea. Brad, do you have a, you have your hand up. Are you, do you have another?

**Brad Pettinger** [00:25:02] My bad.

**Marc Gorelnik** [00:25:02] Okay. Virgil Moore. Virgil, you're muted.

**Virgil Moore** [00:25:14] How's that? Better? Sorry about that.

**Marc Gorelnik** [00:25:15] Much, much better.

**Virgil Moore** [00:25:23] I'm sorry talking about computers....

**Marc Gorelnik** [00:25:23] We've lost you. Your audio is coming and going.

**Virgil Moore** [00:25:26] Let me try a little slower talking closer. Is that come coming through better?

**Marc Gorelnik** [00:25:31] Yeah.

**Virgil Moore** [00:25:32] Okay. My short response is I think it is appropriate for staff to put an outline together that we can use for whatever comes up in the future. We discussed this at the Legislative Committee and an outline of the items that as individuals we may need to be prepared to answer questions if they come up, would be something then we could use to move quickly on if there was a collective response needed, but in the meantime, we each have this depending on how things develop with the new administration and or new legislation that may come up.

**Marc Gorelnik** [00:26:28] All right. Thank you, Virgil. Let me offer a suggestion here. I think we've already have some agreement on a task for Council staff, but I think the question arises, how do we respond as quickly as possible, and so what I would suggest is if we receive a request for comment that we move with dispatch at least to put in a notice in the Federal Register to, for a Legislative Committee meeting, and it may take some consultation with the Chair of the committee, as well as the members to find a suitable day and time for that, but let's get that scheduled straight up and then, you know, we'll be in a position to respond as quickly as possible. The Legislative Committee can then meet, can provide recommendations, perhaps come up with a draft letter for Council consideration, and then that could be moved out, and I would suggest that even if that is addressed to current legislation that will be a nullity really at the conclusion of this Congress because any new legislation or prospective executive order may be substantially similar that that, our comment would still be relevant in 2021. Does that seem like a reasonable way to go here? Louis Zimm.

**Louis Zimm** [00:28:01] Yes, Mr. Chair, that does seem like a very reasonable way to go because we really don't know if you're going to have to make the comment in 20 or 21 and I much, much appreciate your wisdom in this matter. Thank you.

**Marc Gorelnik** [00:28:22] Virgil, followed by Bob. Your muted Virgil.

**Virgil Moore** [00:28:30] I agree with you Mr. Chairman. Thank you for that direction.

**Marc Gorelnik** [00:28:35] Bob Dooley.

**Bob Dooley** [00:28:38] Thank you Mr. Chairman. I, too, agree. I think that's a very good plan.

**Marc Gorelnik** [00:28:41] All right. All right, let's see, I see no further hands. Let's make a last call for any discussion on this agenda item? Any comments? Anything else from around the table? Okay I will turn back to Jennifer to confirm that we have done our business here under Agenda Item C.4.

**Jennifer Gilden** [00:29:06] All right Mr. Chairman. Yes, the plan is that if we receive a request, we will move quickly to schedule a Legislative Committee meeting. In the meanwhile, I'll put together some kind of outline for a potential letter and we'll move from there. So, yes, thank you.

**Marc Gorelnik** [00:29:27] All right. Thanks everyone for your help there.

## 5. Fiscal Matters

**Marc Gorelnik** [00:00:00] Well that's the only report. Let me check our public comments. I don't think we have any public comments, do we?

**Chuck Tracy** [00:00:07] No.

**Marc Gorelnik** [00:00:07] No public comments, so that takes us to our Council action is to consider the report and recommendations so I will look for questions, comments or a motion in that order, but if we don't have any questions or comments, I would welcome a motion. Louis Zimm.

**Louis Zimm** [00:00:35] Thank you, Mr. Chair, and I wouldn't presume to have a motion for you, however I did want to comment on the second to last paragraph that is not involved in the presentation, and I want to just support continuing work on moving Emley/Platt and the Midwater Trawl Exempted Fishing Permits into regulations. And of course, I have particular interests, and I know California has particular interest in modifying the non-trawl Rockfish Conservation Area boundaries, so I just want to give a shout out for that and applaud that mention. Thank you.

**Marc Gorelnik** [00:01:23] Thanks very much Louis. Mr. Hassemer.

**Pete Hassemer** [00:01:31] Thanks Mr. Chair. Got unmuted there. Well, if nobody else has any questions or discussion, I'd be happy to make a motion.

**Marc Gorelnik** [00:01:39] Please.

**Pete Hassemer** [00:01:42] All right, I move the Council approve the recommendations of the Budget Committee as shown in Agenda Item C.5.a, Supplemental Budget Committee Report 1.

**Marc Gorelnik** [00:01:57] I have to unmute myself it turns out, so is the language on the screen accurate and complete Pete?

**Pete Hassemer** [00:02:04] Yes, it is.

**Marc Gorelnik** [00:02:06] And I'm looking for a second and I see Marci Yaremko's hand up, so I'm going to presume that's to be a second. Please speak to your motion as necessary.

**Pete Hassemer** [00:02:21] I don't think it's necessary. I thank the Budget Committee for their work on this in discussing all the budget implications of extensions of prior grants and COVID impacts and so forth. That's it. Thanks.

**Marc Gorelnik** [00:02:40] All right, thanks Pete. Let's see if there are any discussion or questions? Marci Yaremko.

**Marci Yaremko** [00:02:47] Thank you Mr. Chair. I just want to speak in support of this motion and support the work of and recommendations of the Budget Committee in recommending a second year of increased funds to the liaison contracts for work that is higher volume and continuing on at a quick pace for state agencies in response to the pandemic and having that extra amount for fiscal, or for 2021 will aid us in accomplishing all of the Council's objectives for the year so appreciate everyone's support on that piece of it.

**Marc Gorelnik** [00:03:37] All right, thanks Marci. Any discussion on this motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:03:51] Aye.

**Marc Gorelnik** [00:03:53] Opposed no? Abstentions? Motion passes unanimously. Thanks Patricia and thanks Pete. I think that should wrap up this agenda item. Let me just check. Ryan Wulff.

**Ryan Wulff** [00:04:12] Thank you, Chair, and sorry I didn't get my hand up quicker before the motion, although it's not relevant to the Budget Committee recommendations but I did want to note in the report it mentions having NMFS provide an update under this agenda item regarding the headquarters request for proposals for both catch shares and the Magnuson Act funds, so if I can ask your indulgence for a minute, I do have a brief update there.

**Marc Gorelnik** [00:04:44] Please.

**Ryan Wulff** [00:04:46] Okay, so that's due tomorrow, at least for the regions and centers to be submitting these so we've been working with our Southwest Center, Northwest Center and of course, regional colleagues on this. We'll be putting forward a few proposals, again, I'll read a few of them out here but in general we only usually get one to three projects for each proposal funded per region and center, kind of pair, so while I'm reading off all the proposals, that does not mean we anticipate all of these being funded. For catch shares, we are trying to seek funding for transitioning the paper trawl permitting process to fully online. That was a rude awakening for us and during this pandemic and the challenges and restrictions on us going into our offices for sight visits created some significant challenges with the paper permitting process, so we are trying to complete that transition and we'll be communicating that, of course, as we did this year out to the public and industry as well. So, this is to facilitate that. And we have a couple of economic proposals also on the cared shared side, one to help incorporate economics into the sablefish MSE process, and as well as another proposal to analyze the economic performance of quota share owners in advance of the 2022 trawl catch share review. For the Magnuson Act proposals, we will be seeking funding to help get our permitting systems updated, both the national permit system for deep-set buoy gear and our West Coast permitting system for Pacific halibut in anticipation of both the halibut transition as well as buoy gear authorization. There's some modeling and spatiotemporal prey fields work to support EBFM in the California Current. We talked about this last year. This is the second year of that proposal, second year of that two-year proposal. There is also a proposal for developing spatial data and site choice models to support economic impact analysis for offshore energy, wind and aquaculture siting along the West Coast, and then finally I'll note this one because I think it's really interesting, it's a multi-region proposal so it's not necessarily our submission, although we will be stating our intent, our support for it, it's a multi-region proposal to establish a methodology and sampling framework to collect benchmark data on direct marketing practices in wild caught fisheries in the U.S. to start us down a path to hopefully get some information and help facilitate if there's anything we can be doing to help support issues on the marketing side. Again, it's incredibly competitive across the country. We'll see what happens, but these are the range of proposals we'll be submitting tomorrow. Thank you.

**Marc Gorelnik** [00:07:54] Thank you, Ryan, for that update. Any questions for Ryan? Okay is there anything further under this agenda item? I'm not seeing any hands so Patricia, let me just turn back to you and make sure you've got what you need?

**Patricia Crouse** [00:08:17] I have what I need to start the year for the budget. Thank you.

**Marc Gorelnik** [00:08:20] All right. Thank you very much. That concludes Agenda Item C.5.

## 6. Approval of Council Meeting Record

**Marc Gorelnik** [00:00:00] As to our last item for the day C.6, which is scheduled for two hours to approve the Council meeting record. That is, I had that up, my reference to that earlier in the briefing book but that was provided in the advance briefing book and let me see if there are any, anyone has any corrections to the meeting record, and if not, I would entertain a motion to approve the meeting record for the September meeting. Phil Anderson.

**Phil Anderson** [00:00:41] Thanks Mr. Chairman. I'm going to see if Sandra read my mind and has a motion to put on the screen and she doesn't I'll make one up. There it is. I move the Council approve the September 2020 meeting record as shown in Agenda Item C.6, Attachment 1, Draft Council Meeting Record, 256th session of the Pacific Fishery Management Council September 8th through the 18th of 2020.

**Marc Gorelnik** [00:01:14] Phil, thank you for the motion. Is the language on the screen accurate and complete?

**Phil Anderson** [00:01:19] Yes, it is.

**Marc Gorelnik** [00:01:21] All right. So, this is where I ask for a second and I always take the first hand that I see and that's Heather Hall with the second. Please speak to your motion as necessary.

**Phil Anderson** [00:01:34] Don't believe it's necessary. Thank you to staff for all their great work in pulling these minutes together, or this meeting record together for our review.

**Marc Gorelnik** [00:01:44] All right, and let me just double check to make sure, see if there's any discussion on this, which I doubt, and I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:01:56] Aye.

**Marc Gorelnik** [00:01:56] Opposed no? Abstentions? The motion passes unanimously. Thank you, Phil, for the motion. That took a lot less than two hours.

**Phil Anderson** [00:02:11] It was Sandra.

## 7. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] And brings us to Council action. We've got a number of different items to address and some by motion, some not. Let me just first see if there is any preliminary discussion around the table. Looking for a hand. Louis Zimm.

**Louis Zimm** [00:00:24] Thank you very much Mr. Chair. I just want to say how much I appreciate all the input on this Offshore Development Committee, and I also appreciate the fact that this would take a lot of effort and energy on the part of the Council staff and Council members. You already see the upwelling of support from the public on this so I would like to see a way forward that we could do something affirmative on this and I'm looking forward to comments of the other Council members.

**Marc Gorelnik** [00:01:19] All right, thank you Louis. Virgil Moore

**Virgil Moore** [00:01:26] Can you hear me okay this morning?

**Marc Gorelnik** [00:01:28] Yes, we can. Good morning.

**Virgil Moore** [00:01:30] Good morning. The issue of the committee structure, I guess part of it is my own ignorance of process and budget, but I guess my concerns revolve around capacity. What capacity does the Council have with current budget and staffing and membership time to support additional activities that are important to our mission? I'm not trying to pass judgment on this particular committee as much as I'm asking questions about how do we support continued needs that are out there relative to the Council's responsibilities for conservation and management of our ocean resources for both recreational and commercial purposes? So I'll leave it there and pipe in at some point but I certainly would like to hear from our Executive Director at some point relative to those aspects as this discussion moves forward. Thank you.

**Marc Gorelnik** [00:02:44] Thanks Virgil. That's a fair question and since you had a specific question that Chuck could address, I'll call on Chuck.

**Chuck Tracy** [00:02:56] Thank you Mr. Chair. Thanks, Virgil, for the question. You know that is an issue that I think is worth exploring here. I think there are some issues that would be challenging for the Council and Council staff. I did ask Patricia to come up with a quick estimate of what it would cost to have a committee similar to what was being suggested so I do see a lot of similarities in sort of the construct of the committee with the Habitat Committee, so I asked her to look at something like that with perhaps three or four more industry-type representatives. Right now, Habitat has one commercial, one recreational fishery representative on it so I thought, anyway so looking at that, you know, assuming they would meet at each Council meeting, that would be about 65 thousand dollars a year to have them meet and travel. If there were outside meetings, there would be some more so that, just from a monetary perspective, that's a quick and dirty estimate there. I would note that, and I'll let the agency speak to this, but we certainly struggle already getting all of our membership appointments done. There's a number of vacancies that just seem difficult to fill or to keep, you know, keep consistently filled. For example, there is some talk about the, you know, the economics of the issues that would be investigated by this committee potentially. You know we struggled to have, to keep economists on the GMT. We don't have any right now. The salmon team doesn't have an economist either. I suspect from some of the state agencies it would be difficult to have, you know two different people, one habitat and one this other committee so I suspect there'd either be overlap which would, you know, just result in additional workload to the state agencies so, but I'll let them speak to that themselves. Council staffing, yes there would be some additional work for not just the staff officer, but of course the administrative staff so I think there is a significant cost, I guess, in terms of both monetary and staffing for the staff and

potentially for the agencies that would be asked to fill the agency seats on the committee. Maybe while I've got the floor here, I guess I will mention that, you know, I heard some questions about whether BOEM knows the Council exists or not and, yes, they do and I guess I know I've pointed out a couple of times in the last couple of months that we have started a new engagement process with BOEM where we meet with them, with their leadership group every, before every Council meeting to see if there's any news that needs to come before the Council to, you know, notify them of upcoming projects and deadlines. As a result of that, we ended up with the wind energy letter to the California Wind Energy Group in September and then we also, we plan to have them come on an annual basis to our marine planning agenda item in March to give a more broad presentation to the Council on activities that BOEM is having, so we've already kind of upped our game to a certain extent in that regards. So anyway that, those are my comments on Mr. Moore's question and a couple other things.

**Marc Gorelnik** [00:07:43] All right, thanks Chuck. Brad Pettinger and followed by Maggie Sommer.

**Brad Pettinger** [00:07:50] Yeah, thank you Chair Gorelnik. Some really good testimony today on this matter. It seems to me that there's obviously a lot of things to be looked at in the ocean. I'm worried about basically a tsunami of development happening and how, what's the best way for us to be equipped to do that. I'm not sure that a committee is yet, but I think that between now and it looks like, as Chuck mentioned, we have a marine planning update in March. It gives us time to think about how that might work. I'd like to dig in a little more as far as the other Councils, how they're doing it and how it's working but I just want to, I really appreciate the testimony we heard today. This is a big issue, and it looks like it's going to be a lot bigger in the future and we need to be prepared for that. Thank you.

**Marc Gorelnik** [00:08:46] Thank you Brad. Maggie.

**Maggie Sommer** [00:08:50] Thanks Mr. Chair. Agree with the remarks, certainly an issue that is important to the Council as a whole. Clearly across FMP issue and more as development could and is likely to affect all fisheries, habitat, ecosystems, et cetera. You know thinking about this and really considering these issues of capacity and what a good way to approach this is, it stands out that we have the expertise in place within existing advisory bodies, it has just been brought up that's it a capacity issue but given some of the points that Chuck reminded us of with difficulty we have in keeping our advisory bodies and management teams fully occupied with members, I don't mean occupied with issues, sorry keeping, you know, seats filled on those and thinking about some of, you know, back to the budget report, the Council may have some resources at least in the near term. It feels to me like what we really might be looking for at this point is the focused eyes and ears, is a point person to maybe make sure that each of our advisory bodies and teams, as appropriate, is aware of these issues as they come up and have a coordinated approach and schedule to providing input to the Council on those. Good to hear from Chuck that there is a meeting with the BOEM leadership group before every Council meeting, and I wonder if there is capacity within either current Council staff or potentially a new staff member position of some sort to really be the point on these offshore development issues and be the connection, be the liaison to each of our advisory bodies and management teams on those issues. I just thought I'd put that out there for question and discussion, not expecting that the Council would reach resolution necessarily on this today.

**Marc Gorelnik** [00:11:21] Thank you Maggie. Chuck, well let me call on Michael Clark and then I've got a question for Chuck.

**Michael Clark** [00:11:33] Well thank you Mr. Chair. I just wanted to offer my support for establishing this new advisory body focused on offshore development issues. I found the endorsement of the existing Ecosystem and Habitat Committee's particularly compelling and may foster an even more proactive approach and lend the necessary focus and bandwidth to stay on top of these activities that, as others

have mentioned, will likely have a significant impact on many, if not all of the Council-managed fisheries. Thank you.

**Marc Gorelnik** [00:12:08] Thanks Mike. So, Chuck, Maggie offered a suggestion, or perhaps a path forward, and that is to designate an existing Council staff member to sort of be a point person to collect this information or news as it comes up and making sure the existing advisory bodies are aware, is that something that we could do at least in the short run here?

**Chuck Tracy** [00:12:39] Thank you Mr. Chair. Well, you know, Kerry Griffin is our marine planning point person I guess, so in terms of, you know, identifying a body, you know, so Kerry does track marine planning issues and, you know, staffs the marine planning update in March, which has been a regular feature for a number of years to the Council. To the extent that, you know, that there's outreach to the other advisory bodies for, say for giving briefings on particular issues as they arise. You know I think that responsibility would fall to him, so I think we, I think we're pretty well positioned to do that. You know, I guess it's just a question of, you know, volume I guess or how much that's happened in the past? I think there's, I think it would also be helpful perhaps to have each advisory body have a sort of a contact person that, you know, maybe I could just be the Chair or but I know in the past, for example, there used to be a Salmon Advisory Subpanel habitat liaison, and that person would attend all the Habitat Committee reports and then report back to the Salmon Advisory Panel on issues of relevance, but I'm not suggesting that, you know, that that model be used for all the advisory bodies, but I think having some sort of dedicated or, you know, known pathway for information flow to and from either the Habitat Committee or this new proposed committee or something for each of the advisory bodies would be something worth looking at as well.

**Marc Gorelnik** [00:15:04] Louis.

**Louis Zimm** [00:15:05] Well, thank you Mr. Chair. I may have heard wrong. This is addressed to Chuck. I believe Maggie rose the question of whether there be funds or the ability to have a new staff member doing this kind of work?

**Chuck Tracy** [00:15:31] Thank you Mr. Zimm for the question. Well that I think would be a, that's a whole other order of magnitude sort of answer for that one and, you know, I think we would really have to look, you know, at the Council staff as a whole and I think we need to look at the work, you know, the Council staff workload across all FMP's and areas in order to determine that. You know we've added some capacity to Council staff recently through contracting, additional contracting, that's kind of how we've addressed some of those needs at this point so, you know, adding somebody for this would probably be more like adding a permanent staff member and I guess I'm not willing to commit to anything like that at this point. It could certainly take a lot of budget analysis to figure that out if we would be able to sustain that in the long term because those are not the sort of things you want to start and stop obviously.

**Marc Gorelnik** [00:17:04] All right, thanks Chuck. Phil.

**Phil Anderson** [00:17:08] Thanks Mr. Chairman. Good morning everybody. You know I, I think there's a consensus around the table as well as within the fishing industry of just how important this issue is, and the potential threat that the expansion of these different types of activities within our oceans that take up geographic space are to our fishing industry as a whole, so I don't think there's any disagreement about the importance of this issue around the table. There are, however, a number of different ideas as to how the Council should engage and a number of good ideas but I don't think we're ready to make a decision on the formulation of a committee just yet. I'm looking at our March agenda and seeing that we have some ecosystem agenda items scheduled. Our Ecosystem Workgroup is also, I believe, meeting

during that as part of that March meeting and, you know, so I think that it would also be important for us to get some, some thoughts from the other advisory panels that may wish to weigh in, not the least of which is the Habitat Committee, if that's a direction we're contemplating. I also think it's, I was aware of the, the meetings that you have instigated Chuck with BOEM in advance of our Council meetings and appreciate you taking, taking the initiative to do that and I think the, you know, the idea of whether or not there's additional Council staff resources to be brought to bear is a topic that we could ask Chuck and the staff to think further about. I'd also like to get the input from the Ecosystem Workgroup on, you know, they're obviously thinking about aquaculture activities and so I think we would value from their insights on this. So, again I'm not trying to throw cold water on the idea of developing a committee, but I do think it's premature to make that decision today and I would suggest that we agendaize this topic at our March meeting, giving our other advisory panels the opportunity to weigh in as well as giving our Executive Director and Council staff the opportunity to think about it a little bit more as well, as is our state, our state folks who are engaged in several different forums outside the Council process that deal with this issue. Thanks Mr. Chairman.

**Marc Gorelnik** [00:20:38] Mr. Anderson, thanks very much. Let me ask if there's anyone who disagrees with the approach that Phil has put out? I personally think it's very sensible. Bob Dooley.

**Bob Dooley** [00:21:01] Thank you Mr. Chairman. I just wanted to weigh in that, yes, I agree with the Phil's points. I do. I think it is it, but I don't disagree, or I don't agree that it isn't a huge problem. I mean, I think we, you know, my perception on this is that there's a potential for a level of disengagement from our process and not having the ability to weigh in the normal channels that's going on, particularly with the bill that we've heard so much about in the potential Executive Order and all the concern about that and that would remove it from the normal channels that we would typically deal with in Magnuson and the Council process, and particularly if it ends up in an executive order and having a committee that could be proactive and, you know, and informative on these issues from, that don't come through the normal process or will not follow the normal process and BOEM appears over the time to be one of those that know we've made some inroads, but still far from being able to turn the dials in the early in the process. So to that end, I think we should definitely prioritize this and put it on the agenda to talk about, but I do understand all of Phil's concerns and everyone else's concerns that maybe it's a little rushed. But you know I also worry that, I know we talked about it on that executive order possibility, that we won't have an opportunity before March to weigh in and we've taken some steps to do that but the information and getting the information into our system is important and I see this, a committee like this could possibly serve that purpose, that of being proactive rather than reactive. So that's all I'll say and I, but I do agree exactly with Phil's comments. Thank you.

**Marc Gorelnik** [00:00:00] Thanks Bob. Phil.

**Phil Anderson** [00:00:03] Well just to clarify, if that's needed in response to Bob's remarks, I think this is a huge issue and it is a problem for us to be facing into the future for Council-managed fisheries and state-managed fisheries like the crab fishery and pink shrimp fishery, to name a couple. So, if there was something within my comments that suggested that I didn't think this was a big problem, I just wanted to clarify that I do think it is a big problem.

**Marc Gorelnik** [00:00:39] Yeah, thanks Phil. I think you were clear on that. All right. Well, not seeing any other hands raised, it looks like that it's the sense of the Council to come back to this in March. I saw Louis' hand go up for a second and back down. So, we have a number of other items to take up under this agenda item, and what I would like to do is go to our appointments unless there's an objection to going down that road. I'd like to start first to see if there's any discussion or motion for the opening on the Coastal Pelagic Species Advisory Subpanel. Phil Anderson.

**Phil Anderson** [00:01:36] Thank you, Mr. Chairman, and I do have a motion. I do want to say that and acknowledge that we had two very well qualified individuals that were nominated for this position and while we can only place one person in this position that is not in any way to suggest that both individuals aren't highly qualified, and I'm hoping that both individuals will continue to be active in the Council process. So, with that as a preface I believe Sandra has my motion ready to put in front of the group and it is that I move to, I move the Council appoint Miss Anna Weinstein to the conservation position on the Coastal Pelagic Species Advisory Subpanel formerly held by Miss Gilly Lyons.

**Marc Gorelnik** [00:02:46] Okay, Phil that language is complete and accurate on the screen?

**Phil Anderson** [00:02:51] Yes, it is.

**Marc Gorelnik** [00:02:52] I'm looking for a second? Butch Smith. Please speak to your motion if it's necessary.

**Phil Anderson** [00:03:00] Well I'm pleased to put Anna's name forward. She's been a big part of the Council process for the last 6 to 10 years. Appreciate her contribution and I'm pleased to put her name forward for consideration. Thanks.

**Marc Gorelnik** [00:03:20] All right. Thanks very much. Any Council discussion on this motion? Not seeing any I'll call the question. All those in favor say 'aye'.

**Council** [00:03:33] Aye.

**Marc Gorelnik** [00:03:34] Opposed no? Abstentions? Motion passes unanimously. Welcome, Anna Weinstein, to the CPSAS and, Gilly, as I've said before, we're going to miss you but I hope you stay involved in the Council process. Okay, so we have other appointments to make. We have some positions open. There's some NMFS appointments to the Groundfish Management Team and as well as to the Groundfish Endangered Species Workgroup so do we have any Council discussion or motions on that? Mr. Ryan Wulff.

**Ryan Wulff** [00:04:29] Thank you Chair. Yes, I have a motion for all those positions.

**Marc Gorelnik** [00:04:35] Please go ahead.

**Ryan Wulff** [00:04:39] I move the Council appoint Miss Gretchen Hanshew and Mr. Daniel Studt to the two West Coast Region positions on the Groundfish Management Team formerly held by Miss Abigail Harley and Miss Karen Palmigiano. Dr. Chantel Wetzel to the vacant Northwest Fisheries Science Center position on the Groundfish Management Team, and Mr. Scott Benson to the Sea Turtle Taxa position on the Groundfish Endangered Species Workgroup formerly held by Dr. Tomo Eguchi.

**Marc Gorelnik** [00:05:15] All right and the language on the screen is accurate and complete?

**Ryan Wulff** [00:05:19] Yes, it is.

**Marc Gorelnik** [00:05:20] And do I have a second to this motion? Seconded by Maggie Sommer. Please speak to your motion as necessary.

**Ryan Wulff** [00:05:33] Thank you. I'll take them in order here. Miss Hanshew has been working on groundfish fisheries management issues in the region since 2005. She served as the NMFS lead on the development of many major groundfish actions, including most recently, I'm sure most of you

remember Amendment 28 to the Pacific Coast Groundfish Fishery Management Plan. She's also served on the GMT previously for a number of years and has also spent some time as our acting Groundfish Branch Chief in 2017, so she brings a wealth of experience. Mr. Studt is our West Coast Region Recreational Fisheries Coordinator. He's responsible for implementing our West Coast Recreational Fisheries Engagement Plan in support of the national rec policy, but he's worked on a number of other issues related to fisheries management in the region. He has experience analyzing data, drafting NEPA documents, completing rulemakings and I think both Mr. Studt and Miss Hanshew will be able to effectively contribute to the GMT and its work. And, but before I continue on, I would like to take a moment here on behalf of the region to thank Miss Harley and Miss Palmigiano for their years of outstanding service on the GMT and for their contributions and insight on groundfish fisheries. They have both done an outstanding job in representing the agency and supporting the immense work of the GMT. They do leave big shoes to fill but we look forward to continuing our commitment to staffing this team, especially in regards to its importance in the Council process. Regarding Dr. Wetzel, since 2009 she has contributed directly to 11 groundfish assessments recently leading the assessments for Pacific Ocean perch in 2017, as well as the 2019 petrale sole update. She possesses an expert knowledge level of the stock synthesis modeling framework that is commonly used for our assessments and would provide the GMT with great expertise in the area of fisheries data and analysis, as well as interpreting stock assessment results for management. Regarding Mr. Scott Benson, he has performed research on the ecology of leatherback turtles, primarily at U.S. West Coast foraging grounds, but also at Western Pacific nesting beaches and this has included designing implementation of research projects, extensive field work, conducting aerial surveys and satellite telemetry studies, nesting beach monitoring and quantitative analyses of data and synthesis to meet management objectives, and for all those reasons we feel he'll be a valuable addition to the Sea Turtle Taxa position on the Groundfish Endangered Species Workgroup. Thank you Chair.

**Marc Gorelnik** [00:08:09] Thank you Ryan. Is there any discussion on this motion? Not seeing any hands I'll call the question. All those in favor say 'aye'.

**Council** [00:08:24] Aye.

**Marc Gorelnik** [00:08:25] Opposed no? Abstentions? The motion passes unanimously. Welcome to all of these new members to the Council family. Okay, I think that the Oregon Department of Fish and Wildlife has some vacancies, one on the Groundfish Management Team and one on the Groundfish Endangered Species Workgroup, so Maggie Sommer.

**Maggie Sommer** [00:09:02] Thank you Mr. Chair. I move the Council appoint Miss Katherine Pierson to the Oregon Department of Fish and Wildlife position on the Groundfish Management Team formerly held by Mr. Patrick Mirick and Miss Lynn Mattes to the vacant Oregon Department of Fish and Wildlife position on the Groundfish Endangered Species Workgroup.

**Marc Gorelnik** [00:09:25] Okay, and the language on the screen is accurate and complete?

**Maggie Sommer** [00:09:29] Yes.

**Marc Gorelnik** [00:09:29] And I'll look for a second? Seconded by Brad Pettinger. Please speak to your motion.

**Maggie Sommer** [00:09:40] Thanks Mr. Chair. We are very pleased to be just bringing Katie Pierson on to ODFW's Marine Resources Program and our Commercial Groundfish Project Leader position. She brings a very strong background in natural resource management and science issues, including both marine and fishery related work some years ago with our marine program and other inland related

topics. She has a strong skill set in both data analysis and writing and presentation, and she, know that she was able to join in and listen to the GMT meeting at this Council meeting and I think is really going to be very effective in contributing to the team. Lynn Mattes has, of course, a very long history in advising both the department and the Council on groundfish related issues. I will say there was some consternation in our delegation this morning when I reminded folks of her nomination to this position that it might mean she was leaving the GMT and that is certainly not the case. She will continue to serve on the GMT, and she will also bring her knowledge of groundfish fisheries to the Endangered Species Workgroup. Thanks.

**Marc Gorelnik** [00:11:19] Thank you Maggie. Any discussion on the motion? Not hearing any I'll call the question. All those in favor say 'aye'.

**Council** [00:11:29] Aye.

**Marc Gorelnik** [00:11:29] Opposed no? Abstentions? The motion passes unanimously. Thanks very much Maggie for the motion. I think that completes all of the appointments that need to be done by motion. We do have the vacancies on the GEMTAC and the GEMPAC to which Mr. Torres and Mr. Orcutt have been mentioned, and it is my intent to accept those recommendations but obviously I want to consult with the Council, so I want to see if there's any objections or alternatives to those appointments? And not seeing any hands we'll make that so. And I think we may have, Mike alluded to one other issue. Maggie Sommer.

**Maggie Sommer** [00:12:40] Thanks Mr. Chair, I wanted to alert the Council that while I am the Council's alternate representative to the International Pacific Halibut Commission, Mr. Anderson, of course, being the primary representative, I have a conflict and will not be available to participate in the IPHC's annual meeting in January. I wanted to offer that in case the Council wishes to identify somebody else to fill that alternate role to ensure continuing Council representation at the IPHC meeting upcoming in January. Thanks.

**Marc Gorelnik** [00:13:22] Thanks for that heads up Maggie. Phil Anderson.

**Phil Anderson** [00:13:30] Oh, I didn't want to jump in front of you there. I'm sorry Mr. Chairman.

**Marc Gorelnik** [00:13:34] No go ahead. I think that you have a suggestion for a further alternate?

**Phil Anderson** [00:13:41] Yeah, thanks Mr. Chairman, and thanks to Maggie for bringing it forward, and at the present time I don't, I anticipate that I will be at the annual meeting of the Halibut Commission so you should expect me to fulfill that assignment, however you never know what could be happening and I think it's good to have an alternate designated and so I would recommend to you, Mr. Chairman, that Heather Hall be the alternate for this year's Pacific Council's representation at the IPHC meeting that will be held toward the end of January.

**Marc Gorelnik** [00:14:28] All right Phil. Can I ask you if you've checked with Heather Hall and she's willing to serve in that role?

**Phil Anderson** [00:14:35] Yes, I have and I believe she is, and I see Mr. Nile's had his hand up.

**Marc Gorelnik** [00:14:38] Oop, and Mr. Niles hand is down.

**Phil Anderson** [00:14:38] Yes, I did consult with Heather and she is....

**Marc Gorelnik** [00:14:45] I just wanted to confirm for the record. So, unless there are any objections to that, it seems to be an appropriate assignment, not that we expect to need an alternate for the meeting, but as Phil points out, it's always helpful to have one and so not seeing any hands we'll make that so. Mr. Burner what am I missing here?

**Mike Burner** [00:15:21] Thank you Mr. Chair. I don't believe you're missing anything. It was a very thorough treatment of the business at hand here and I believe you checked everything on my list. I am happy to go through as a recap if you like, but I believe that's all the business we need to do here under C.7.

**Marc Gorelnik** [00:15:39] Before we do a recap. Let me just see if there's anyone on the Council has a question or comment? And not seeing any hands why don't you wrap it up for us here?

**Mike Burner** [00:15:52] Thank you Mr. Chair. So, regarding standing committees the Council will move, the Council staff will move ahead with Miss Svensson's presidential appointment to the Western Central Pacific Fish Commission. We'll get that letter going over the winter. As we just heard, Miss Heather Hall is going to serve as an alternate, an additional alternate to the International Pacific Halibut Commission should something happen and Mr. Anderson's unable to attend. Appreciate her backing up there. Regarding advisory bodies welcome Miss Anna Weinstein to the CPS Advisory Subpanel and recognizing, I'd like to echo comments regarding Gilly's service there, it was top notch. Regarding Groundfish groups, motions to approve new National Marine Fisheries Service and ODFW representation to the GMT, again echoing favorable comments and appreciation to the work done by outgoing members and welcoming the new folks there. Regarding the Groundfish Endangered Species Workgroup, two new appointments there for the ODFW position and the Sea Turtle Taxa position. Chair Gorelnik has approved the two changes and membership for the Office of Law Enforcement and the Archipelago Group relative to the GEMTAC and the GEMPAC, and there are a few assignments to the Council staff, as I understand it, to look into our Council Operating Procedures regarding EFP's and methodology reviews, and to also consider the input here at this meeting regarding the possibility of forming a new advisory committee focused on offshore development, and Council staff will take those assignments to heart and work on those over the winter and come back next year with some updates on how things are going there with the expectation of discussing the offshore development business at your March meeting where you've got marine planning on your agenda. So that's my summary Mr. Chair. I hope I didn't miss anything. Thank you for working us through that and I believe that completes our business. Thank you.

**Marc Gorelnik** [00:17:46] All right. Thanks very much Mike.

## 8. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] Let's get started on the task at hand, which is to nail down the March and April agendas and make any changes to the Year-at-a-Glance. So, we've had a lot of public comment. We've had a lot of requests from the advisory bodies. So, at this point I will ask Executive Director Chuck Tracy to take over for the balance of this process.

**Chuck Tracy** [00:00:38] Thank you Mr. Chairman. So, I think my plan here is to start with the March Quick Reference and then through the April Quick Reference and then take a look at the Year-at-a-Glance so that's how we're going to be stepping through this and have Sandra project whichever of these documents we're looking at on the shared screen, so you'll be able to see them. So just kind of on a quick overview of both, for both the March and April I would note that, you know, that what's on there right now, obviously we've got some changes to make but what's on there right now are days that last seven to seven-and-a-half hours for the most part, which is maybe a little longer than I guess I would, was hoping we might be at. You know for this Council meeting we had six to six-and-a-half hours so, and I thought this meeting worked out pretty, pretty well so I don't know if, you know, if that's how the Council feels about that, but to the extent that we can, if we have a target I guess I'd like to know about it and if we're okay with seven, seven-and-a-half hours that we'll go there, go there as well. So that kind of is maybe an underlying feature of those things. I guess I would, I did kind of want to touch bases real quick, I don't know if I want to have the entire discussion right now, but I did want to touch bases on the mothership agenda item and the scoping issue. So, after kind of shaking my mental tree a little bit, you know, I think part of the reason that both, well actually both mothership and the non-trawl Emley/Platt business were put on these agendas as scoping. While there had, there has been some work done on identifying the, on scoping in terms of identifying purpose and need statements and identifying issues, you know part of the reason they ended up where they did was actually because they were also identified as the two items under the Executive Order 13921 that we were required to identify for Magnuson Act projects that we could identify prior to May 2nd, and so I think that's part of the reason they appeared where they did, and I think part of the reason they appeared, how they did in terms of scoping was maybe just a little bit, still a little bit of uncertainty with the capacity of both NMFS given their staff transitions and the GMT as well, because there are some staff, there's some transition occurring there so I think that left a little bit of question in people's minds on how far we might be able to do, get in terms of developing alternatives, so I think that's probably why they ended up that way. We did note in the decision summary document that that was the decision to do additional scoping as part of a three-meeting process for that, for those topics. That being said, you know, we're hopefully a little wiser now and to the extent the Council wants to weigh in on the what the action would be under those agenda items, that's certainly fair game here. I do know there are some, I know there's at least one issue that the National Marine Fisheries Service plans on bringing up in regards to that, particularly the mothership, one of the issues and I guess just also for terminology clarification for things used a little differently, but so when I'm talking about scoping I'm talking about developing of a purpose and need statement and identifying the issues that will be considered and where there will be alternatives developed to address the issues. For the mothership, you know, the issues that the Council has, is talking about now or the, you know, the whiting start date, the processor obligation deadline, processor cap and the permit transfers, so those are the issues, and then the alternatives would be, there would be alternatives developed for each one of those just to kind of keep the terminology, at least that's how, that's how I think about it. That's how I think they're considered in the sort of the NEPA framework as well, so I just, just wanted to get that out there so again I'm not sure I want to go quite all in on that topic right this second so maybe we could, maybe I can go through a couple of, maybe some other low hanging fruit on March and then that'll carry us naturally into discussion about the more challenging issues... so looking at Thursday, March 4th, there's a couple, three shaded items there. The research and data needs update. I think that's a good, I guess I would like to see that. We had hoped to do that actually, you know, sometime in calendar year 20 but here it is in 21. As Pete noted there's a number of

things that are probably deserving of some Council attention before the process goes too much further, so to make sure that the, we don't get the, down some rabbit holes, is I believe is how he mentioned it in my discussions with him so I guess I would like to see that stay there but it is not essential. The Regional Operating Agreement, that is something that, well that's the agreement between the region, the Science Centers, the OLE and GC, and the Council staff of how we go about finalizing Council actions and working together and those sorts of things. This is, again, something that we were hoping that we would have been able to make some more progress on but frankly it just hasn't been able to crack the priority list for me, at least for Council staff, so I guess I'm thinking that that is something that, again, I just see this upcoming year that that is, or at least the upcoming spring part of the year, that that's going to be a difficult thing for me to spend much time on and to expect to bring something to the Council for their consideration, I'm not very hopeful about that. It is something that, you know, that we kind of work on a little bit as we can. National Marine Fisheries Service as well, and we continue to have discussions about it, so I guess I would put that one up there as an opportunity for, you know, to cut something out of the March agenda if, you know, if there are developments those are the sorts of things that I can identify under my Executive Director's report, just to keep the Council in the loop and what the status of that project is and if there's any issues that need Council's attention. For the Salmon NMFS report on that day, we've got 30 minutes. Sounds like we might need to expand that a little bit or I think Barry has some comments that he would like to pass on to the Council relative to some salmon business, and then we've got the reintroduction above Coulee, Grand Coulee Dam, so this is something that's again, kind of been delayed a couple of times so it's landed here, again an opportunity. It's a salmon related issue and these are the salmon meetings so if we don't get to that I'm not sure when we would be able to. For March 5th there was a fair amount of talk about the marine planning business today and ocean energy development and those sorts of things so just to point out we do have that agenda item here. We have already expanded it to include the information on aquaculture area mapping as a result of the discussions earlier this week so that is there. We do plan to have BOEM come and present to the Council under that agenda item. Under Monday, March 8th, the Pacific Whiting Treaty implementation, again the meeting of the whiting treaty folks doesn't occur until after the March meeting, so we pushed that off to April. For Tuesday, March 9th, the HMS business, Swordfish Management and Monitoring Plan, we did, that's shaded, that's a 2-hour agenda item. We did hear from the management team, their recommendation to push that out until November. We did add the deep-set buoy gear permit clarifications, so the terms and conditions of the limited entry permit, so we added that in for an hour. We got to, so March is our usual ecosystem business, so we've got California Current Ecosystem on Wednesday, and then we've got two shaded ones, the Climate and Communities Initiative update. We are expecting to have some virtual workshops to look at the scenario planning exercise over the course of the winter so that's, that's progressing so this would be, seemed like the best opportunity to have all the ecosystem folks available to comment on that, and then likewise we've been working on the Fishery Ecosystem Plan five-year review update, kind of progressing stepwise through the sections of that, so that's what I've got right now. Again, if we, you know, we were talking seven, seven-and-a-half hour days for the most part. If we eliminated the swordfish, that'd give us a couple hours we could distribute around and if we eliminated the Regional Operating Agreement, that would give us another hour. For the mothership utilization scoping issue we've got three hours and so, you know, so I think three hours is probably too much if it was just scoping, but again under this agenda item I think, you know, development of alternatives at least, you know, whether that's adopting a range for public review or just getting some, getting some feedback on some ideas I think we would, I think three hours would accommodate some of that, some of those types of discussions. So, I'll just pause right there and see if there's some reaction to that stuff. Ryan.

**Ryan Wulff** [00:13:21] Thanks Chuck. Just a clarification, you want reaction on just the ones you raised or the whole at large agenda?

**Chuck Tracy** [00:13:26] I think it's all fair game. The stuff I didn't mention is largely, you know,

routine management items but I didn't go into detail but yeah, they're all fair game.

**Ryan Wulff** [00:13:42] Okay. Well, I'll just start with a few minor things you touched on. You mentioned the salmon NMFS report. Yes, Barry would like to come and speak to the Council on the Columbia Basin Partnership Task Force. I don't think that would extend that NMFS report more than another 30 minutes. For the highly migratory species issues I think you'll see both here and my other comments, we pretty much are aligned with the MT report so when it comes to the March agenda that would involve moving Swordfish Management and Monitoring Plan to the November 2021 spot on the YAG for the reasons outlined in the report, as well as I think we'll have additional data from EFP's that can contribute by that time, by this time next year. I don't know if this is the appropriate part, but I'd also, we'd also support all of the SSC-related meetings over the winter prior to this March meeting as well as the advisory body requests on spacing things out and scheduling that you've seen in their reports. For electronic monitoring, I do think it would be very helpful to have an EM agenda item in March so that we could consult or at least bring back to the Council the program guidelines and manual for 2022. They do, the regs do require us to develop this in consultation with the Council and we'd be prepared to present those in March if the Council wants to review them. We are expecting one to two GEMPAC meetings over the winter, potentially as webinars as well that Council staff are working on scheduling so all of that would help lead to the work needed to prepare for that proposed agenda item. Coming to groundfish, and I started with the low hanging fruit per your request Chuck, but I think I need to be clear here, although we're talking about the March agenda, this is going to be NMFS position for the rest of this discussion as well. I think we were pretty clear when I discussed groundfish workload under that agenda item as well as Barry under his presentation, not just groundfish, really our entire division across the board for the next six months is focused entirely on fulfilling our statutory obligations, our legal obligations and our treaty obligations and I want to begin this by saying how proud I am and how impressed I am by our staff, and how much work they have been able to get done while operating under very challenging situations with plates that continue to grow, not shrink during this time, and stress and other external circumstances which continues to exacerbate things, not ameliorate them. Looking at groundfish in particular, this branch has six permanent staff, five of which are analytical and regulatory, and we have a contractor. We already interrupt our normal lines of work, rely on staff and our other branches to help us out, things like EFP's and we're losing staff capacity currently and potentially in the future as well as we try to deal with our, our vacant leadership position and we have folks stepping in and taking on that, which is an enormous workload on itself, so as we've noted I don't expect that change or anything to change soon there, so I really hope these overarching remarks can be kept in mind and in context as I kind of walk you through here. On the Magnuson front our priority is the spex, not just this spex package, including the inseason adjustments at this meeting, but we have to start now on the next package for 23 and 24 because we preliminarily determined we're going to need potentially a whole new NEPA structure. We also need to engage Council staff on the primary sablefish program catch share review. On the treaty front working on the separate whiting specifications package as well along with the ESA driven requirements for the salmon bycatch mitigation measures rulemaking, the non-trawl logbook and then folks starting discussions for the next steps on the humpback buy-op and the ESA Workgroup coming up, and all of this at a time where clearance, review, publishing at the headquarters level is expecting serious delays and uncertainties related to, uncertainties related to how much the next administration will get engaged and whether or not that will cause additional delays. So after all of those things I just listed, we will engage in a limited capacity in the SaMTAAC gear switching and whiting mothership utilization issue because it's our understanding, at least at present pending further discussion, that those are the Council selected priority actions but that is about the best case scenario that we think that we can get some engagement there on the first portion of 2021, but after that it's going to be till the latter half of 2021 at best before we can engage on non-trawl RCA, Emley/Platt or other actions. However, if we get a permanent branch chief on board and things change by the time, we hit our spring meetings, we will obviously reassess and be reporting and having that dialogue with him. So how this plays out then for the March agenda? On a more minor note, we would

like to have an agenda item, it doesn't have to be March, it could also be April, but like I said, we did commit in the humpback biological opinion as part of that terms and conditions to come back and work through those, through the Council with industry, so we would like an hour or so to be able to update on the buy-op, the full ITS and how we might move forward with the Council and with industry on the related terms and conditions. Again, that could be March. Also, happy to do that in April, but I think sooner rather than better due to some of the time requirements in the buy-op. Finally, on the mothership issue, I'm sensitive to all the comments that we've received. I understand the importance of the issue. I just, again NMFS at this time has very limited ability to engage in this action. It's not just our groundfish branch, this would involve engagement from our permit's branch, which is taxed. Our salmon branch, which, as you well know, is entering into that March/April heavy salmon season. So, our priority will be, if this remains on the agenda, working on just some clarity to provide the Council with regard to implications for the salmon buy-op and also the Whiting Treaty tax setting process from the proposal to move up the start date of the whiting fishery, for example does that mean a re-initiation of our salmon or not? We believe that's at least a necessary step to inform the direction based where it wants to go with this action and if it's even going to consider setting a range of alternatives and I echo your comments earlier Chuck that, you know, our understanding was the same as the decision summary document from September that you referenced, that this item would benefit from further scoping into at least in part to the mismatch between the adoptive purpose and need and the discussed proposals relative to which whiting sectors they would affect so at this point NMFS cannot commit much more on this action than what I just said. However, I'm not necessarily advocating removing from the agenda, especially as it's noticed as scoping in the quick reference, and I believe at least for March, that is my conclusion of my remarks.

**Chuck Tracy** [00:22:35] Thanks Ryan. So just to clarify, so the additions that you mentioned I think was, and thank you for reminding me, the electronic monitoring agenda item where the Council would have an opportunity to weigh in on the guidelines and manual and then some time in, was it March or April for a humpback buy-op update? That's one I didn't quite catch.

**Ryan Wulff** [00:23:12] Either.

**Chuck Tracy** [00:23:13] Either. Okay, and so I asked Brett about the electronic monitoring issue and he said that would be an hour-and-a-half to two, do you have any guess as to what the humpback update might be for buy-op?

**Ryan Wulff** [00:23:27] My guess is one hour, at least to provide the update and discuss what potential next steps may be.

**Chuck Tracy** [00:23:36] Okay. Thank you. Okay any other thoughts or comments about March? John Ugoretz.

**John Ugoretz** [00:23:55] Thank you. I just wanted to mirror what Ryan said regarding highly migratory species. I support moving the Swordfish Management Monitoring Plan in November. The addition of deep-set buoy gear permit clarification's and I think the biennial management measures does need to stay. It could probably be shorter but it should definitely be there, unlike what the advisory subpanel.....(noise)....

**Chuck Tracy** [00:24:29] I agree with that.

**Marc Gorelnik** [00:24:32] Hey Chuck it's Mark, I can't raise my hand.

**Chuck Tracy** [00:24:35] Go ahead.

**Marc Gorelnik** [00:24:36] I have none to raise. I just wanted to comment on I think most of the times seem reasonable, but I was looking on Friday March 5th, the Marine Planning Update and Aquaculture Area Mapping, given the amount of interest we've seen in that topic... I'm wondering if an hour-and-a-half is really realistic. It seems like two or two-and-a-half would be, and especially it being on a Friday evening, I don't know it seems like you need a little more realistic time there. Maybe I'm alone.

**Chuck Tracy** [00:25:15] I don't think you're alone, I think, you know, considering the discussion we had under the previous agenda item and I think, you know, that was not I guess fully contemplated when we made these estimates so, Pete.

**Pete Hassemer** [00:25:45] Thank you. Thank you, Chuck. I'm just not asking to have anything deleted or removed but thinking about efficiency and how we use the time allotted there. You mentioned under C.2, the research and data needs update, the discussion we had and just for background, I had looked at that informational report and my question to the SSC, which Mr. DeVore then responded, there's some decision points that will come before us at that time if we keep it on the agenda and to keep it within that one hour. There's sort of the structural technical aspect of a database, which being optimistic I don't expect a lot of issues there but as I read that informational report some of the decisions the Council will be faced, that on administration of the database and assigning priorities to different things and how that could happen, that's where I saw the real potential because there are so many opportunities to prioritize, and a number of them were identified in there that we, our discussion could really go off into a number of different directions so to contain it within that one hour that maybe, you know, you just carry the message back or the SSC and the database team would hear it that kind of look at that prioritization aspect, how it's done and allow or bring back something that really focuses the Council's attention to the important aspects of that. Maybe some examples of what were done. I mean I don't want to dictate what they do. I appreciate what's in the report, but to try and narrow that so we don't spend a lot of time hashing out different prioritization schemes so that's all I wanted to say there. On the mothership utilization I, you know, I hear the issues there and I am caught between the side about just additional scoping or range of alternatives and with the time there, I guess I don't know what all we would accomplish in one or two or three hours, but that it would set us up well in the future to take the next step on a range of alternatives and be efficient in our time utilization there so we don't have multiple scoping sessions because we have so many things already identified there, some sort of priority issues to look at. You ran through the list that, again, if we're not getting to specifying a range of alternatives that we use the time, and even if it's only two hours to set us up for some real efficiency and be very clear as we step into the future. So, one other thing I wanted to mention, and I just want to put a placeholder and maybe when we're all done with this discussion about meeting planning, it's item C.4, the Marine Planning Update and Mapping, I have a mapping item I'd like to present very briefly to the Council but that could be taken up much later when we're all done with this business. Thank you.

**Chuck Tracy** [00:00:01] Thanks Pete. Phil Anderson.

**Phil Anderson** [00:00:06] Thanks Chuck. Just a couple quick thoughts. On Monday under E.2 the reintroduction above Grand Coulee. I'm not sure what that is. I don't know what all is happening over the winter months here on that topic. I'm just kind of wondering if that could, if the people that are engaged in that could write an informational report for us rather than take up floor time as an idea, I don't know if that's a possibility. On Friday under G.1, I would certainly hope we could get the IPHC report done in less than an hour, in like 30 minutes. The report itself we'll do another write up report, could touch on that and that shouldn't take but a few minutes and allow for a little bit of Council discussion as needed and any public comment we might have, but essentially the deed will have been done whatever it is by then. On Monday under the H.4, the utilization issue, yeah, I guess I understand, what I think I understand what people's different perspectives are, you know, the industry has really developed the alternatives. I went to, I was invited to one of their meetings here a year-and-a-half ago

or so and that's, you know, coming out of that at the Council's request they came back with some alternatives to the extent that we could make a step forward and if there is room in the manner in which this is agendaized so that we have the option to move forward with a range of alternatives given the amount of time that the forum has been out there, it seems to me that would be a reasonable thing to consider. That's all I have. Thanks.

**Chuck Tracy** [00:02:28] Thanks Phil. Yeah, I did want to touch bases on that introduction above Grand Coulee. So as I recall, we did get a presentation on that finally and this agenda item was to develop a response. I think they were looking for some position from the Council that they could use to, you know, advance that concept, so I think, so this isn't just an informational report, this is where the Council, we already had that, this is where the Council would develop a response.

**Phil Anderson** [00:03:12] Probably take longer than 30 minutes then if that's what we're going to try to do.

**Chuck Tracy** [00:03:18] Yeah, well I suppose that would depend on how, what we get in the advance briefing book and how much people can work in advance on that, of course that being said, as Ryan mentioned, this is pretty heavy workload time for salmon folks. Okay Christa.

**Christa Svensson** [00:03:46] Yeah thank you, Chuck. I wanted to say that I'm appreciative and supportive of adding deep-set buoy gear permit clarification to the March agenda. Appreciative of the public, including Dr. Sepulveda and the environmental community for raising this issue and interested in seeing how that conversation develops. I'm also in agreement with others and the HMSMT about moving the Swordfish Management Monitoring Plan to November and I want to just highlight a couple of issues that I think we do need to think about when we bring that up. We have a nascent recreational fishery and making sure that those voices are included in the process I think will be really important. You know obviously swordfish is a big deal and I mentioned in 2019 that we're currently working at 6.7 percent of our potential and have the possibility of generating a 76-million-dollar fishery if we can all work together to create that vision of what success really looks like. And then I did want to just pause for a moment around some of the comment on items like picking up DGN might not make sense because there aren't very many vessels now and there are likely to be fewer in the future and I really want to caution about using low vessel count as a reason for not having a conversation or delaying a conversation. If we use that kind of measurement we would be penalizing the whiting fishery, for example, which had 27 vessels participating in 2019, and I think that would be a shame because they brought in 64 million dollars value that year, but more than that they brought in 380 million pounds to our docks, creating jobs in our communities and a high quality source of protein for both domestic and international markets so while I'm not suggesting that swordfish as a category is going to be harvested by only a few vessels. I do think that spending time working on a comprehensive plan that is inclusive of all of our fisheries will create a similar path for us in light of the price point of swordfish and the biomass that is potentially out there for us to work towards capitalizing on and I, I really believe that will strengthen the resiliency of our fragile coastal fishing infrastructure and that we really need that diversity both in our fleets and in our fisheries, so with that I will say thank you for letting me pipe in.

**Chuck Tracy** [00:06:32] Thanks Christa. Heather.

**Heather Hall** [00:06:35] Thanks Chuck. Phil and Pete both talked a little bit about what I was thinking on the mothership utilization agenda item. I'm on the same page as what I heard from them. I think industry did a lot of work to get this down the road and I know our GMT folks and Jessie got together after the September meeting to work on this and plan to do the same thing after the Thanksgiving break, so I hope that, I think it's smart to keep the mothership utilization on the agenda for the three hours described and notice for ROA, even if during the conversation we aren't able to get to ROA, I think

what Pete said about using the time we have efficiently makes a lot of sense.

**Chuck Tracy** [00:07:37] Okay thanks. Bob.

**Bob Dooley** [00:07:42] Thanks Chuck. I just want to reiterate what Phil and Heather and Pete had said. I think the mothership sector came forward, we asked them to work in an ad hoc basis within the GAP to come up with a way to expedite the process we visited in September. The alternatives, we actually rejected one and we kind of refined that range of alternatives that they suggested. There seems to be a lot of agreement on this and I look at how this affects the future agenda's if we limit what can happen in March that I'm looking to clear this off the docket and make room for things like the non-trawl RCA to get done, because that's equally as important. They're all, all these things are important so let's, you know, I realize there's some issues that Ryan pointed out, but I don't, I'm not so certain, and would benefit from maybe an education on that a little bit, but I'm not so certain we can't deal with these as the options are analyzed and refined. There will, there's always bumps in the road but let's move forward and try to get a goal of getting a range of alternatives at least going forward out of the March meeting, so I'll stop there and thank you.

**Chuck Tracy** [00:09:12] Okay thanks. All right, well I've heard a few good ideas here. We've had suggestions to add a couple of things. Had suggestions to delete a couple of things. I think we're probably net neutral or maybe a little, added a little more than we took away so I guess to the extent that people are comfortable with those sorts of day lengths we could accommodate what's on the table. I guess if we're, if we are looking for one more thing that to save some time, I guess the one thing I would think and maybe ask about is the on Wednesday, March 10th, the J.3 Ecosystem Planned Five Year Review Update, so I'm not sure that's essential again, and it's nice because I'm sure there's people working on this and this is kind of an ecosystem meeting. We don't have a, typically have another ecosystem meeting until September, not that we couldn't accommodate something in June if we, if it was time sensitive, but has there any been any thoughts about that? John Ugoretz.

**John Ugoretz** [00:10:56] Yeah thanks. I've just had a couple of brief discussions with people on the Ecosystem Workgroup and my staff. I do think both those items need to stay on to continue momentum for ecosystem in March, however I do not think the Climate and Communities Initiatives needs a full two hours for the update. I think it could be much shorter and more of an update than a discussion, but I would recommend keeping them both.

**Chuck Tracy** [00:11:27] Okay. Well, I guess I'm not hearing a lot of disagreement with what we've had here. Basically, so I'm just going to summarize real quick and unless I hear otherwise, this will be planned for March. Starting at the beginning, Research and Data Needs update, we're going to ask for a focus on prioritization process and trying to keep the discussion pretty focused on what the Council's needs to weigh in on there. I'm going to add a little bit of time to the NMFS report. There's still some questions about the Grand Coulee Dam response, but if that's what it is and that sticks, it's possible we might need to expand that time a little bit. For Friday, March 5th, there's been a suggestion that the Pacific halibut IPHC Report, it should say commercial report, might, an hour might be a little strong for that so we'll take a look at that and see how we've done in the past with that and see if we can trim that back or not. The Marine Planning Update, given the discussion of the previous agenda item, we're going to add some time to that so that'll be perhaps two hours at least. For the, for Monday on the mothership utilization we're going to add, so they'll be scoping slash range of alternatives and we'll keep it at three hours. Somewhere in here we're going to have to add an electronic monitoring agenda item for an hour-and-a-half or two and a humpback buy-op update for an hour. For Tuesday, March 9th, we're going to move the Swordfish Management and Monitoring Plan off until November. For Wednesday we're going to take a look at the time estimate for the Climate and Communities Initiative and see if we can trim that back or not, but you know a discussion with staff and the principals there and hopefully

that, we can do that, and then no changes for Thursday. So that's going to put us pretty close to eight-hour days all week long on that just so folks understand that. I haven't quite done all the math but that's my impression. So, any objections to that? Seeing none let's move to April. So here in April we've also got seven to seven-and-a-half hour days across the board. The new stuff is just a little bit of change to the sablefish business in terms of identifying the objective there, which is to identify a maximum fixed gear attainment level, that's again broken up into two, two parts so successive days, six hours one day and two the next, I think we're going to need all of that is my impression. I think that's a pretty significant step. There seems to be a lot of discussion and a lot of public comment on that, so I think that's important to keep that so that's really the big change. I guess we have fiscal matters planned to be on there. That's when we expect to be able to hopefully adopt an operational budget, that should be pretty quick, I'm not even sure if 30 minutes, it'll take that long. The other sort of shaded items to discuss are the CPS EFH Phase 1 Report that is a little bit past due relative to what we had scheduled, but that was a result of some staffing issues, but it should be ready to go at that point. For groundfish we have the trawl RCA, the Emley/Platt regulations scoping for three hours. Again, you know I would point out that this is one of the things we committed to initiating according to, based on our response to Executive Order 13921 so I think we probably should keep that on there. We've got SONCC Coho Endangered Species Act Consultation so that is, I mean obviously it's a salmon, this is a salmon meeting, it's good to have salmon agendas or salmon items in salmon meetings, that is shaded though I think there is still room to complete the process by November if that was not on here, but it gets pretty hard to get salmon fishermen into the Council meeting in June so just take that into consideration. We talked about the sablefish and we've got an update on Executive Order 13921 so I think that's in addition to the Section 4 Magnuson Act business, some of the other aspects of that order just to kind of see where we stand, if there's anything involved with the aquaculture opportunity areas and those sorts of things so not a lot of changes there really and I guess I'll open it up for discussion if there's any thoughts about other items we need to put into that, but right now it doesn't look too awfully bad.....(cut out)....Ryan.

**Ryan Wulff** [00:18:40] Thanks. Sorry Chuck you cut out on me the first time.

**Chuck Tracy** [00:18:44] Yeah, I know sorry.

**Ryan Wulff** [00:18:44] No worries. I actually don't have too much to say here. I would recommend, from our perspective, moving the ESA Workgroup on Monday, April 12, F.2 from April to June. The team has requested that because they need more time to develop tags on the fishing effort reports and I think they want to move their meeting as well, so that's something we would suggest. That's really the only change. When it comes to gear switching, just to at least up to again where NMFS is, that when we have engaged we have not engaged in the recent version of the analysis nor have we finished evaluating all the committee developed alternatives for their implementation details or identified implementation deals related to committee alternative three or any of the new potential alternatives so we have some catch up work to do at this point but as I noted earlier in my remarks, you know, this is one of those items at the top of our lists. If we get additional time with our staff beyond meeting those core priorities I mentioned earlier, so we can't get much more than this but we do think that that would support Council adopting of gear switching limits or potentially adopting to further inform selection of an ROA as they discussed earlier this week so happy for that to stay on the agenda, just noting that once the Council does select an ROA, we will have to undergo formal NEPA scoping and can't say at this point, especially in light of the new regulations, what the required level of analysis will be and once we have that determination we'll be much better, we'll be in a better position to respond to the full scheduling of the subsequent steps for Council action. Thanks.

**Chuck Tracy** [00:20:31] Thanks Ryan. Brett.

**Brett Kormos** [00:20:41] Thanks Chuck. I had some comments and a suggestion, but before I embark

down that path, quick question for Mr. Wulff. Did I hear him correctly that he's recommending moving the SONCC coho workgroup item to June from April?

**Ryan Wulff** [00:21:04] Through Chuck, thanks Brett for the question. No, the Endangered Species Workgroup. Groundfish F.2.

**Chuck Tracy** [00:21:16] Yeah and just, just to clarify, I did mention that it would theoretically be possible to still get all the steps in if that was moved, but it would be better to keep it in April so go ahead with your other comments Brett.

**Brett Kormos** [00:21:36] Thanks Chuck so... and thank you Mr. Wulff, I wasn't sure if you were, what you were recommending there. So not, not surprisingly I've made comments consistent with what I'm going to say here now prior to this and so not surprisingly my recommendation is going to be to move that SONCC coho item from April to June and I have a number of reasons for that. While I do recognize the logic behind having this particular item on the April agenda, I think there are some overriding factors that we should consider. First and foremost is that the March and April workload for members of the STT who are also members of this workgroup and other key staff, at least from the State of California, is very substantial. It's going to be quite difficult for the workgroup to make progress between really now and April on the work that needs to get done such that we could have a substantive discussion in April on this particular issue and the work, the progress on that work may slow to, slow down substantially or even grind to a halt in the months between now and then, in particular January through this April meeting, you know, and that's a normal, normally a very difficult and cumbersome process as everyone knows. Salmon management cycle is very difficult and demanding on time. We have very little to no wiggle room on those work products and adding this to the plate is not trivial. To add to the difficulty of what is normally a very challenging process we of course have limitations associated with COVID, staff capacity and workload are issues for the State of California similar to what Mr. Wulff described for the National Marine Fisheries Service, where we're completely obligated at this point in time to meet our standard priorities and I think that given the fact that there's wiggle room here, it does make some sense to move it. In addition to the COVID and the workload and capacity issues, the 2021 management cycle is going to be further challenged by some of the data gaps that we reported on earlier in this Council meeting for the State of California. There are real implications for that that have yet to be resolved, resolved in those will, those resolutions are going to add to what will otherwise be, like I've said, a really demanding process. I also just want to point out that the SONCC Workgroup is already behind schedule, largely due to those COVID-related, but also fire-related staff capacity and workload issues. I don't, and as I said before, I don't expect a tremendous amount of progress to be possible during the winter and early spring given all of the other work that needs to occur to promulgate regulations for the 2021 fishery, so I do think more time for the workgroup will be useful and likely lead to a better overall product and range of alternatives for the Council to consider as preliminary preferred come June. Like I said earlier, I understand that avoiding summer months is meant to optimize the availability of the SAS and other salmon fisher folks in the public but I don't think that that optimization justifies further challenging the STT and those other key agency staff that I've spoken about during the management cycle, given all of these other considerations, and then last thing I'll say that is that while, again I totally agree with and recognize the utility in avoiding summer months for our salmon representatives and members of the public, I just have to note that there's a very plausible scenario in my mind for the June meeting where we're meeting virtually again and that should certainly facilitate easier participation for the salmon fishing public and the SAS so I'll stop there but my plea here is to consider moving this from April to June. It's not going to disrupt the overall schedule that an anticipated date of completion that we have laid out for this workgroup and in all likelihood is going to facilitate a better overall product and eventual recommendation to NMFS, so thanks.

**Chuck Tracy** [00:00:00] Thanks, thanks Brett. Is there any, anybody else have any thoughts about that

SONCC coho business?

**Ryan Wulff** [00:00:22] My hand is up.

**Chuck Tracy** [00:00:22] Just a moment. Oh, I'm sorry, I'm scroll down so I'm not seeing the hands up. Ryan, go ahead.

**Ryan Wulff** [00:00:32] I'll defer to Joe first.

**Chuck Tracy** [00:00:42] Joe. You'll have to unmute yourself. Joe, you're still muted.....there you go.

**Joe Oatman** [00:00:54] Okay can you, can hear me okay?

**Chuck Tracy** [00:00:55] We can.

**Joe Oatman** [00:00:57] Okay thanks and appreciate those points that Brett just provided relative to SONCC coho. I haven't received any information from either Hoopa Valley or Yurok regarding this matter as it relates to the April agenda so that might, it be necessary for me to try and get some response and feedback from them on that, but given I might not be able to do that, is there any consideration that there is going to be any work between now and April that there could be some update or would there be a need to have some sort of update to just inform folks as to where things currently stand and not maybe spend the amount of time that's identified here?

**Chuck Tracy** [00:02:02] I guess I would have to defer to some members of the committee on that one.

**Ryan Wulff** [00:02:15] I can.

**Chuck Tracy** [00:02:15] Ryan.

**Ryan Wulff** [00:02:16] Thanks I can answer that Chuck. Yeah, and thank you Joe for the comment and recommendation. That's actually very similar to what I was going to suggest. While I completely understand all of the points that Mr. Kormos made and am very sympathetic on many, many angles for obvious reasons when it comes to workload and other issues and the heavy March and April work already in front of all of the salmon folks. So, my idea was very similar to yours Joe, was to potentially change this maybe from ROA PPA to an update. At the very least, whether or not we have made traction in getting towards an ROA would at least allow us to reevaluate in March, but more importantly, if we were just able to have a placeholder to seek additional guidance from the Council to help with this work, especially with the relatively quick turnaround between April and the June meeting, that perhaps that might be an acceptable compromise and way forward, and then, of course, if it looks like we're not on track for something of substance when we revisit at workload in March, we could address that then.

**Chuck Tracy** [00:03:40] Joe. Do you have another comment? Brett.

**Joe Oatman** [00:03:49] No, I do not thanks.

**Chuck Tracy** [00:03:50] Thanks Joe. Brett.

**Brett Kormos** [00:03:54] Thanks Chuck and thank you Joe and Ryan. I would be supportive of changing this to an update. I agree with the utility that you've described in doing that and I also see that as taking a tremendous amount of pressure off of the workgroup and those key folks that I talked about on the STT and with agency staff and actually creating the products that we would need to have for this

to be an actual ROA or a PPA-type of an agenda item. If they can simply just update us on where things stand at that point in time. I think we've done the right thing and keeping it on the radar and giving the Council an opportunity to hear how things are progressing and maybe offer guidance, I think that's appropriate as well, so thanks very much.

**Chuck Tracy** [00:04:47] Okay that sounds like a way forward and I'm assuming we're not going to need two hours to do that, so I don't know, a half-an-hour or one hour? Brett do you have any thoughts about that?

**Brett Kormos** [00:05:04] Yeah thanks Chuck. I would guess 30 minutes will suffice, but again I emphasize that I'm guessing. The update shouldn't take long. I'm not sure what Council discussion might occur or not. I guess that's where I'm sort of scratching my head about 30 minutes versus an hour, maybe more like 45 is a compromise but I don't see that 45 minute.....(interruption).....

**Chuck Tracy** [00:05:31] .....very often. Okay well, you know, and this is, again, something that we can touch on at the end of the March meeting too and if we need to expand the time frame or postpone it altogether, we could do that at the end of the March meeting. Okay... so is there anything, any other issues? Maggie.

**Maggie Sommer** [00:06:11] Thanks Chuck. I am looking at the F.5 item, Cost Recovery report, which is reminding me of the Council discussion earlier this week about considering reconstituting the Cost Recovery Committee and looking for some productive way to move forward on the issues there. Is that something we need to or should discuss now and plan for?

**Chuck Tracy** [00:06:40] Yes, I think that's, that would be a good time to do that. You notice we did up the time estimate from one to two hours because, you know, initially it was the kind of traditional Cost Recovery report and but also some action on revising kind of minor revisions to the regs, but we did up it to be because of the discussions that went on this week with regards to the possibility of repopulating the committee or doing some additional work on that topic, so but, yeah, please continue.

**Maggie Sommer** [00:07:27] Thanks. I think that answers the question that I hadn't really framed as a question but if that would be one of the items for Council discussion under the F.5 item and then what would be the pathway if there is a decision to bring back that committee and refresh it, would we be looking at action under the membership appointments at the April meeting or a future meeting? I'm just trying to make sure that we have a plan to move forward and that lines up with the appropriate time frames this year.

**Chuck Tracy** [00:08:11] Yeah, so we could do that under the April membership appointments and COP's, we could do that there provided there's sufficient time to make sure everybody that wants to be on it knows about it and can be on it and those sorts of things, but yeah, I think it could be done, again if there's enough advance work on that, you know, if it's just too quick, it is an ad hoc committee and so the committee is already established so if we need to, we could certainly just rely on the Chair's authority to make appointments after the Council has adjourned in April, if you don't want to wait all the way until June on that.

**Maggie Sommer** [00:09:04] Thank you for that information.

**Chuck Tracy** [00:09:08] Ryan.

**Ryan Wulff** [00:09:09] Yeah thanks Chuck, and thanks Maggie for raising that. I was hoping that would come up at some point. At least from NMFS's expectation this is how we would see this playing out. I

would hope that in March under the groundfish prioritization, the workload management agenda item, that cost recovery as noted during discussion at this meeting would be part of that discussion, helping to identify where it falls in the various groundfish priorities and then in April under F.5 as Chuck had noted, we would have our annual Cost Recovery report. As a reminder, this would be final action on that, on that reg changed on the at-sea metrics Pacific whiting only that we discussed earlier and at that point, if it's prioritized the charge to the committee based on that discussion and the Chair's decision on how to proceed for appointments, whether it's through the way you just outlined Chuck or through the separate appointments agenda item. And then of course, again, when we said our availability for two meetings are our best cased projection at this point in time would be if that is all prioritized and appointed and goes forward along those lines, we would see the Cost Recovery Committee meeting twice between the August and December time frame.

**Chuck Tracy** [00:10:40] Okay. Thanks. Any other discussions? Marci.

**Marci Yaremko** [00:10:52] Thank you Mr. Executive Director. Couple of things. Appreciate the discussion we're having here. Want to acknowledge Ryan's remarks on the need for the humpback item, whether it be March or April, I guess I don't have an opinion, but just to note that if NMFS is ready to give us a one-hour update I think the sooner we do that the better, acknowledging that there may be a need for additional agenda items into our future on that topic so if they're ready, I'm hearing they're not ready to proceed on a number of other items so I think scheduling this one sooner is a good idea. Appreciate NMFS's overall remarks on their capacity that we've heard throughout the week. We agree and understand that some slowing down is going to be necessary in the Council's planning. Also really want to acknowledge the GMT report in describing for us what their plans are for their January winter meeting and they need to focus on NEPA and how that will integrate into our specifications process for the next cycle, and what work will need to be done in rebuilding the NEPA document for the future so that it best meets our management needs and analytical needs moving forward, so I see that being a very major lift on NMFS and the GMT staff into the next year. So I'm very mindful of that and mindful that overall our spex are right there at the top of our list to accomplish our MSA objectives so I can appreciate the need for that to be the major focal point of NMFS staff in the spring and beyond. That said, with regard to what is shown as F.3 right now, the non-trawl RCA and Emley/Platt EFP item into regulations, I would very much support this item being unshaded. As you mentioned Chuck in your remarks of reviewing the April agenda, this item was actually two. An item, it was, the two items, it was the Emley/Platt EFP into regs and non-trawl RCA as two separate priority items that we heard from the GAP were the top of the top priorities along with the mothership utilization item, so we've had some discussion and some scoping on mothership. I would just like to ensure that we have equal time for this item now, so I would support us unshading this item, just so everyone maybe is aware about our thoughts, how this would proceed in light of the GAP's statement under workload. I had a brief exchange there with Susan Chambers on some of the ideas that the GAP discussed about packaging this item. As the item describes right now that the magnitude of what all is in that item, I believe is too big. I don't think we can realistically tackle non-trawl RCA and Emley/Platt in one action, but we, CDFW with our California GAP representatives from the OA and the LE sectors will be working with our enforcement staff over winter to, I think, refine and narrow the scope of what this item might look like and bring that report back to the Council in March for the discussion that would be scheduled under the groundfish prioritization item that we will discuss in March, so I think all things considered the three hour time estimate for scoping on this item is as good as any guess. We might have but that's our thought, is that we work to narrow this and have it be one bite of this very major series of items, so that's our thinking and again we appreciate the support and moving ahead with unshading this item. Looking at F.4, the sablefish item where we identify max fixed gear attainment level, really appreciate the Council's work on this topic this meeting, and the fact that now we can focus on that one singular item about an attainment level, this looks great. I guess I just might offer that, I can't believe I'm saying this but, possibly we may not need eight hours to discuss that one singular issue and identify a max attainment

level. I don't have an alternate suggestion but just think maybe with the good work we did this meeting that it might bring some time efficiencies for next meeting. On the executive order item, I.1, appreciate what the plans are for this. Might suggest that we think about if there will be a need to update this discussion to include other executive orders that might be in play by April. I think we'd be interested in hearing about any others, so just maybe suggest consider broadening that description a little bit. Just overall wanted to remark too that with regard to the November Council meeting, I can't tell you what a pleasure it's been in terms of the time scheduling and the feasibility of the work days. It's gone really, really well from our perspective so thank you to the efforts of the Council staff. I think they do a good job keeping us on track and adequately assessing the time allotments for the items and having us have manageable workdays. Looking at both March and April if the time estimates are right I think that works, that will work for us, it did this meeting it worked great and I guess part of that success too is maybe owed to having the GMT continue to have meetings prior to the Council meetings a number of days in advance so that they can get their work well along before we take items up and discuss it so appreciate the recommendations of the GMT and support that planning going forward. It worked well. Thank you.

**Chuck Tracy** [00:19:31] Thanks Marci. Briana.

**Briana Brady** [00:19:38] Thanks Chuck. I just wanted to offer support for F.3 on April 9th to unshade DPS EFH.

**Chuck Tracy** [00:19:55] That would be the other F.3. I see we've got a labeling issue there but yes, okay. Well, any other comments real quick here or issues to bring up? If not, I've got a couple of suggestions. So we're, well, maybe just to start on the.....so the update on Executive Order 13921, I guess my suggestion there is rather than broaden it at this point, why don't we wait until March. The Legislative Committee is going to be meeting then, there'll probably be some recommendations and that's something that we could do without too much, hopefully, without too much difficulty at that stage and with a lot more knowledge rather than sort of raising expectations that we're going to cover, you know, a potentially broad sweep at this point, so that would be my suggestion there. Then, you know, so as far as unshading things, I think everything in April could be unshaded and fit within the time frame here and in fact I was, it seems like we're doing a little better in April than we are in March so I was wondering about people's feelings about maybe moving a March thing or two up into April and one of the, Marci already mentioned the humpback buy-op and she suggested that it would be better to have it sooner rather than later in March, but I thought I would toss that out there as something that we could move up into April. The other thing that we might be able to, a thing or two maybe we could move up into April would be the reintroduction above Grand Coulee Dam response and then also possibly the Research and Data Needs Update just to sort of give a little better balance, you know, to kind of seven hour, maybe try and get them seven-and-a-half hours for both meetings instead of seven hours in April and eight hours in March so just kind of a, been hearing people's thoughts about that. Maybe that's something we, you know, unless there's some, you know, particular priority as Marci expressed about the humpback buy-op. You know staff could just kind of massage those two after we leave here to fit things in and make the time. It's time sort of more equitable between the two meetings. Ryan.

**Ryan Wulff** [00:22:55] I support your staff massaging and yes, the humpback buy-op, either one we think is fine, so I'll leave it up to your discretion. We're prepared in either month.

**Chuck Tracy** [00:23:07] Marc.

**Marc Gorelnik** [00:23:10] I just raised my hand to support as well.

**Chuck Tracy** [00:23:19] Okay. All right any other thoughts about March or April? All right. Well, I'm going to call those good. Hopefully, Mike is tracking and isn't pulling his long hair out these days with what we're doing here so Mike if you've got any comments feel free to chime in. Mike Burner.

**Mike Burner** [00:23:48] No I've been following along, and I think things are going well so far. Thanks.

**Chuck Tracy** [00:23:51] Okay then I'd like to just touch on the Year-at-a-Glance a little bit. There's not too much to do here. I think I've already kind of highlighted the, you know, the changes here. So just to mention, we are planning on moving the HMS Swordfish Management Monitoring Plan to November. Drift Gillnet Hardcap Scoping to June. Limited CPS Methodology Review in June. Moving the whiting and implementation and then again, the Sacramento and Klamath Conservation Objective Review and Sacramento Fall Chinook Age Structure and Assessment, again placeholders in September. Again, we heard quite a bit of interest in preserving those, although I don't think they'll be ripe for Council action in reality for awhile, but we'll keep moving those out. Seems like there is something else I wanted to say about those but I can't recall what it was right now so I guess I'll let it rest there unless other people have comments about the Year-at-a-Glance they would like to bring up. Pete.

**Pete Hassemer** [00:25:37] Thanks Chuck. Just one thing, and I don't know if this warrants Year-at-a-Glance. Hopefully there's some radar screen out there where we can put it, but we heard in the public comment about the Shortbelly rockfish prohibition on directed fishing and when we went through that Shortbelly issue a couple of months ago, I mean it was in the back of my mind and probably others, what is the potential for directed fishing and I think people recognize its role. It was brought up about fish meal for other things and you know in the context of what else is going on now, aquaculture opportunity areas off Southern California and that, it's maybe not urgent but something I do want to recognize. We heard that from the public and need to consider when it could be appropriate to take that up, whether or not we have to put it on this one Year-at-a-Glance. If there were a year-and-a-half or two Year-at-a-Glance just that we don't forget that issue. Thank you.

**Chuck Tracy** [00:00:00] Thanks Pete, and I hope I'm getting predictable because I'm going to say that's a groundfish workload issue and so it should come up in terms of prioritization in March and then we've got the June, September and November opportunities to add new topics and if necessary, reprioritize so I, to me that's where that stuff belongs in getting weighed in against all the other things that we're trying to balance. Maggie.

**Maggie Sommer** [00:00:36] Thank you Chuck. I certainly appreciate the intent of Pete's comments there and support it and agree that it is something we should discuss in the context of groundfish workload. A separate FMP, looking ahead I would hope that we are able in June to get to the central stock of Northern Anchovy Management Framework that's shaded on there for a report now. It sounds like it's likely to be ready for Council floor at that time and, you know, this is something that there's quite a bit of interest in among the Council and among our stakeholders and it would be great to see that move forward, so I don't know if that means necessarily unshading it at this meeting, but I at least wanted to put that out there and signal that I would like to see it. Thanks.

**Chuck Tracy** [00:01:36] Thanks Maggie. Well, that's you know, everything's on the table right now all the way up to November if the Council's, you know, firm enough in their resolve that they want to see that go forward and they're committed to June then we could do that, so we'll leave that up to the Council to provide some guidance on that. Ryan?

**Ryan Wulff** [00:02:05] Thanks Chuck. Not too much to add actually here, just to echo my earlier comments supporting the MT's report for the HMSMT, excuse me, in particular having the June hard cap scoping issue also be ROA. I think we heard clearly from the team and NMFS to work limiting our

focus to management responses, et cetera and so I think with that amount of time we'll be prepared for both of those. Thanks.

**Chuck Tracy** [00:02:35] Okay. We can do that. Heather.

**Heather Hall** [00:02:40] Thank you. I just want to go back to what Marci brought up on the, the Anchovy Framework report and I think there's interest in that too. I agree and just wondered if we in April might be able to talk more about what the scope of that item in June would be.

**Chuck Tracy** [00:03:13] Do we have an answer for Heather? Maggie.

**Maggie Sommer** [00:03:34] Well thanks Chuck. I'm not sure who we were hoping for an answer from, but I will chime in that I would be happy to talk more about the scope of that item in April.

**Heather Hall** [00:03:47] Okay I think it is in the Coastal Pelagic Management Team's statement and so they were just asking to have guidance on its workload over the winter, so they knew where to focus on Year-at-a-Glance for planning in April 2021 or in June, so this was just coming from their statement.

**Chuck Tracy** [00:04:20] Right. Yeah, their statement says that they think the schedule looks good the way it was, so I think, so I think in terms of getting to it they're in agreement. I think Heather was asking what the scope of that agenda item would be relative to whether it's the management framework or something else.

**Heather Hall** [00:04:50] Yeah.

**Chuck Tracy** [00:04:51] Yeah.

**Heather Hall** [00:04:51] Yes you can.

**Chuck Tracy** [00:04:54] Go ahead.

**Heather Hall** [00:04:54] Oh sorry, sorry Chuck, and even suggesting we could talk about that in April as well.

**Chuck Tracy** [00:05:00] Yeah judging by the silence around the virtual table, I think that's probably a good approach. We can have some more discussion and input from the team and the AS and maybe some offline discussions as well with other Council members.

**Heather Hall** [00:05:27] Thank you.

**Chuck Tracy** [00:05:30] Maggie.

**Maggie Sommer** [00:05:30] Thanks Chuck. Looking back at the management team report, I'm reminded that they are planning on a February work session and so it might be helpful for them to have a little more firm planning target with that in mind. I might ask if there are objections from anyone to unshading that item in June and if not, I would propose we do so.

**Chuck Tracy** [00:06:02] I'm not seeing any objections. I did hear from Kerry that the team is planning on working on the framework at its February work session, so it sounds like they're, obviously I'm sure they're planning on working on it if they thought the schedule was acceptable so. I think it's going to become unshaded is what I think. All right any other discussion on the Year-at-a-Glance? Okay seeing

none I guess it's kind of a going, going, gone for any more on March, April or Year-at-a-Glance. Maggie.

**Maggie Sommer** [00:07:03] I'm glad I'm out of the tomato range and just looking at more at the June meeting, Sablefish Gear Switching ROA shaded item and thinking about reflecting on the comments from the National Marine Fisheries Service on their expected ability to engage. I think really that's an item that's a lot of interest to our stakeholders so if we are able to provide any more information at this time on whether that's a realistic expectation for June or not, I think that would be great to do that. So, I guess that really is a question for Ryan if they have some perspective at this point on what they expect to be able to accomplish for that shaded item in June?

**Ryan Wulff** [00:08:04] Yes, thanks Maggie for the question. You know as I mentioned, we consider this at the top of the groundfish priorities based on the Council's, based on where the Council has set this workload. You know at this point, like I said, we can't commit to too much more on this item but think that the way that it's set up for the April Council action, but then followed by the June ROA that that is okay at least on my point. Even if we have limited engagement, I don't think that's a point necessarily to postpone. Again, I'll reiterate my earlier comment, you know, it's once the Council selects an ROA and we really then get into formal NEPA scoping, looking at that with the new CEQ regs, et cetera, I mean at that point, once we really see the ROA and look at that aspect of it will we really have a better understanding of what that means for workload and what we can actually potentially engage in and what the level of work will be.

**Chuck Tracy** [00:09:18] That sounded like at least leaving it in June. It's shaded but leaving it there would be acceptable.

**Ryan Wulff** [00:09:27] Correct.

**Chuck Tracy** [00:09:31] Maggie you have more?

**Maggie Sommer** [00:09:32] Oh yes, just thank you, and I just wanted to be clear that I am not, I was not suggesting unshading it and I think that certainly is dependent on where we are able to get in April but appreciate the information. Thanks.

**Chuck Tracy** [00:09:49] Okay what else? Well not seeing.....oh Pete Hassemer.

**Pete Hassemer** [00:10:03] Thanks Chuck. Nothing on any of these calendars, just I wanted to come back and have a couple of minutes to talk about some mapping when you think the time is right and if that's appropriate.

**Chuck Tracy** [00:10:19] Yeah, I think we're at the stage that we're pretty much done with the agenda planning, so if there's other workload issues that people want to bring up, now's a good time.

**Pete Hassemer** [00:10:32] All right if I may continue then?

**Chuck Tracy** [00:10:34] Yes.

**Pete Hassemer** [00:10:37] Sure I know people want to run out now when we're done and catch your virtual airplanes but very quickly, I want to make a request to the Executive Director that he and his staff talk about adding a page to the website, the Council's website, for some quick access maps, and I want to use a visual example to show you why I think there's value in that. Sandra, I don't know if you are able to get to the SRKW map, the, if you have it. The other one but that's okay. This, in the SRKW process under F.2 there was a map in there that had the salmon management zones and it was really

important to, you know, that whole process we were going through but if you go back to that report, it's on page six, it's figure 2, and I was looking at that map and in the document we produce, it's pretty much unreadable. You can't make anything out and I tried a magnifying glass and I printed it out and it prints out even worse, so I went to Robin, reached out to Robin Ehlke for a higher resolution copy and what you see on the screen is what she sent me and Robin, if you can, or excuse me, Sandra if you can zoom in to the upper portion just so people get a better picture of that if that's possible. Yeah, excellent thanks. So she sent me what she had received from Mr. Kyle Adicks and it supported my conclusion. There's a little logo there that it was produced by Washington Department of Fish and Wildlife, you can't make that out on the original map, so anyway as I was looking at that I thought, you know this map, and while I'm talking Sandra, just slowly just kind of scroll down so people can see other parts of that and I'll keep talking here. There is a huge amount of information that's useful and I use to, I'm a math geek and I used to save hard copies of this, tear off the back of saved reports and preseason salmon reports but to my knowledge you can't get this map electronically anywhere else, so I thought if we have this quick access map and this one were there, that it would be useful to a lot of people. It was produced through our Council process. It's in one of our documents, you know, and all of that could be logged in some metadata table along with access to the map, who created it, the creation date, but there's a lot of other maps that fall under the same category so this could be there and during our meetings just to make it more efficient for everybody else, if somebody is talking about the Humbolt South Jetty Horse Mountain area closure, you'd click on this link and pull up the map and there it is. Another example of maps is in March, I think it's still on the schedule, is the Marine Planning Update and Aquaculture Area Mapping and in the context of that I was looking at some of our groundfish Amendment 28 EFH conservation areas, and if you want to look at those in the San Francisco bight, there's a map you can through a number of links and redirections you can get to one on the NMFS website but it, you know, unfortunately it's just not very helpful in giving you any detail and your only other choice is to go to some interactive map and take some time so if there were a link to that, because so much of the stuff we talk about has some spatial context or spatial orientation, to just be able to quickly go to that website, the Council's website, click on the quick access maps and get this Southern California bight groundfish EFH conservation areas and when somebody mentions Potato Bank, you can go look and see where it is, so that's my request. It's not asking you to build a bunch of maps, but when things like this come up through our processes that they get stored somewhere so we have continued access to them and I even talked with the advisory bodies and management teams of what things might have been produced in the past that are readily available to post up there and I would trust with the Executive Director and his staff that they could do the screening to figure out what's appropriate relative to our past in the Council, what maps are appropriate to have up there. So, appreciate your time. Just hoping that, you know if that happened it might save time in the future for a lot of us. Thanks.

**Chuck Tracy** [00:15:48] Yeah thanks Pete. We do have a Website Committee that meets about once a week and they've got a list of website improvements so we can put this on there and see how it does, stacks up with other priorities but we can take a look at that. Okay Maggie.

**Maggie Sommer** [00:16:19] Thanks Chuck and thank you, Pete, for the suggestion. I just wanted to say I think that's a great idea. It would be really helpful to Council members and participants in our process but also as a state agency representative I am frequently asked by other stakeholders for maps and spatial references and being able to direct them to these sources would be just fantastic. There are great resources being produced and so I love the idea of pulling them together into a quick access maps section. Thanks.

**Chuck Tracy** [00:16:56] Mr. Chairman.

**Marc Gorelnik** [00:16:57] Yeah, I'm just going to agree, and I think that as we get into the, this House bill that's talking about closing off areas, it will be useful to have maps at our disposal showing the

location of existing conservation measures. Those maps are out there, but they're typically hard to find so merely building an inventory of these high-resolution maps that others can link to or access will have tremendous value and I'm hoping that merely building that inventory will not take too much staff time. It may take some server space, but not too much staff time.

**Chuck Tracy** [00:17:45] Okay we'll take a look at that. All right, is there anything else people want to bring up? Ryan.

**Ryan Wulff** [00:17:51] Thanks Chuck and I'll be brief. I know we're getting to the end of a very long week, but I would be remiss if I didn't take this moment, and it's connected to workload and Council planning, but I wanted to thank Keeley Kent, who has served admirably in our acting groundfish role for the past four months throughout the September and November Council meetings with lots of important groundfish issues during the pandemic, a huge workload and helping keeping the trains running and also supporting all the Council discussions here. Unfortunately, I don't have the ability to announce her successor at this point. Will probably be next week or so, which I will communicate to the Council that will be in the acting position throughout the March and April Council meetings, but until then, just wanted to again thank her for all of her effort and support throughout the process here.

**Chuck Tracy** [00:18:52] Thanks Ryan. I would echo your comments. Keeley's been great to work with in, as the acting Division Chief. I just hope we haven't scared her off and that she's been willing to throw her hat in the ring for a permanent, on a permanent basis. Okay Marc. Is that just a permanent hand up?

**Marc Gorelnik** [00:19:19] Oh yes. It's no longer there.

**Chuck Tracy** [00:19:24] Do we have anything else that we want to talk about here this afternoon then before we adjourn? Anybody? I'm not seeing anything, so I think it's time to draw this meeting to a close and thank everybody for good work all week and today getting the agenda set. That went very well I think so thank you all for that.

**Marc Gorelnik** [00:20:04] I guess with that, I'll entertain a motion to adjourn? So moved by Butch. Seconded by Virgil Moore. I will not entertain any discussion. All those in favor say 'aye'.

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

**Marci Yaremko** [00:20:24] ....and bye....(laughter).....

**Marc Gorelnik** [00:20:24] Thanks everyone.

## D. Habitat Issues

### 1. Current Habitat Issues

**Brad Pettinger** [00:00:00] Well, seeing no public comment... unless she would show up here sometime soon, I will go to Council action, which is to consider Habitat Committee report and recommendations. Chris, I believe you had your hand up?

**Chris Kern** [00:00:17] Yeah, thanks Mr. Vice Chair. I just wanted to kind of second what Chuck had mentioned earlier. This draft stop light is excellent. I'll make myself a copy with bigger font so that I can actually dig a little more but it's great to see. I note in there that the committee is recommending they assemble a report that would include the other version as well, and so looking forward to seeing that. One of my questions is going to be how do we keep track of this and make sure that we remember to bring it back forward and that seems to be the way to do that so really appreciate the work on that. And a brief note in case anybody's interested, the beaver issue, over the years I have slowly started to grasp how complicated that is. Our Commission is actually maybe still today involved in a discussion about a petition regarding beaver management that really reflects some of that complexity, so I just wanted to make a note there. We're very active as an agency and sort of looking at those issues, particularly at the moment. I just wanted to make a couple comments. I appreciate the report. I think it's excellent so, as usual. So, thanks for the time.

**Brad Pettinger** [00:01:37] Okay, thank you Chris. Further comments? Louis Zimm.

**Louis Zimm** [00:01:43] Thank you Mr. Vice Chair. This is in regards to the AOA, the Aquaculture Opportunity Areas and I'd like to bring to the Council and the public's attention that through the good work and offices of our Council members Bob Dooley, Mike Conroy, and I were called in to have a Zoom meeting with the folks in NOAA that are doing this work, the FERC folks and the Ocean Service, and it was very extensive and in some ways quite reassuring in the sense that they have been seeking data, a huge variety of data and I might note a variety of data that really digs down into what the fisheries are like historically and presently, and I'm not sure if you have the possibility of digging into their AOA website, but I want the Council to be cognizant of the fact that many of the things that have been suggested on the Habitat Committee and in Council are in fact being acted upon by this group, and I think that is, I'm not sure if that's a response from our Council interest, but I want to show that our interest has produced some good results, and I will ask that those folks that write up the Council letter to the AOA acknowledge the work that has been done and show or say that we encourage this and are standing by to assist them in any way and really appreciate being part of the process. Thank you.

**Brad Pettinger** [00:03:52] Thank you Louis. Marci.

**Marci Yaremko** [00:03:55] Yes, thank you Mr. Vice Chair. Thank you, Lance, and the HC for your report. Just like to make a couple of comments on a few of the items contained in the report. With regard to the recommendation of, to compile a letter regarding the AOA's, that would be on the quick response process that in order to meet the comment deadline of December 22nd, I would support this recommendation. After quite a lot of discussion this morning in delegation, I'm confident that the HC has a pretty good plan with regard to developing its comments and I think their statement reflects this, that the letter would evaluate the proposed AOA in Southern California as well as provide input about other areas around the West Coast that should be avoided for future AOA's, and so I'm comfortable with that. I guess I would add that looking forward I'm, I think going to be increasingly mindful about how many quick response letters we agree to take on and the clarity that's needed in our guidance back to the HC with regard to production of those letters. With regard to the letter that we've finalized and sent regarding the Army Corps nationwide permits, I felt like we could have done maybe a better job on that

letter with a little more time and a little more editorial oversight, so I want to, I think that the solution to that is make sure we really think long and hard about the number of quick response letters we're putting on the plate and making sure that our guidance to prepare those letters is clear. With regard to the salmon rebuilding plan item, I want to echo the remarks both by Chuck and by Chris as to the great work that the HC has started on and the work that is coming soon on Klamath. I appreciate too that the HC will be having some kind of offline dialogue with experts in other parts of CDFW with regard to where we go next. Potentially it might be worthwhile to look into things in sort of a more granular level. Instead of looking at the entire stock complex, it may be more appropriate to look at specific basins because the basins differ quite extensively in their productivity and their status and trends, so for example, you know that the mainstream Sacramento contributes highly to annual production but has been in decline for a long time relative to some of the other basins that Sac fall occupy. Anyway, we'll be doing some homework internally between the Habitat Committee rep and the, and our salmon staff, we really look forward to this work and the product that it is expected to produce. Salmon staff are very excited about this and eager too, so that means I'm really excited about it too. I guess with regard to the recommendation that it be incorporated into the annual ecosystem indicator's report, I don't have a solid feeling on that idea. I think that report always... it's a balancing act and content, you know, there's a lot of juggling for space in that report so if it is the will of the authors that it be included there then great, but I'm pretty happy to hear that the work is going on and we will see it and it will be getting some attention in the.....(garble)...Thank you.

**Brad Pettinger** [00:08:44] Thank you, Marci, for the comments. Bob Dooley. Bob.

**Bob Dooley** [00:08:50] Thank you Mr. Vice Chair. I just wanted to follow up on Louis comments about the AOA's. As most will recall a couple of, it's been almost a couple of years now I guess, I was down in North Carolina and visited with James Morris and I gave a report to the Council on that about their aqua mapper and their work on the tool to work on siting and we've had continuing dialogue back and forth. He's been really great to work with and his colleague, Diane Windom, who's a West Coast representative for this has been, she's the regional coordinator, has been working with us too, so Louis and Mike and I and others have met with them and seen what they're doing and working with them. I received just a couple of days ago an outreach from James and he indicated they have some preliminary modeling results and wants to meet, so I've arranged the meeting after the Council meeting with him and I think it's, it would be really good for the Habitat Committee and the Council, for that matter, to link up with James and Diane and get some presentations to the Council. I've said it before, but also just to have that relationship and that resource to be able to be on top of this before we just get results that are public and everything, you know, and out that way so I look at that as a real good resource and I would hope that the Habitat Committee and others could reach out to him. And I've talked to Chuck about it before too, that it'd be nice to have a presentation at the Council meeting of what they're doing so we get a better understanding because more and more of this will be in our wheelhouse and front and center on our coast so I just wanted to make those comments so thank you.

**Brad Pettinger** [00:10:54] Thank you Bob. Anyone else? Okay, seeing none, Jennifer, do we have, the Council action I don't see, do we have enough? Where are we at on this?

**Jennifer Gilden** [00:11:14] Mr. Vice Chair, there's the question of whether to send the quick response letter on AOA's.

**Brad Pettinger** [00:11:25] I guess so with that is there anybody who disagrees with that? Okay, and Jennifer.....oh Louis Zimm.

**Louis Zimm** [00:11:52] Thank you Mr. Vice Chair. If there's any possible way for the Habitat Committee to liaison with either Bob Dooley or me or Marci who are most affected by the what's going

on in Southern California that the, most likely the next AOA area to be totally modeled. We would appreciate that. Thank you.

**Brad Pettinger** [00:12:26] Okay. So, moving forward here. Oh Phil Anderson. Phil.

**Phil Anderson** [00:12:36] I'm sorry I broke in right at the wrong time there. I just thought we ought to wish Jennifer a happy birthday.....(laughter).

**Jennifer Gilden** [00:12:47] Thank you.

**Phil Anderson** [00:12:51] And Heather Hall's birthday was yesterday. So happy birthday to Heather belatedly.

**Brad Pettinger** [00:12:59] Nice. Okay so with that, Chuck, what else do we need to do here?

**Chuck Tracy** [00:13:08] Thanks. I guess I would just maybe to touch on Marci's comment about the quick response and the, you know, drafting these letters is a very challenging task and it does take a lot of coordination and, you know, getting making sure that all the various affected entities have an opportunity to look at things and agree on things so, you know, I think we ran into a little problem with this last Army Corps permit letter just because it came late. Well, I think it was a very, an excellent effort. I think there was still some desire to have, you know, have enough time to maybe massage the letter a little bit, so I guess I would just encourage the Habitat Committee, if possible, to give the Council a little more time to respond in case they do have some substantive changes or questions that they would like to ask so that's just maybe a little bit of ED guidance, staff guidance on that part.

**Brad Pettinger** [00:14:24] Gotcha. Okay sounds good, sounds good. As far as the Bob's mentioning the aqua mapper and having a presentation by James and Diane to him and some other Council members, I guess would that be, could they invite the Habitat Committee to be a part of that or what might you see there or is that something that, how might that work?

**Chuck Tracy** [00:14:54] Well I guess there's a couple options. One is the Council could schedule some time on its agenda if they wanted to get the direct report from those folks, otherwise they could request that the Habitat Committee reach out and schedule a presentation for the Habitat Committee and then try and give people an opportunity to listen in to that. You know, particularly if the Habitat Committee was to meet the day before the Council was in session, then Council members could listen as well, so I guess those are the kind of the two options, and then, you know, some of the factors that might go into making the choice between those or how much the Council would anticipate wanting to provide feedback to those people as opposed to just be informed about what's going on there, so I guess that's my input on that.

**Brad Pettinger** [00:15:56] Yeah okay. Just seems like that the time constraints we have that maybe the latter might be better, but I see Marci, you had your hand up?

**Marci Yaremko** [00:16:03] Yeah, thank you. Just on that last point and Chuck's options that he brought to us, I guess maybe I'd question if there might not be a third option. As the Habitat Committee referenced in its report, back in September we did have a request to consider formation of a group, I'm not going to name what kind of group it would be, but a group that would be evaluating offshore development proposals, which would include aquaculture as well as wind wave energy and others so I, that's a discussion we need to take up under other agenda items but I would, I think, interpret a charge of that group to be the one that would be most appropriate, I think, to be receiving a presentation on aqua viewer and other data resources that are being incorporated into the AOA process. I don't know if

Louis' request or Bob's request has a time sensitivity to it, but I feel like maybe our first step is to consider whether that group would exist as I think, you know, this kind of assignment might fall squarely in their camp. Thank you.

**Brad Pettinger** [00:17:48] Yeah, thanks Marci. I think that sends a good idea to take it up then.

**Chuck Tracy** [00:17:54] Mr. Vice Chair, maybe I could respond real quickly to that. It did remind me that we do have on our March agenda Marine planning agenda item, at least tentatively at this point, so that's another place where something like that might land without becoming its entirely own agenda item. Just another thought for consideration but, again you know that's something for, I don't know if you want to go into it here. Something we might be able to pick up under workload planning at the end of the meeting.

**Brad Pettinger** [00:18:27] Okay Chuck, thank you. Further comments from the Council? Okay, Jennifer back to you to close this out here I believe.

**Jennifer Gilden** [00:18:38] All right Mr. Vice Chair, members of the Council, Yeah, in terms of the direction or the suggestions by the Habitat Committee that will wrap up this agenda item.

**Brad Pettinger** [00:18:52] Okay, well thank you.

## E. Pacific Halibut Management

### 1. 2021 Catch Sharing Plan and Annual Regulations – Final Action

**Brad Pettinger** [00:00:00] So that would move us into Council action, Council discussion, and if no Council discussion, do we have any motions by chance? Ah ha... Heather Hall. Heather.

**Heather Hall** [00:00:21] Thank you Vice Chair. I would like to, I have a motion for this agenda item. I think Sandra has it.

**Brad Pettinger** [00:00:44] Okay. Proceed.

**Heather Hall** [00:00:44] Okay thank you. I move that the Council adopt the proposed season structure, season dates and groundfish changes to the catch sharing plan 2021 as described in Agenda Item E.1, Supplemental WDFW Report 1.

**Brad Pettinger** [00:01:12] Excuse me my mute was on. Does the language on the screen accurately reflect your motion?

**Heather Hall** [00:01:20] Yes it does.

**Brad Pettinger** [00:01:21] Okay. Speak to your motion? I see Phil's hands up, so my bad.

**Phil Anderson** [00:01:24] I would second, I would second the motion.

**Brad Pettinger** [00:01:38] Thank you Phil. By the time this meeting's over with I'll have this down. Okay Heather, speak to your motion.

**Heather Hall** [00:01:49] All right, thank you. Yeah, I think we had really good input from our stakeholders this year. The changes are relatively minor compared to what we had in place in 2020 but I think they offer a really exciting fishing opportunity for halibut in 2021 and I appreciate the coordination with ODFW on the season dates, getting those in place and also throughout the 2021-2022 groundfish harvest specification process where we talked a lot about the alignment of these rockfish retention that we're going to be able to allow in the upcoming season. I think that's also another really exciting opportunity for Washington and Oregon recreational halibut fisherman.

**Brad Pettinger** [00:02:52] Okay thank you. Discussion? Butch Smith. Butch.

**Butch Smith** [00:02:56] Yes Mr. Vice Chair. Thank you. I'm going to support this, of course, but I would like to thank all the hard work that WDFW has done on this and, and Heather and her staff and the coordination that we still, I think, got to work out a little bit more with our, our friendly state next to us in Oregon on the Columbia River but assurance that we will continue to evolve that process and hopefully we can get things where they're almost perfect, if not perfect, on the next go around so I will be supporting both motions when they come up, but I'm supporting this one. Thank you.

**Brad Pettinger** [00:03:47] Thank you Butch. Anyone else? Okay seeing none I'll call for the question after a short pause for people to unmute. All those in favor say 'aye'.

**Council** [00:04:06] Aye.

**Brad Pettinger** [00:04:06] Opposed? Abstentions? Okay motion passes. That takes care of Washington. I see Maggie Sommer has her hand up. Maggie.

**Maggie Sommer** [00:04:18] Thank you Mr. Vice Chair. I'd like to offer a motion for Oregon.

**Brad Pettinger** [00:04:22] Please.

**Maggie Sommer** [00:04:25] Sandra has it.

**Brad Pettinger** [00:04:36] Okay.

**Maggie Sommer** [00:04:36] I move the Council adopt a change to the 2021 Pacific halibut catch sharing plan to allow long leader fishing on the same trip as all depth halibut fishing in Oregon as recommended in Agenda Item E.1.a, Supplemental ODFW Report 1, November 2020.

**Brad Pettinger** [00:04:57] Thank you. Does the language on the screen accurately reflect your motion?

**Maggie Sommer** [00:05:01] Yes it does.

**Brad Pettinger** [00:05:02] Okay, seconds? And I see Christa Svensson. Okay Maggie speak to your motion please.

**Maggie Sommer** [00:05:11] Thanks Mr. Vice. Chair. As I noted in our report under this agenda item, we think this could provide some additional opportunity without risking any significant increase in yelloweye impacts. This has been requested by anglers in Oregon for several years, including a public comment letter in the November briefing book from Mr. Steve Godin of the Oregon Coast Anglers and note that it also received support by the GAP, the SAS, and the EC. Thanks.

**Brad Pettinger** [00:05:46] Okay thank you. Discussion? Questions from the Council for Maggie. Okay seeing none I'll call for the question. All those in favor?

**Council** [00:06:01] Aye.

**Brad Pettinger** [00:06:04] Opposed? Abstentions? Motion passes. Now we'll go to, down the coast to Marci Yaremko. Marci.

**Marci Yaremko** [00:06:19] Yes, thank you Mr. Vice Chair. I do have a motion and I believe Sandra has it.

**Brad Pettinger** [00:06:25] Okay thank you. Proceed.

**Marci Yaremko** [00:06:28] All right. I move that the Council adopt the proposed season end date for the California recreational fishery for inclusion in the 2021 catch sharing plan as described in Agenda Item E.1, Supplemental CDFW Report 1.

**Brad Pettinger** [00:06:45] Thank you Marci. Does the language accurately reflect your motion?

**Marci Yaremko** [00:06:48] Yes it does.

**Brad Pettinger** [00:06:50] Very good and just looking for a second. Bob Dooley. Thank you, Bob. Marci, speak to your motion.

**Marci Yaremko** [00:06:56] Great thank you. I think our CDFW Report thoroughly describes the rationale and just note the incurring support from the EC and the GAP.

**Brad Pettinger** [00:07:07] All right thank you. Questions for Marci or discussion? Okay, seeing none all those in favor?

**Council** [00:07:21] Aye.

**Brad Pettinger** [00:07:21] Opposed? Abstentions? Motion passed unanimously. All right, well thank you. I think that... Brett, I think we're done with this, I believe we're done with that one so I'll go to the second action is adopt final changes to the 2021 annual fishery regulations.

**Brett Wiedoff** [00:07:55] Chair, this is Brett.

**Brad Pettinger** [00:08:00] Yes.

**Brett Wiedoff** [00:08:01] I think the actions you just took, adopt the final changes for this CSP on number one as you note, and those will be placed in regulation as well, so I think the Council's actions are complete at this point. You've adopted the changes that were proposed by the three States and also noted in the situation summaries of the details of the changes to the CSP as necessary.

**Brad Pettinger** [00:08:33] Okay very good. Very good so okay that concludes, so that concludes E.1.

## 2. Transition of Area 2A Fishery Management - Final Action

**Brad Pettinger** [00:00:00] With that I can see there's no public comment, which brings us to Council discussion and action.

**Frank Lockhart** [00:00:15] Sorry I don't know how to raise my hand. This is Frank.

**Brad Pettinger** [00:00:21] We'll consider it raised Frank, so proceed.

**Frank Lockhart** [00:00:24] Okay. I just wanted to start off with a couple of comments echoing what Brett said. First of all, Robin has done an amazing job over these many months, approaching two years I believe, and I really appreciated the work she did kind of behind the scenes to take all of the different discussions and to kind of bring them together, and I also just in general wanted to thank Brett for taking on at the end. We've had some good conversations at the end. I think we're at a good place and then Barry mentioned some other staff, but Katherine Blair from National Marine Fisheries Service deserves a lot of credit as well so... and then overall I wanted to thank the Council for their work on this. It has been, I think, very close to two years that we've been working on this in earnest. There were a lot of good discussions and I think we've come out at a good place now and I think the Council is ready to take final action on this agenda item now and I think I'll stop there. Thank you.

**Brad Pettinger** [00:01:43] Thank you Frank. Anyone else? Comments? I would agree with you that the harmony of the statements and the seamlessness that this seems to be going is pretty incredible and just represents just a lot of good work that has been done, so Heather Hall. Heather.

**Heather Hall** [00:02:05] Thank you Vice Chair. Yeah, I have some comments and I am also prepared to offer a motion if no one else has anything they want to bring up in the discussion, but I really appreciate what Frank just said. We talked about it a little bit at our morning meeting that this has been a long time coming and we've had some really good discussions and it's really neat to see it at this place where we're looking to take final action. When I look at the advisory body reports and the input we've received, it seems like there's widespread support for where we are so, yes, thanks to all of the, the hard work that's gone into this over the last couple of years and really appreciate it.

**Brad Pettinger** [00:03:01] Thank you Heather. Any other comments before Heather makes her motion? I did hear right, Heather, that you're going to make a motion here?

**Heather Hall** [00:03:16] Yes, you did. I'm prepared and I think Sandra has that.

**Brad Pettinger** [00:03:25] Okay, I think that we'll go with that. How's that sound? Proceed please.

**Heather Hall** [00:03:36] Okay.

**Brad Pettinger** [00:03:36] There we go.

**Heather Hall** [00:03:40] That's it. Thank you, Sandra. I move that the Council adopt the following as final preferred alternatives for the transition of the directed halibut fishery from the International Pacific Halibut Commission to the National Marine Fisheries Service and the Pacific Fishery Management Council as described in Agenda Item E.2, Attachment 1, November 2020. For section 4.1.2 Alternative 2: Consider the directed fishery framework during the catch sharing plan process in September and November, including any guidance for vessel limits and inseason changes for NMFS implementation. Under 4.2.1 Alternative 2: which issues permits for all area 2A halibut fisheries, including the

commercial directed incidental salmon troll, incidental sablefish and recreational charter halibut fisheries. Under 4.2.2 Alternative 2: Allow NMFS to determine the appropriate application deadline for all commercial halibut applications set to coincide with Council meetings and NMFS processing time. Under 4.2.5 Alternative 1 which is the revised status quo: Require proof of permit to be on board fishing vessels and made readily available upon request, regardless of the type of permit, for example, paper or electronic and NMFS to provide access to permit in a printable format or send paper copy directly to participant.

**Brad Pettinger** [00:05:27] Okay. Thank you, Heather. Does the language on the screen accurately reflect your motion?

**Heather Hall** [00:05:34] Yes it does.

**Brad Pettinger** [00:05:36] Okay looking for a second? Butch Smith. Thank you Butch. Heather, speak to your motion.

**Heather Hall** [00:05:44] Thank you. Again, I think there's been a lot of really productive conversations that have gone into getting us to this place. Relative to the management process in September, I was a little bit worried about how that might work in terms of the inseason process that we would have under NMFS management, but I thought about that between September and now and I think that based on the implementation timeline, we can put forward guidance and conditional responses that'll really help us through that. We have time, as Brett pointed out, as we look to implementation and maybe a little more time than we had thought, but anyway to look at historical data so we can develop the tools that'll make, that I hope that inseason process smooth. I know we do need inseason changes for this fishery in particular. Relative to the permit process, it does seem to make sense to leave it to NMFS to issue the permits for all of these fisheries rather than having two separate processes and also in terms of application deadlines, making sure that those are, it's set at a workable, workable deadlines, and then relative to proof of permit, I think we had really good conversation in September on getting the wording right here. It's one of the things that is supported by all the advisory bodies and the stakeholders that we've heard from so I think that that change to the, this 4.2.5 Alternative 1 looks good. That's it.

**Brad Pettinger** [00:07:52] Okay. Well thank you for that. Any other comments, discussion on the motion before us? Okay well seeing none I'll call for the question, all those in favor?

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

**Brad Pettinger** [00:08:17] Opposed? Abstentions? Motion passes unanimously. Okay with that, Brett how are we doing here?

**Brett Wiedoff** [00:08:32] Thank you Vice Chair. I think you're doing really well. You've completed the action here, which was to choose your final preferred alternatives for a transitioning area 2A management from the IPHC to the National Marine Fisheries Service and Pacific Fishery Management Council. Congratulations you have another fishery to manage. Thinking forward into the future on this fishery we know there's some consternation over yelloweye bycatch right now in this fishery, and we'll get to that under E.3 in the inseason management and discuss those things, but we will start to look at managing this fishery directly and start laying out the sideboards and what we want to do in the future so we'll just keep an eye on things as they roll along, but I think in the GAP they will start to think about how they want to manage the fishery too and what's reasonable and helpful... so at any rate, we're going to continue to look forward on this fishery and work with the Council of course, and we'll see how this plays out so thank you very much for all the hard work and I appreciate being part of the process.

**Brad Pettinger** [00:09:46] Well thank you Brett, and I just really, just the transition here has just been incredibly smooth and just a testament to everybody involved so thank you everyone. And with that, I'm going to give the gavel back to Chair Gorelnik.

### 3. Non-Indian Commercial-Directed Fishery Regulations for 2021

**Brad Pettinger** [00:00:00] So that will take us into Council action and discussion. Anybody want to get us started here? Marci Yaremko. Marci.

**Marci Yaremko** [00:00:12] Yeah, I guess I'd like to start with a little bit of discussion first if that's all right.

**Brad Pettinger** [00:00:23] Please.

**Marci Yaremko** [00:00:23] Great. Okay. I just want to follow-up with the National Marine Fisheries Service, not so much on the report specifically, but on some additional discussions that we've had with them regarding the yelloweye bycatch situation. I guess my first question for NMFS would be, what is your response to the recommendation in the GAP report surrounding a requirement that yelloweye bycatch be recorded on an E ticket in the notes section? Is that viable from your standpoint at this time? Thank you.

**Brad Pettinger** [00:01:14] That question is directed at Frank?

**Marci Yaremko** [00:01:16] Yes. Thank you.

**Brad Pettinger** [00:01:17] Frank are you there?

**Frank Lockhart** [00:01:19] Yes, I am. Thanks Mr. Vice Chairman and thanks Marci. Well, I think right now there's no requirement for that in regulation. I think, you know, it could be something that would be added via regulation, but I think right.....so I suppose it's viable if the Council wants to do it and wants to take the time to kind of move on that. We haven't, we haven't really begun to look at this prior to this discussion so but it does occur to me since this is on a landing ticket, I'm wondering if the states could potentially do this quicker than we could do it through the Council process if it was really, or if it was deemed to be an important requirement, so I don't know. I guess it's, you know, it's certainly something that could be done if the Council wanted to pursue it, but I don't think it can just be done by us deciding that it's a good idea and making it a requirement. It would take a regulatory process, I think, regardless of one sort or another.

**Brad Pettinger** [00:02:42] Marci.

**Marci Yaremko** [00:02:45] Yes thank you, if I may.

**Brad Pettinger** [00:02:47] Please.

**Marci Yaremko** [00:02:49] Thanks. Okay so following up on some of the sidebar conversation, Frank, that you and I were able to have since September, which I very much appreciate you taking the time to communicate with us about viable options and what might be available to us now in preparation for the 2021 fishing season, acknowledging the NMFS recommendation that we collect another year of data before we evaluate potential management. This discussion is about data collection and not about management for 2021. One of the things we talked about last week was an idea that came forward during a California delegation discussion, which would be rather than consider a requirement to record yelloweye bycatch and discard on a fish ticket, what about a requirement that that information be recorded on the IPHC logbook? Were you able to investigate whether or not that is a viable path forward at this time, recognizing that this meeting today we are making recommendations that the Council will transmit to the IPHC regarding management of the 2A directed fishery and my understanding is it's

their regulations that establish the logbook requirements and what's required to be recorded on the log so I'm just wondering if you can provide us any more information on whether that is a viable path forward here and now?

**Brad Pettinger** [00:05:00] Frank.

**Frank Lockhart** [00:05:00] I was not able to do any more research, and I'm kind of looking to my screen to see if any of the staff were able to do that and the answer to that but I'm not seeing any, so I guess I'm not sure if that's a viable path.

**Brad Pettinger** [00:05:27] Okay. Thank you, Frank. Anyone else? Maggie Sommer. Maggie.

**Maggie Sommer** [00:05:36] Thanks Mr. Vice Chair. I guess I'd like to follow-up on the issue of observer data with a question to Frank if I may. I'd like to just understand a little bit more if you have the information and are able to provide it on whether there is any opportunity, I guess, to change how the observer data is handling and providing information on yelloweye bycatch so that we are able to see that information earlier than what you described, given that it is such a priority. It seems like the data has been collected so I understand it would be a change to the existing protocols and time frames for error checking, entering, processing, et cetera, but that seems like it might be doable from my perspective, so I'd like to understand more from you please.

**Frank Lockhart** [00:06:40] If I may Mr. Vice Chairman go ahead?

**Brad Pettinger** [00:06:43] Please.

**Frank Lockhart** [00:06:43] Okay. Thank you, Maggie, for the question, and you have sort of read our minds. We have had some very preliminary discussions about that with the observer program, potentially like kind of a two-pronged thing. First of all, maybe expanding, all of this is preliminary by the way okay, so take everything I say with a grain of salt. We still haven't had the complete discussions here but if we can explore ways of perhaps getting the information into the system more quickly, we will look into that. I just, I don't think I can answer completely right now or definitively right now what we can actually do with regards to observer data. This observer data is used to expand for the whole fleet so it's crucial that we don't let out information that, you know, can potentially be misinterpreted and so that's why the observer program is very cautious on how they present their observer data. That's why it takes a while. it's got to go through all that quality control and plus the analysis on how to expand that so it's, we're willing to explore that, and I think a Council recommendation that we do so would, could be a good thing, but I can't commit certainly us, the region and even more so the center on doing some specific thing, but it is something that we've already started to look into.

**Maggie Sommer** [00:08:24] Thank you very much.

**Brad Pettinger** [00:08:26] Okay. Further questions, comments, discussion? Bob Dooley. Bob.

**Bob Dooley** [00:08:35] Thank you Mr. Vice Chair. I just make a comment, I guess, and maybe a question, but this was really concerning to me. I mean it just seems to me that the entire groundfish sector and non-groundfish sector we're all dancing on pins on yelloweye bycatch, and particularly counting on this rebuilding schedule we are kind of, you know, relying on. When I saw that number, 7.42 tons I was going 'wow, that's like not normal', and then I was listening to the GAP and that word normal came up again. We normally don't have the data till the, you know, to that time limit, that fall of 2021 and I started thinking that we potentially here could go through an entire season 2020 and not understand the actual bycatch, and I compare that to other sectors where we do have data quicker than

that to indicate what the issue is and it doesn't seem like this has anything, you know, the 7.42 tons and normal don't necessarily clash in the same sentence. There's nothing normal about that. It doesn't appear to be normal but if it's true and we go to a 58-hour season like we did in 2020 and we don't know 2021 until the season is over, we could be in a world of hurt here and I just think we should be taking extraordinary efforts to at least find indications of whether or not 2020 is similar to 2019 or is it like 2018, and it seems like that data should be somehow available to get indications anyhow, to get that observer data. I know in other, in the whiting fleet, for instance, the sea state gets that data almost the same time NMFS does, and I know it needs to be refined, needs to be debriefed and all that, but it gives you indications of what's going on and it's helped us. When I looked at that number, you know, the thought that came to my mind is we've got emergency Council meetings for less than that so I, you know, in degrees of seriousness here. So anyhow that's my thoughts and I just was wondering from for maybe a possible question, is there a way to get at least some preliminary indications before we embark on the 2021 season not knowing what happened on 2020, so that's it I stop there.

**Brad Pettinger** [00:11:37] Thank you Bob. Was that a question for Frank?

**Bob Dooley** [00:11:40] Yeah, if it is, I mean, if you could take a stab at it, that'd be great.

**Brad Pettinger** [00:11:46] Okay Frank.

**Frank Lockhart** [00:11:47] I'll take a stab at it but it's not, it's going to be similar to my answer to Maggie. Again, you guys are reading our minds, and this is one of the things that we've had some preliminary conversations about. Obviously, we have the same concerns that you guys do, yelloweye, you know Marci referenced some conversations. You know every time I hear yelloweye I get a little twitch in my eye because of past experience so it is, you know when I first heard about this I had the same concerns that everybody is expressing on this call and also in the GAP, and so we are looking into that and by that I mean Bob's idea of trying to get more timely information or at least being able for NMFS to perhaps internally monitor and if there's any worrisome signs, we could potentially figure out a way to report on that rather than waiting until the end of the year. You know yelloweye, we don't want to go back to a situation where yelloweye is, you know has the potential of exceeding its ACL, so again I hate to say it, but we're looking into that. I don't have any final things that I can say right now, but we're definitely looking into it.

**Bob Dooley** [00:13:20] Thank you.

**Brad Pettinger** [00:13:22] Okay further comment? All right. Frank if I could, the deal with the yelloweye issue, would it be fair to say that, would it be fair to say that the observer, NMFS observer, or whatever it is, has looked, has the numbers, the rough numbers, albeit confidential, and that would it be fair to say that the, if the numbers were triple what they were from last year, in 2019 that NMFS would be concerned that maybe doing a little more, being a little more proactive on this. It seems to be that, or would they potentially reflect a more normal bycatch of yelloweye because it seems to me that, as Bob just mentioned, a lengthening the season by triple you do a lot of damage pretty quick if those numbers would hold up.

**Frank Lockhart** [00:14:38] Well while I'm waiting for the three little dots to stop blinking on my chat screen, I will say that yes, if this, if yelloweye catches were such that when there was a huge conservation issue or it was going to shut down a significant portion of the fleet, that would have been something that the observer program would have brought to our attention, and again I think the way to approach this is that we are looking into this and we, if there's a way that we can kind of release kind of some numbers, you know just well, I don't even want to say that, I mean we're looking into what we can say about this but if it was such that the landings were going to certainly exceed the ACL or have

huge impacts on other fisheries, we would be more proactive on that so I think I'll just have to leave it there.

**Brad Pettinger** [00:15:43] Okay thank you. All right. Further discussion or may I dare ask for a motion? Tough crowd this afternoon. Ah ha... Marci.

**Marci Yaremko** [00:16:07] All right I guess I'll kick this off here. I'm going to tackle one part of it. Thank you I guess. Sandra, I believe you have the language of a motion, CDFW motion that I provided you? Thank you. I move that the Council recommend that IPHC require participants in the area 2A directed commercial fishery record on the IPHC fishery logbook the number of yelloweye rockfish caught and discarded on a haul or trip. The Council shall also request that IPHC share that information with NMFS each year prior to the start of each November PFMC meeting. Next paragraph. Recognizing there are existing inseason processes and numerous coordination activities already undertaken by NMFS, IPHC, tribes and the states to track halibut catch inseason against their respective 2A fishery quotas, I also move the Council direct NMFS to provide information on yelloweye bycatch witnessed by observers in the directed commercial halibut fishery to collaborating 2A agencies inseason following each directed commercial fishery period open, opener. Also, direct NMFS to include this information in its report on fishery progress that is supplied to the Council each September.

**Brad Pettinger** [00:17:56] Thank you Marci. Does the language of the screen accurately reflect your motion?

**Marci Yaremko** [00:17:59] Yes it does. Thank you.

**Brad Pettinger** [00:18:03] Do I have a second? I see Bob Dooley. Thank you, Bob. Okay Marci please speak to your motion.

**Marci Yaremko** [00:18:10] Yeah thank you Mr. Vice Chair. Thank you, I appreciate this discussion and Frank, I appreciate you feeling our interests here and are looking at solutions internally, and I just want to make sure that we leave no mistake as to what our intentions are. I think we're all feeling like we need to do better with reporting in 2021, and if there is something that we can do now to make sure that we get better reports in 2021, I for one want to make sure that we take that action clearly here today. I realize that the current one-year lag in Wickop that we're not going to get inseason bycatch estimates, but I believe there is information that we can get that will help us all feel better that this fishery is maintaining itself within the specifications and accountability measures that we've set up for yelloweye and that they will not be exceeded. I'm just feeling like there's a big need to improve transparency. While I appreciate NMFS's need to protect confidentiality and the challenges surrounding small data sets, patchy distributions, low coverage numbers, not a lot of coverage, well coverage out of multiple ports but not too many occurrences, not too many observers out of, you know in a single port, there are all kinds of confidentiality concerns and summarizing the data is a very critical legal need that your agency must ensure is done properly. I completely appreciate that. Originally, when I first contacted NMFS I was asking all of the same questions, I think the GAP did about can't you stratify these occurrences by depth? Can't you tell me if there were areas that were hot spots? Is there anything you can tell me? And really the answer was we can't tell you anything more than what we told you in the report and I appreciate that, but I guess if that's going to be the case, then what is it that I can do to at least make sure that we get something in a more timely manner? I heard Frank say that his staff didn't have time to pursue the questions surrounding the IPHC logbook and the viability of implementing a requirement through the IPHC regs to report yelloweye. All I can say is that I feel like I need to try. I need to ask our Council to act to make a recommendation to IPHC. Doesn't mean the IPHC is going to accept it, but I feel like I need to turn over that stone and try. Similarly, I've heard a, you know, a commitment from NMFS to look at options with regard to more timely submission of observer data to

us, but there was no commitment that could be made here today, so again, I feel like what we can do is ask and say that this information really is critical to our, to some of the fundamentals of the Council process and the negotiations that we have all took part in over the years to live within our means on yelloweye and to share and hold our fisheries all to very restrictive limits that are down to the point one metric ton. I, you know, I've been listening to a lot of discussion on this topic from our stakeholders since the September meeting and a lot of questions, a lot of what is it that we can do because this is so foundational to everything that we do in our groundfish management. I think the GAP really knocked it out of the park in their comment that really the issue that the ACL was not exceeded in 2019, that's not the point. The point is that we all share in the goal to keep our rebuilding on track and t-target is what t-target is because of the hard work and the sacrifices that have been made around the Council table these last two decades and to risk the success of having, that we've gained through these years of sacrifice really is unconscionable, so I realize there's not a lot we can do in terms of actively recommending changes to the fisheries picture or any of those types of things this year, that's not in the cards but I do feel like there are two things that we can do now to increase the reporting, the likelihood of getting timely reports in 2021 that will ease our conscience a little bit and put us feeling a little more comfortable about the performance of the fishery in 2021. Thank you.

**Brad Pettinger** [00:24:56] Frank Lockhart. Frank.

**Frank Lockhart** [00:24:57] Thank you Mr. Vice Chairman. Marci actually answered most of my questions that I had in her speaking to her motion. But I guess what I would just say is that I think the motion is making loud and clear, as well as some of the discussion prior to this, but it's loud and clear that the Council is very interested in exploring ways to collect appropriate information as well as potentially have that information be available in a more timely manner and I think we understand that so the motion certainly gets at that. I will say that, like I discussed before, there are some confidentiality concerns and we also want to be very cautious about any numbers we put out that are preliminary that could potentially be misinterpreted and so while I understand the motion and am supportive of the general direction of the motion, I think this is going to require more discussion internally between us and the Science Center before we potentially have a path forward on this. So not really a question, just a comment on the motion so thank you.

**Brad Pettinger** [00:26:26] Thank you Frank. Heather Hall. Heather.

**Heather Hall** [00:26:31] Thanks Vice Chair. This is a question for Marci. And first, Marci, I appreciate your effort to try to find a way to get some more information and I definitely appreciate your comments relative to the hard work that everyone has done for every fishing sector when it comes to yelloweye rockfish, but my question is actually more simple, and I noticed that in the first paragraph where we're asking that IPHC record in the logbook, but that the Council will request that the IPHC share that with NMFS prior to the start of the November Council meeting but then relative to the observer data we're asking for, the way this is written, that it would be, the information would be provided in September and I'm just curious of why those two deadlines are different?

**Brad Pettinger** [00:27:44] Marci.

**Marci Yaremko** [00:00:00] Sure. Thank you, Heather, for the question through the Vice Chair. Regarding the IPHC fishery logbook data, again this would be a recommendation from the Council to IPHC that it require this on their logbook. That would mean that IPHC would then own that record and there would be issues surrounding data sharing that I'm presuming NMFS and IPHC probably worked through anyway, but I wouldn't want to presume that the information could be made available to NMFS any sooner than November. I honestly just picked November because I felt like that information that, or that would be the last point in time that our Council would be able to consider the information based

on the new schedule that we've adopted with regard to making recommendations for management of the directed fishery now that we've set up a September/November schedule. November is the absolute last time that information entering our discussions would be of value so that was why that was selected. With regard to the second paragraph and the reporting that takes place from NMFS. In our materials for the September briefing book, there's always an update that NMFS provides on area 2A catch. I know they spend some time pulling together the progress of all of the fisheries and so my thought was for purposes of the Council, this would be an easy vehicle to use to transmit that information to the Council without establishing kind of a new and independent reporting process to the Council. With regard to the inseason discussions that go on between agencies, you know we all do that all the time independent of one another, and I think what would be of interest here is knowing, for example if there are three fishing periods. When the first period concludes what can NMFS tell us? And if you notice here, the language that I use in this motion, just asking NMFS to provide information, I'm not saying exactly what information, how specific the information needs to be, you know again they're going to be very limited in what they can tell us and, you know, they're going to have to use the rules that apply with what they can convey to us, but I think the key here is trying to get information on a timely basis that, for example, if period one they see very little yelloweye? I mean I'd be interested in hearing a report that they saw very little yelloweye or, you know de minimis or however they would characterize it. I mean they've used some descriptive language in this report they provided us here about some things. They clearly looked at the records and were able to summarize in some ways, because they could tell us that 77 percent of the trips were observed off the Columbia River general area. So you know I'm not intending to be prescriptive in what information they provide, but again, I think the goal here is really just to increase the transparency and make folks have some comfort that period one didn't have any significant consequence and then, you know similarly for period two and three, if there is one and so on, and those communications I wouldn't be intending to make them be formal or you know, put out a press release kind of thing, but these would be more in line with the informal communications we have about inseason catch tracking already between the agencies and NMFS and the IPHC, so that was my thinking. If my, you know if there are other ideas on how that be done, I'm certainly open to it, but I guess that's where I would, that's what I would like. So....

**Brad Pettinger** [00:05:24] Yeah, thank you for that explanation Marci.

**Marci Yaremko** [00:05:27] Thank you.

**Brad Pettinger** [00:05:30] Okay anymore questions, comments, discussion? Maggie Sommer. Maggie.

**Maggie Sommer** [00:05:35] Thanks Mr. Vice Chair and thank you for the motion Marci. I certainly agree with the desire to have some more timely information on yelloweye bycatch in this fishery. On the first part of the motion, I am, I guess unclear about how it would work and that is stemming primarily from the fact that I am not familiar with how IPHC processes their logbook data and what they do with it. I do understand they provide, you know there are several options for which logbook fishermen in 2A can use, so there's everything from a little bit of logistic question of is there an appropriate place on each of those for fishermen to use, but then I am not sure what the expectation we would be conveying to them if this motion is adopted as proposed here on what exactly they would be providing to us? Would it simply be copies of those logbooks, in which case there would then be a need for someone at the National Marine Fisheries Service, I guess the way this is written to enter and summarize that information, or might we expect IPHC to do that? I can say right now ODFW receives copies of halibut logbooks that when they have groundfish on them and we enter only the groundfish information into our own databases, but that's certainly one state out of three. That is not a solution to this issue. I will say it does make me think that this is an item to flag for future consideration as we move into the transition of managed, you know transition into managing this fishery, but for right now if you have

anymore, I guess, clarity on what the expectation we would be conveying to IPHC here would be, I think that would be helpful.

**Brad Pettinger** [00:08:08] Marci.

**Marci Yaremko** [00:08:10] Yes, thank you Mr. Vice Chair and thank you, Maggie, for the question. I will admit to likewise not being well versed in how the IPHC processes its data, nor what sharing arrangements IPHC has with NMFS, but I would presume that since it would be IPHC, you know if the record is on an IPHC log, then it would be an IPHC record and the request would be for summary data because I would expect that IPHC is, you know, or confidentiality rules would still need to be adhered to, so I appreciated Frank's response that there just wasn't really time to explore this option very thoroughly between the discussion I had with him on Friday and today. When I have the discussion with him there was more of a, you know, maybe this might be viable kind of a response, and I don't think I heard anything different in the discussion here today so if it is viable, I would just like to see if we can do it. I'm viewing that this is our only bite at this apple. If it's not, I'd love to hear that too. If taking that up, but I feel like you know with regard to IPHC, this is our only bite of the apple and so, you know, I would just I think, you know, the details of how this would happen I agree need some fleshing out and it's just I can't say what, you know, what works and what doesn't work because I'm not NMFS or IPHC but I appreciate that there are some details here that we don't understand in full, but I don't think that changes our fundamental interest in capturing data from this source if this is, if the tool is available in the tool kit.

**Brad Pettinger** [00:10:49] Thank you Marci. Frank Lockhart. Frank.

**Frank Lockhart** [00:10:54] Thank you. So, Marci, I think I'm getting some information from the observer program that some of the specifics may require more work than maybe as it then was anticipated but... so I'm kind of wondering is it, can your motion kind of be taken that you're very interested in coming up with a way to get better information more quickly on what's going on with yelloweye and that general kind of concern is more important than the specific how it's done. Is that correct?

**Brad Pettinger** [00:11:49] Marci.

**Marci Yaremko** [00:11:49] Yes, thank you Mr. Vice Chair. Thank you, Frank. I think what you're asking is, will I be satisfied with something that is less specific and the answer is absolutely yes, but I guess what is concerning me most and what is, I think, driving the impetus for this type of, this type of specificity is I thought we left the September meeting with some discussion around NMFS providing us some inkling of how the fishery did in 2020, and I know you mentioned in our discussion earlier that no alarm bells went off with the observer program, such that levels risked other fisheries but that's where my concern is greatest. I'm... if other fisheries would be involved because of a very high level of yelloweye take, I'm going to guess that that would mean that the yelloweye take in the halibut fishery reached the level that approached or exceeded an ABC, maybe an ACL and you know, again, I'm very concerned that that really isn't the point. Just because we didn't exceed the ACL doesn't mean there isn't a very real situation here that we need to address, so that's why I'm just really, I think, looking for a tool that will ensure that we get information in 2021 about the 2021 fishery. I realize it's not going to be precise information. It's not going to be the standard Wickop bycatch estimate, but something that lets us know, you know, other than by having to read a press release that NMFS took action to close the fishery because there were too many yelloweye and an ACL or an ABC or something was exceeded, what, you know, what can we do aside from that other than watch and wait? You know again, just acknowledging the kind of the concern that none of us have information for the 2020 fishery and here it is November and I guess I would have hoped for something.

**Brad Pettinger** [00:14:49] Okay. Thank you Marci. Maggie Sommer. Maggie.

**Maggie Sommer** [00:14:50] Thanks Mr. Vice Chair. I'd like to respond to one thing Marci just said and then I have some comments specifically on the motion in front of us. Just briefly, I want to say I fully agree with the level of concern I think that we all have for the successful rebuilding of the yelloweye rockfish stock, however as more of a matter of principle, I don't agree with a statement that says taking up to the full amount of an ACL that the Council has established based on the science we used to set ACL levels would jeopardize rebuilding or a stock status, so I did want to share that thought. Specifically, on the motion in front of us, again, I also share the desire to have more timely information on yelloweye bycatch in this fishery but I can't support the first paragraph of this motion. I don't feel that it's appropriate for us to be making this recommendation to an international organization responsible for managing halibut fisheries in order to address our specific bycatch concern, particularly without any understanding that they already have any kind of data processing protocols and systems in place that would facilitate their provision of such summary information to us. So, as I mentioned earlier, I think that there is potential in the long run to explore the option of using logbooks as one tool to obtain more information on yelloweye bycatch. I would not support making this recommendation to IPHC at this point. I just don't feel that even if we were able to make the recommendation and IPHC chose to implement it, I am not confident in the quality of data we would get in this upcoming year and our ability to process it and deal with it in time so I think I would prefer to not see this first portion of the motion. The second part, I suppose after listening to the responses by Frank, I can live with it. I really appreciate the information he's provided. I would like to make sure to emphasize, as I think you're doing with this motion, the Council's interest in obtaining this information. I think the wording of directing NMFS to do these things is, is really quite strong but it seems like that is acceptable so I am okay with the second part. Thanks.

**Frank Lockhart** [00:00:03] So maybe I'll just say that even had there not been this motion made, we would have heard loud and clear from the Council, you know, the interest and in finding out more information on the yelloweye and as I said, we had already started down that road on having those discussions internally about what we can and can't do. We're still at a very early stage of that but, you know, we've heard loud and clear, you know, Council guidance on wanting to have more information in a more timely manner on yelloweye bycatch in the directed halibut fishery, so we would go ahead and do that now, regardless of what happens with this motion. I agree with Maggie 'directed' is perhaps a little strong, but Marci did a good job of explaining by what she meant by directed, which means she wants us, the way we took it is that she wants us to further explore how we can provide information from the observer program inseason and she expresses a desire for that to be after each commercial fishery period opener, so we are going to go ahead and do that and see what we can do and then I asked her the question about what, you know, it seems like it's more the kind of the information rather than the specifics of how it's done that are more important, and she agreed with that, so, you know, I think we have heard loud and clear from all of the members that spoke and also from the GAP on the need to have better information, so we're going to go ahead and do that regardless of the outcome of this motion. So, I just wanted to say that, and finally, I'm going to abstain on any vote on this motion not because I'm opposed to it but more that like I said, I'm not sure, given the specifics of it, if how we can, we may not be able to do all this so I'm going to abstain for that reason.

**Brad Pettinger** [00:02:07] Thanks Frank. Marci.

**Marci Yaremko** [00:02:10] Yes, thank you Mr. Vice Chair. With the approval of the second, I would request to withdraw the motion.

**Brad Pettinger** [00:02:24] Bob. I see your hand up.

**Bob Dooley** [00:02:26] I approve.

**Brad Pettinger** [00:02:28] Okay Marci.

**Marci Yaremko** [00:02:31] Thank you, I really appreciate the Council's discussion here around the table. Really that was the point. We... I think talked in detail about what may or may not be possible through the IPHC and in withdrawing I would expect that there be some discussions that might ensue between NMFS and IPHC about prospects of using that tool down the road. There are a lot of things that I'm still learning and struggling to understand with regard to regulatory authority over this fishery. What regs are promulgated under authority of the Halibut Act versus Magnuson and I think I've got a lot to learn in that regard, but I feel like the discussion we've had here today, I really appreciate Frank's acknowledgment that the direction is clear they will move forward. I think he's understanding exactly what I'm seeking with regard to inseason communications on what the observers are seeing, even though of course he can't provide us hard numbers but whatever the confidentiality rules will allow, whatever descriptive information he can provide us over the course of the season to improve our transparency and improve the confidence that the fishery is working as expected and in line with the amount of impact that we ascribe in the scorecard, so with that I will withdraw the motion but I do appreciate the time we've spent here today digging into some of these issues for future work. I do look forward to discussing these concepts in more detail looking forward to the following season and I just can't say enough how much I'm feeling for our GAP members that are really just looking at this, you know, this big blow and saying how can we do nothing and I absolutely feel the same way, and so I do appreciate Frank's willingness to do their best to get us something, and near real time next season, and that's a start but recognizing the impact this fishery can have on yelloweye bycatch and the sharing arrangements that we have, I think we have quite a lot of work ahead of us looking down the road as we bring this fishery more within our realm, and there are Council discussions and regulate under Magnuson and NMFS authority and Council oversight. So again, I appreciate it. Thank you all for indulging me.

**Brad Pettinger** [00:06:05] Thank you Marci. I see Frank your hand is still up?

**Frank Lockhart** [00:06:10] Sorry about that. I'll lower it.

**Brad Pettinger** [00:06:11] Okay. All right. Further discussion? Heather Hall, who I think may have a motion maybe, Heather?

**Heather Hall** [00:06:22] Thank you Vice Chair. I didn't mean to jump in too soon before you ask if there was more discussion, but I do have another motion to offer on the season structure for 2021 if folks are ready for that?

**Brad Pettinger** [00:06:36] Please.

**Heather Hall** [00:06:36] Okay Sandra, if you could put that up that would be great. There it is. I move that the Council recommend to the IPHC a season structure for the area 2A non-tribal directed halibut fishery in 2021 that includes a 58-hour fishing period, which begins at eight a.m. on the fourth Tuesday in June and ends at six p.m. on the subsequent Thursday. If the fishery limit has not been exceeded, the IPHC may announce a second fishing period of up to three fishing days to begin on Tuesday, two weeks after the first period and if necessary, a third fishing period of up to three fishing days to begin on Tuesday, four weeks after the first period. Fishing period openings will continue in this manner until the fishery limit for the 2A non-treaty directed commercial fishery is taken or November 15th, whichever comes first.

**Brad Pettinger** [00:07:40] Thank you Heather. Does the language of the screen accurately reflect your motion?

**Heather Hall** [00:07:46] Yes it does.

**Brad Pettinger** [00:07:47] Okay. Please speak to your.....oh, looking for a second. Phil Anderson. Thank you Phil. Okay please speak to your motion.

**Heather Hall** [00:07:55] All right. Thank you. I really think the Council's taken a good step to work, develop a process that solicits input from folks involved in the area 2A directed halibut fishery, and based on that input this motion includes a season structure to recommend to the IPHC so that they can consider that during their interim and annual meetings. WDFW held two meetings with our stakeholders and heard strong interest in changing the days of the week that the fishery operates from Monday through Wednesday to Tuesday through Thursday and I really appreciate the Council's willingness to put those, that proposal out for public review. We also heard consistent support for the move away from 10-hour fishing periods and general support for the 58-hour fishing period that was in place in 2020. During our discussions about the move to a Tuesday through Thursday fishing period, we heard that while a fishing period that ended on Thursday would help fishermen deliver product to the public over the weekend, it might disrupt commercial buying schedules. This is the discussion that led to the idea of a two-day, 34-hour fishing period, which was reasonable to the Washington stakeholders that I met with. It resolved potential commercial buying concerns and addressed input from the Enforcement Consultants. However, from the advisory body reports today and public testimony that we've heard over the last two Council meetings, I hear a stronger preference for a 58-hour fishing period, but a willingness to consider a Tuesday through Thursday fishing period in the future. While I really appreciate the concerns from the EC, I think this season structure has merit and gives fishers marketing opportunities that are beneficial to themselves and our coastal communities. And finally, while it isn't currently part of the scope of action, there's been a fair amount of discussion around allowing split deliveries. The GAP has made their support for this clear in their reports to the Council and I support looking for ways to give fishery participants the flexibility to maximize the economic benefit from this fishery but as we discussed in the WDFW report, a way to sell to multiple buyers currently exists in a way that addresses the EC's concerns with split deliveries. So, while allowing split deliveries might be the simplest approach from a fishery participants perspective, it creates a significant enforcement challenge and given the additional stress that's put on our enforcement resources associated with the longer fishing period, I don't think we should add to the enforcement challenges that are associated with split delivery's. And I'd be happy to answer any questions.

**Brad Pettinger** [00:11:13] Okay. Thank you, Heather. Questions for Heather on her motion? Bob Dooley. Bob.

**Bob Dooley** [00:11:22] Thank you Mr. Vice Chair. Just a question on the wording. I assume the additional openings, if they are able to happen, are 58-hour fishing periods two, not three days? I am a little confused by that, but I assume it's in the same format as the first 58-hour fishing period. Is that correct, Heather?

**Brad Pettinger** [00:11:50] Heather.

**Heather Hall** [00:11:53] Thank you Vice Chair. Thank you, Bob, for the question. I took the language specifically from the IPHC rules but can certainly appreciate that it is a little bit confusing when we talk about three days, but it's really 58 hours and I found myself doing that, too, with the option for a 34 hour or two-day fishing period so, but yeah, it's intended to mirror that same eight a.m. Tuesday ending at six p.m. on the following Thursday throughout.

**Bob Dooley** [00:12:36] Thank you Heather. I just wanted to clarify. Thank you.

**Heather Hall** [00:12:38] Sure.

**Brad Pettinger** [00:12:40] Okay. Further questions, comments? Okay well seeing none I'm going to call for the question. Let everybody unmute. All those in favor say 'aye'.

**Council** [00:12:59] Aye.

**Brad Pettinger** [00:12:59] Opposed? Abstentions? Okay motion passes unanimously. Okay, Brett are we done here?

**Brett Wiedoff** [00:13:12] Thank you Vice Chair. I believe your work here is done. You've adopted the season structure for 2021. You got some thoughts and guidance from around the table and I'm sure National Marine Fisheries Service is going to take that to heart and try to come up with other means to report halibut bycatch in the future, so I appreciate that discussion very much. I think your work here under E.3 is completed. Thank you.

**Brad Pettinger** [00:13:38] Thank you for that Brett. Okay well that concludes our action. I will hand the gavel back to our Chairman. Chairman Gorelnik.

## F. Salmon Management

### 1. 2021 Preseason Management Schedule

**Marc Gorelnik** [00:00:03] Mr. Tracy, I don't see any public comment sign ups?

**Chuck Tracy** [00:00:08] That's correct Mr. Chair, no public or public comment.

**Marc Gorelnik** [00:00:12] So that will then take us to our Council action, which will be, is on the screen there so let me look and see who wants to get us started with our discussion. I know it's Monday morning and it's tough to reach for that unmute button but....Kyle Adicks.

**Kyle Adicks** [00:00:41] Thank you Mr. Chair. As we heard in the Council planning schedule, our spring meetings are likely to be virtual online experiences this year. Washington will be working over the next month or so to set up our normal schedule for the north of Falcon process, both our public process and our co-manager process, and anticipate that those also will be moving to a full preseason of virtual meetings so meeting places and dates not quite as important as they have been in the past. There'll be a little flexibility with dates for things like hearings and we'll make sure that our north of Falcon process meshes with the Council process again this year.

**Marc Gorelnik** [00:01:25] Thanks Kyle. Brett Kormos.

**Brett Kormos** [00:01:33] Thank you Mr. Chair. Similar to what Mr. Adicks said and what we heard from Mr. Burner, we anticipate the public hearing, as well as the California State-hosted annual salmon information meeting to be held virtually this year but by some miracle if we are meeting in person for the public hearing, the State of California agrees with the Council recommendation to hold that meeting in Eureka however we don't anticipate that to be a reality.

**Marc Gorelnik** [00:02:18] Thanks for that Brett. Chris Kern.

**Chris Kern** [00:02:22] Thanks Mr. Chair. The same situation for Oregon. I think I'll just leave it at that.

**Marc Gorelnik** [00:02:29] All right. Further comment or discussion?

**Chuck Tracy** [00:02:35] Mr. Chairman, I believe Susan Bishop has her hand up.

**Marc Gorelnik** [00:02:38] Oh. Okay Susan, I didn't see it on my screen, but go ahead Susan.

**Susan Bishop** [00:02:46] Thanks Mr. Chair. I would just note that the April 22nd, the anticipated date by which the Council would post the adopted regulations on the website is a Thursday. Typically, the Council transmits the package to us on sort of the subsequent day. I would like to encourage the Council to transmit the package to NMFS on the same day that it posts it on its website. That would give us an additional day to begin work. I think, as Ryan has mentioned previous, in previous discussions, there's a lot going on back at headquarters these days and it's taking things longer to get through the Federal Register for example, so even buying an additional day would really would very much help us out in moving that along. Thank you.

**Marc Gorelnik** [00:03:44] Thanks for that Susan and I'll look to Chuck, I don't see why that should be a problem.

**Chuck Tracy** [00:03:52] Thanks Mr. Chair. We will do our best. I think we should be able to accomplish that with enough lead time here.

**Marc Gorelnik** [00:04:04] All right. So, it sounds like the Council has confirmed the hearing sites and the intent and the State meetings, although even though physical locations are mentioned, it's generally understood those will be virtual in all likelihood and I think that there's been an approval of the proposed schedule and process. Anyone disagree with that summary? Mike Burner, how are we doing?

**Mike Burner** [00:04:45] Thank you Mr. Chair. I think you just summarized things nicely. I just would note at the bottom of the schedule the line that says that we need to be a little flexible under this COVID world as we move through next year, but it sounds like we've got to schedule and plan and we can move ahead. Thank you.

**Marc Gorelnik** [00:05:01] All right thanks very much. Any last words on this agenda item before we close it out? All right thanks everyone for your work on this and getting through it in somewhat less than the 30 minutes allotted. So now we will.....Phil Anderson.

**Phil Anderson** [00:05:22] Yeah thanks Mr. Chairman. Sorry I'm a little late there. Late on the draw here this morning. I just would note as the State's and NMFS are, I was going to say painfully aware, but hopefully not too painful, that this is a significant step I think for the Council and the modifications that are contained in the schedule, and the process that we just confirmed is a notable change and departure from what we used to do... and the timing and it's obviously largely driven by a change in the approval process once it leaves the Council and, you know, we had some big challenges... I think trying to figure out how we were going to navigate the time period between the 1st of May and May 16th and I think there's been a lot of great collaboration between the NMFS and the states as well as the fishing, the people impacted both, but particularly in the commercial fishery, to try to figure out a way to navigate our way through, keep people on the water and at the same time respond to the changes in the approval process, in particular the engagement by NMFS headquarters in that, in a more meaningful way, so just want to acknowledge all that work and the change here and the process that led us to this point. Thanks.

**Marc Gorelnik** [00:07:26] Thanks Phil.

## 2. Southern Resident Killer Whale Endangered Act Consultation – Final Action

**Marc Gorelnik** [00:00:00] So that takes us to Council action so unless there's a request for a break or something, we will simply get started with Council action so I will look for some brave soul to get us started with our discussion here and our action. Okay, Brett Kormos.

**Brett Kormos** [00:00:35] Thank you Mr. Chair. I thought I would start this Council action by suggesting that we attack these, the components of the workgroup recommendations around and considerations around thresholds and management actions and the other recommendations relative to escapement or conservation objectives and a structure assessment of Sacramento River Fall Chinook separately, so anyway I offer that for Council's consideration on a way to proceed here with two separate topics.

**Marc Gorelnik** [00:01:35] Thanks for that Brett and I think that's an appropriate way for us to proceed and we can take those in either order mostly in the interest of trying to move this agenda item forward so I would welcome, you know, some discussion or motion. I don't think we're ready for a motion. I think we need to discuss this. We received some very thoughtful comments from the public as well as from the advisory bodies and NMFS has provided us with a wealth of information as well so, well I appreciated Brett raising his hand and making that suggestion. Chris Kern.

**Chris Kern** [00:02:48] Thanks Mr. Chair. Yeah, I guess somebody's got to say something. I guess a couple of thoughts I had during testimony, maybe one on the order of a question that I could maybe ask NOAA to give us some feedback on just as we kind of think this through. A number of folks have testified that the science showing a lack of prey being a primary factor as opposed to the other main factors, recognizing that's probably a difficult question. What I recall hearing through the workgroup is we're really not sure if one is primary over the other and that's not to discount the importance of prey availability at all, but I wonder if NOAA could comment on that a little bit at this point?

**Marc Gorelnik** [00:03:50] Jeromy or Teresa do you want to respond to Chris? Ryan Wulff does, Ryan.

**Ryan Wulff** [00:03:59] Thank you Mr. Chair and thanks Chris for the question. I mean I don't think we have stated anywhere that one threat is primary over the other. I mean I think we've been pretty clear that all threats are important, of course from an ESA perspective, right, we analyze proposed actions individually as they cross the range of threats and so some may be focused more on one threat than the other but it also, as we've stated in general, the DPS for southern resident killer whales is endangered and declining and the same stressors can affect them more given the status than even if they were healthier so these are all points that I think we made but again, it's not, they're in concert to the others and so that's why we look at all threads. We're not saying one is primary over the other. Thanks.

**Chris Kern** [00:04:52] Thank you.

**Marc Gorelnik** [00:04:54] Thanks Ryan for that answer. Phil Anderson.

**Phil Anderson** [00:05:05] Thanks Mr. Chair. I guess I just have some overarching thoughts to express. I think the first is that I think everybody that's been a part of this process that we've been through and the workgroup and the Council and all the members of the public and whether you're from the environmental conservation community perspective, whether you're engaged in one of the fisheries that's under scrutiny here, I think everyone is extremely concerned about the status of the southern resident killer whale population and I think, and there are probably varying degrees to that, but fundamentally I believe that we are largely united around the concern that we have for this population

and to try and find some solutions that are within our reach that can help this population turn the corner and begin to grow and I think we all, well I think we all recognize that we're going to need some help from mother nature here. There are things that are within our ability to do and there are, but I think at the end of the day we're going to need some help, and when I say that I mean, probably in particular, we're going to need some help with ocean environmental conditions, survival rates for salmon. You know we've seen a lot of change in the growth rates, maturation rates, size and age. The status of the chinook population looks a lot different today than it did 50 years ago and some of that is within, you know, some of those things we can influence probably around the margins and there's some things that we can't, but I guess my first premise and my first point is that I think there is universal concern around southern resident killer whale. I also think there's a universal concern around the status of our chinook stocks and we're interested in and those are in many ways inextricably linked. I guess I would express some disappointment that we are, it seems to me that the people engaged in the fishing industry, the Council and the environmental community remain apart. It's probably farther apart than I had hoped. I'm not surprised that there's some differences of opinion about what the appropriate response from a fishery management perspective is, but we're further apart than I had hoped and in particular given what I thought was a pretty remarkable and thorough consideration of all the factors that went into the workgroup discussions. We had some really talented analysts that helped, were members of the workgroup and or supported the workgroup, and I think and I'm proud of that group and of all the people that supported it, and of all the efforts and the degree to which they really tried to lift, you know, lift the rug up and take a good, hard look at the data and try to identify things that we could do from a fishery management perspective that would contribute to the rebuilding of southern resident killer whale, and there will be differences of opinion when we're through with this, and we take our action as to whether it was bold or not or to the degree that it was bold or not or whether some people think we just nibbled around the edges and didn't really do much, but I think the alternative in particular, the alternatives that NMFS put forward as part of their analysis and presentation that they gave us today and I'm primarily focusing on alternative 2, I thought were well thought out. I think some of the key decision points about whether or not, for example, a bias adjustment is warranted or not and the subsequent analysis that demonstrated that I think were over like 1.08 and from my perspective such an adjustment shouldn't be included in our final decision. We don't make such adjustments when considering other ESA issues. There is a very low sample size, but more importantly, the ongoing and continuing efforts that our modelers do both and within the Pacific Council, within the co-management, the tribal and state communities, as well as within the U.S. Canada Chinook Technical Committee, our Model Evaluation Group, we're constantly looking for ways to improve our models and I think that, you know, we will continue to do that and I frankly, I think in recent years, like within the last five, there's been an increase in the scrutiny that's been given to our models and adjustments that have been made to try to ensure that we're getting the most accurate forecasts that we can. I think the choice of, I think including the threshold is a very, very important component and I think recognizing, and those of you who have been a part of our fishery management regime, over the decades this Council has been involved, but in particular since the lifting of a number of Chinook salmon populations in the Columbia River in the late 80s, the other listings of Chinook salmon originating in Puget Sound in the late 90s. The response that management that we did in responding to the really low abundance of particularly Chinook salmon in the 90s up to and including a complete closure north of Cape Falcon in 1994 really demonstrates the commitment that this Council, and the states, and the federal government, and the tribes have had for salmon conservation. And so this idea of imposing a threshold when we're at these low levels that even goes beyond what we have demonstrated that we do and how we step up to the plate when we have really small quotas is a significant step and the linear regressions that were developed in terms of how we go about ensuring that we, if we do have quotas set in under those set of circumstances, that they're set at levels that don't increase exploitation rates over and above what we have done in the past when presented with those challenges. I think the willingness of the salmon industry to step up in places like whether or not we're going to use an average to potentially not have to take an action when we're below that threshold, they said no. They said we're ready to step up and when we fall below that threshold,

we're going to consider those on a year-by-year basis, on a single year basis and I think that's the appropriate thing for us to do. As I mentioned I think in some earlier comments today about, or in questions about, you know, there's a number of other things that are going on that have happened that are real, that aren't necessarily a part of this action, but and I know some people scoff at hatchery production, I'm not one of those. I think we need to do it smart and to do it in such a way that it doesn't adversely affect our wild populations, but we have some significant additions to hatchery production as a result of some decisions made within the State of Washington's legislative process, as well as within the Pacific Salmon Commission process and responding to the biological opinion associated with that agreement that are going to add some prey base here in the near term. There's also some very important mitigation pieces from a habitat perspective that has come out of the biological opinion associated with the Pacific Salmon Commission and the treaty, the renegotiation of that treaty. There's about 10.3 million dollars... million a year that's real that is being put towards habitat issues in Puget Sound with some of our really chronically depressed stocks like Nooksack, like Stillaguamish, like Dungeness that are additional important things that are happening that will benefit both the salmon populations in the future as well as southern resident killer whale, so I will end my observations here, not wanting to be too long winded, but I again am gratified that we're taking this seriously. I'm gratified by what I think is an overwhelming consensus around the concern of southern resident killer whales. I'm gratified with the process that the Council has used and the degree to which the workgroup and the analysts that assisted that workgroup have done to bring us to this point I think with a set of measures that we could be proud of and improve upon probably and learn from over time, and so I look forward to the motions that will be made and I hope that they are being made and contain some of the elements that I identified as being important from my perspective. Thanks Mr. Chair.

**Marc Gorelnik** [00:18:16] Thank you Mr. Anderson. Virgil Moore.

**Virgil Moore** [00:18:20] Thank you Mr. Chairman. I'll try to, Phil I really appreciate your comments.....from my stand....

**Marc Gorelnik** [00:18:29] Your audio, audio is coming and going.

**Virgil Moore** [00:18:32] Okay let me try to see if this works okay. Are you still getting me?

**Marc Gorelnik** [00:18:38] Yeah, you're loud and clear right now.

**Virgil Moore** [00:18:40] Okay my Internet has been fading in and out, but we'll see if I can get this done. I'll make it real short. I don't believe I can support the status quo, but I'm at a point where I don't know what is needed. I think Phil's wisdom on this was well stated but I certainly would look for the leadership of the coastal states to put a motion forward that is responsive to our needs to do something different. Certainly, I appreciate the massive amount of work that's been done on the data and to give us the variations and the options to look at but I would like to see a motion that looks at some of the components that Phil put forward so that we have responsiveness to the needs of, of the southern killer whales as well as the needs we have for our chinook salmon. With that said, I am frustrated by the, I'm frustrated by the comments that are made that we need to do more for our chinook salmon, the primary forage, at the same time, knowing through questions I've asked in the past and comments that have been made that some entities out there are not responsive to the hatchery programs that can give immediate increases to the needs of populations of Chinook that would be able to allow us to meet both human and Orca needs out there. With that said, thank you for your time.

**Marc Gorelnik** [00:20:35] Thank you very much Virgil for your comments. Further discussion? Mr. Kern.

**Chris Kern** [00:20:42] Thanks Mr. Chair. Just a few things. I agree with much of what Mr. Anderson, Mr. Moore, were speaking to. I do, well backing up a little bit, I think one thing that became very clear, I mean, those of us in the salmon management world had a pretty good picture of it to start with of being the progression over time over the fishery management process through the Council, and in particular the data that we've seen multiple times now that show the decreasing percentage of fish being taken from the fisheries and in particular being taken north of Falcon. It's no doubt over time that fishery area has seen substantial reductions in Chinook catch relative to even not just because of changes in abundance, but even relative to a given low abundance so to speak, so I appreciate that we've talked about that a lot and seen it analyzed at least a few times in a few different ways. I share the perspective that I think everybody around this table shares high concern for both the killer whale population and the Chinook populations across the coast. Again, differences of opinion in how you address those things are obviously going to occur so that's not surprising. I've had a few folks that testified today, and in the past, some of them I know for a fact have been pretty strongly engaged in other recovery, Chinook recovery discussion processes, I won't name names, but I could count several in our list of testimony that I know have been involved and more than that, that I suspect have been involved. For those who aren't or haven't been, I think it is very important if you do feel as strongly about this as I believe you do, look into those. There is a lot going on and a lot of the comments about the status of chinook and the need for recovery are something I would agree with very strongly, that the recovery of those populations is critical and that has been the case for some time. Related to Mr. Anderson's comments about hatcheries, I think I largely agree hatcheries, while I would not support a notion that they're the panacea to this issue by any stretch, where they can be done and be done well and be done in a way that's consistent with wild fish recovery and productivity as well, I think that's a tool. Where they can't meet those standards, I don't think that is the tool and I don't think anybody in our process has suggested otherwise. I do share a concern that while I think the management regime we have been using is far more responsive to annual abundance in particular and leaving more fish in the ocean than it would have done 20, 30 years ago under similar circumstances, I am interested in discussing the threshold approach for potential additional actions, if nothing else, as it relates to sort of being a backstop, so to speak, as we've actually heard some folks refer to, that you know, hopefully we can hope that we don't get to whatever those thresholds are, in which case that would be a great, a better condition for both the whales and the fisheries but I think it is worth discussing what would happen if we did and I think that jives with quite a bit of the testimony we've heard over the last year and a half or so. I'm not quite ready to throw out any preference for what that might be, but I just don't know another way to sort of tie an action in other than a threshold, so a bit of wandering there. Just wanted to give a few thoughts, kind of keep the ball rolling here. That's all for now. Thanks.

**Marc Gorelnik** [00:25:10] Thank you Chris. Butch Smith.

**Butch Smith** [00:25:12] Thank you Mr. Chairman. You know this journey for me started in the Governor's Task Force, I don't know three years ago and maybe four now and then as a SAS Chair and then kind of an outsider when I got appointed to the Council looking in and participating. And first of all, I want to thank everyone for their hard work and participation and it truly has been a I think a really transparent and forward process with everybody involved, and I'd also like to thank the testimony today, the heartfelt testimony in the high school sophomore and that all resonates, but I think the thing is, is the fishing community is not trying to shirk their responsibilities, you know whatever responsibilities they can contribute, they're not, nobody's trying to say not in my backyard. We've all come to the table with science-based information to try to make the best decision where we can help the Orca's and still, you know, maintain some coastal stability in our fishing communities, and I think that's important. I think it's important also to note that, you know, I'd like to snap my fingers and bring back every wild fish that was ever gone because of straightening out a river or putting a culvert in or whatever, putting housing developments over but that's not going to happen, and I think, I would hope through this process that the enviro community would see that we're willing to roll up our sleeves and fix habitat and bring

back wild fish where we can but that's not going to happen overnight. What can happen relatively overnight is what's going on with hatchery production. You know it might be a 20 year, might be a shorter-term fix, but it's got to be, I would hope at some point in time, you know, the communities would come together and both support one another on that. I get to work with a bunch of good guys out on the coast that certainly do not want to see the last Orca whale. They want to see them robust and thrive just like anyone else so, you know, how we do this? I don't think we're too far apart and I think some good things have come out of this process. I think that, you know, I heard the environmental community and I respect what you say and what you've done and all the work you have done, but I think there is a chance on some of this stuff to, for a better word, reach across the aisle and partner up and support things together, at least for some short term gains and maybe that first step is some hatchery production that will continue either a little bit where we can put it, like Chris Kern said, we don't want to put other, the wild fish at risk, but we do have room in other places to produce salmon and we should work on those, but this is a big piece of a puzzle and everybody just read the Navy paper. We've got all kinds of environmental issues. We've got noise, we've got sound, we got whales trying to chase food that normally would be considered a cheeseburger and by the time they get them it's a celery stick because they have to go so far out of the way to get them. So, there's a lot of things that we can work on together. I think this is just one piece and I think this Council will certainly do the right thing in taking that step forward on our piece and maybe we can team up on a few other pieces of this puzzle and get it put back together for the Orca whales and our coastal communities. Thank you, Mr. Chair. That's all.

**Marc Gorelnik** [00:00:00] Thank you Butch. Dani Evenson.

**Dani Evenson** [00:00:04] Yes, thank you Mr. Chair. First of all, I'd like to say that Alaska agrees with a lot of the comments that have been made so far, particularly by Mr. Anderson, Mr. Moore and I just wanted to point out a few things. Like Mr. Anderson said, we all care about killer whales, but I'd like to talk a little bit about status quo as it relates to Chinook abundance. Chinook abundant, Chinook salmon is a resource that we all share on the seaboard. It's why we have a Pacific Salmon Treaty and it's our action that we have before us today, and when we talk about status quo, I want to point out that the status quo for Chinook abundance has changed. When we began renegotiating the Pacific Salmon Treaty about five years ago, we recognized there was a need to have more fish in the water to support killer whales and the science was a little vague at that time, but we rolled up our sleeves and we negotiated a deal wherein Alaska took a harvest share reduction by seven and a half percent. We had harvest share reductions in the West Coast, Vancouver Island fishery, offshore fishery, which is an area where killer whales are present, and we had tighter controls on all the inside fisheries. In addition to that, as Mr. Anderson pointed out, we're also producing more fish and restoring habitat with annual funding under the treaty and both of those things, the harvest reductions, are contributing to more fish in the water for the killer whales and the hatchery production is going to contribute in the next couple of years to a much higher number of fish, we hope, to support the killer whale. So, it's a shared responsibility and it's something that's multifaceted that we've all been working together on and it's been an impressive amount of work that's come forward through the killer whale workgroup, all the states getting together, Canada and with support from all the other engaged and affected stakeholders and I guess that's all I had to comment on. Thank you.

**Marc Gorelnik** [00:02:30] Thank you very much Dani. Further discussion? Brett Kormos.

**Brett Kormos** [00:02:41] Thank you Mr. Chairman. I'll try to be brief here. I and the State of California certainly share concern for the status of ESA-listed species, both Chinook and marine mammals, including southern resident killer whales. That is the foundation by which I think we all come together as resource managers, is our concern for conservation and also sustainable fisheries such that we can balance the needs of the resources and our stakeholders for the benefit of all. I think one thing that has

been interesting about the workgroup and the process that we've gone through is there's been some foundational pieces that we were very easily able to demonstrate, beginning with the decline of southern resident killer whale, there's no disputing the fact that that decline is persistent and concerning. We've also been able to demonstrate that overall salmon abundance has increased over the time series that we looked at. We've been able to demonstrate that the fraction of that abundance over time that is harvested has decreased over that same time series and we've been able to demonstrate that despite those changes in abundance and harvest, the southern resident killer whale population continues to decline. Mr. Anderson spoke about the fact that we aren't as close together on what is needed here, and when I say we, I mean the sort of polar opposites of stakeholder involvement around this process being those that are largely concerned about southern resident killer whale or those that are largely concerned about harvest opportunity. I think we've largely been able to come to a real clear and obvious compromise is because of the one thing we haven't been able to demonstrate, at least quantitatively, and that is a benefit to southern resident killer whale by foregoing some fraction of harvest or changing Chinook abundance in the ocean via changing the way fisheries are structured all the way down to not having fisheries at all. So, all of that considered the workgroup did take another path forward, but an alternative form of logic, if you will, in looking at these thresholds or backstops and basing them upon some historical information relative to salmon abundance and whale demographics, given that that is something that we can also demonstrate under certain scenarios. Salmon abundance is 'X' and killer whales are doing 'Y', and we tried to tie together those periods where the correlations made some sense for establishing thresholds. So, in summary, I want to voice our support for choosing among the threshold values that others have voiced support for around this table so far in this Council discussion, and I will, again as Mr. Kern stated, I don't have a number that I think is correct but would suggest that perhaps some middle ground here is appropriate given the spectrum of thresholds that we've been offered to choose from. Thank you.

**Marc Gorelnik** [00:07:15] All right thanks for that Brett. Is there further discussion? Kyle Adicks.

**Kyle Adicks** [00:07:25] Thank you Mr. Chair. At some point I will have a motion to put forward and I'll save most of my comments to speaking to that motion. Just wanted to say a couple of things. I mean we know that the bigger goal here is really rebuilding wild salmon stocks and, you know, that's kind of outside the scope of the action we're taking today but I think all of the, the state and federal agencies are working towards that goal. I heard a question earlier in the week during the SAS meeting kind of wanting to know what's going on with things like whale watching. I wanted people to be aware that WDFW is involved in a rulemaking process around commercial whale watching licenses and looking to find a way to enable sustainable whale watching while reducing the impacts of vessel noise and disturbance so that whales can effectively forage, rest and socialize, so a lot of things going on... on a lot of fronts to try to help the southern resident killer whales. Appreciated all the comments from other Council members. Mr. Moore said that he can't support the status quo and I'm intending to put forward something that is not the status quo. Also appreciated all of Mr. Anderson's comments, but particularly the document that NMFS put forward, which took sort of the laundry list of things the workgroup came up with and I thought did a good job of pulling them into sort of three discrete alternatives that were a little easier to understand than the list the workgroup put forward, so appreciate that. And again, I will have a motion when the time's appropriate. It will speak to the, sort of, first of the two-part discussion Mr. Kormos suggested that we would have, so happy to bring that forward at the appropriate time.

**Marc Gorelnik** [00:09:14] Thanks very much Kyle. I think we're coming up on a lunch break here and I certainly would want to hold off on the motion until after the lunch break, but I don't want to prematurely close off discussion, so let's just see if there's anyone who has a comment or a discussion point before we break for lunch, and I'm not seeing any hands, Mr. Wulff.

**Ryan Wulff** [00:09:47] Thank you Mr. Chair. I'll be very brief. I will speak more, I think, when we get

to discussion on a motion, but I think this might be the appropriate time just to echo my sincere appreciation to the workgroup, to the advisory bodies, and the Council in engaging this process in good faith and all of the very constructive discussions, the challenging conversations that we've had, the diverse opinions, but I believe a highly collaborative process resulted and I look forward to the discussion on the motion, but I really wanted to thank everyone involved, as well as those that have given public testimony, not just today, but throughout the process. Thank you Chair.

**Marc Gorelnik** [00:10:29] All right. Thank you, Ryan. Okay unless I see a hand pop up, we'll take a break and we'll come back at 1:05 and at that time we'll see if there's any further discussion and if not, perhaps Kyle will entertain us with that motion he alluded to. So, we'll see you all back here at 1:05.....(LUNCH BREAK)..... Welcome back. We still find ourselves on Agenda Item F.2, Southern Resident Killer Whale ESA Consultation Final Action, and we've had a fair amount of discussion following some very good public comment as well as reports from NMFS, the SAS, and the GAP. So, I know that Kyle mentioned that he had a motion but before I call on Kyle I want to see if there's any further discussion to be had amongst the Council members? Well Kyle, I'm not seeing any hands so let me call on you.

**Kyle Adicks** [00:11:49] Thank you Mr. Chair, and I believe Sandra does have my motion that she should be able to bring up on the screen.....and she does... so I move that the Council adopt the following measures from Agenda Item F.2.a, Southern Resident Killer Whale Workgroup Reports 1 and 2, November 2020, as the final preferred alternative for amendment of the Salmon Fishery Management Plan. Establish a threshold for annual pre-fishing Chinook salmon abundance in the area north of Cape Falcon below which management actions will be triggered. Alternative 3.1.2.c - The threshold is based on the arithmetic mean of the seven lowest years of abundance in the data series considered by the Southern Resident Killer Whale Workgroup and its Risk Assessment, 1994 through 96, 98 through 2000 and 2007. This value is 966,000 using current models but as noted, this value is subject to change if FRAM or Shelton et al models are recalibrated. The methodology for determining the value will remain the same if the models are recalibrated. When a year's pre-season abundance projection for the area north of Cape Falcon and FRAM time-step one falls below the established threshold, the following management actions will be implemented through the annual management measures for that year, as described in Agenda Item F.2.a, Southern Resident Killer Whale Workgroup Report 2, November 2020. Alternative 3.1.2.e, Option 1A - Reduce quotas for non-treaty fisheries north of Falcon to not exceed the value generated by regression analysis of historic time-step one Chinook abundance and non-treaty Chinook quotas. Alternative 3.1.2.e, Option 2A - No more than 50 percent of the commercial troll Chinook salmon quota will be assigned to the spring May June period. Alternative 3.1.2.e, Option 3A - Close the expanded area of the Columbia River Control Zone that's described to salmon retention from the start of non-treaty ocean salmon fisheries until June 15th. Alternative 3.1.2.e, Option 3B - Close the Grays Harbor Control Zone to salmon retention from the start of non-treaty ocean salmon fisheries until June 15. Alternative 3.1.2.e, Option 5A - Delay the start of the commercial troll fishery between Cape Falcon and the Oregon California border until April 1st. Alternative 3.1.2.e, Option 5B - Close the Oregon waters of the Klamath Management Zone to commercial and recreational salmon fisheries from October 1 through March 31 of the following year. Option 3.1.2.e, Option 6A - Close commercial and recreational salmon fisheries in the Monterey Management Area from October 1 through March 31 of the following year. Alternative 3.1.2.e, Option 6B - Beginning October 1 through March 31 of the following year, close commercial and recreational fisheries in the California waters of the KMZ. Alternative 3.1.2.e, Option 6C - Increase the duration of the Klamath Control Zone area expansion beginning September 1 through March 31 of the following year.

**Marc Gorelnik** [00:15:18] All right Kyle, is the language on the screen consistent with the motion?

**Kyle Adicks** [00:15:26] It is.

**Marc Gorelnik** [00:15:28] Okay and I will look for a second? Seconded by Brett Kormos. Please speak to your motion.

**Kyle Adicks** [00:15:39] Thank you Mr. Chair, and obviously it's a lengthy motion so my comments will take a few minutes. First, just thanks to the workgroup for all of their efforts, particularly the staff that labored to produce the new modeling tool, the combination of the FRAM and Shelton models and the subsequent analysis that were critical to our progress. The workgroup struggled through our looks at relationships between Chinook abundance and southern resident killer whale population parameters. The results of the analyses weren't striking but pointed at abundances north of Falcon as the most meaningful to consider so that's where the, the workgroup focused. As we considered those north of Falcon abundances, the workgroup also struggled with if and how to define a threshold for action and couldn't identify a strong biological basis for a threshold. Eventually, we settled on a range from no threshold to the threshold based on the maximum abundance from a series of years in the 90's. The threshold I've included in the motion is in the high range of values considered by the workgroup, and it's based on the same method used in the 2020 NMFS guidance. We heard some suggestions for alternative methods for calculation of a threshold in testimony today, most of which would result in values in the same range, just slightly more or less conservative than this value but with no stronger, quantifiable biological justification. My motion sticks to the value that was in the slate of options from the workgroup reports. The workgroup spent significant time and effort to narrow alternatives to those specific values that were included in the report and put out for public comment, so I didn't see a strong reason to propose a value slightly adjusted from those original alternatives. The motion includes a provision to limit quotas to ensure that we will not increase harvest in north of Falcon fisheries above what occurred in past in responses to low Chinook abundance years, it includes a provision to limit troll quota during the spring season north of Falcon, when southern resident killer whales are more likely to be in the area. It includes controls on closures off Grays Harbor and the Columbia River during the spring season, when southern resident killer whales are more likely to be in the area and includes the expanded area off the Columbia River. I'll note again that the largest control zone closure in Washington, the Cape Flattery Control Zone closure to non-treaty troll fisheries will continue and likely provides the benefit to southern resident killer whales, and as WDFW representative to the Council I'll confirm that the intent will be to move the control zone closures for state waters forward through state rulemaking processes in years when closures are required by this action. It includes a delay in the troll fishery off Oregon until April 1. It includes closures in the Oregon and California KMZ and Monterey Management Area throughout the fall of winter season. The motion uses single year values rather than a multi-year geometric mean for assessing status relative to the threshold. That seems like it's the most responsive approach and will prevent avoiding implementation of fishery management measures due to a previous high year abundance that might influence the mean. The motion does not include any tiered response. All of the specified actions are to be implemented if that year's preseason abundance falls below the threshold. The motion does not include a forecast adjustment. I believe that the work undertaken since September eliminates the concern that there's a potentially large bias in the forecast and agree with NOAA's explanation in their report for why application of an adjustment is not needed. I do support continued assessment of forecast performance in the future to ensure that forecast bias is not affecting the intended application of the threshold and resulting measures. The motion does not include workgroup recommendations 2 and 3 on Klamath or Sacramento fall Chinook. I assume that additional Council discussion would occur on those. As Mr. Kormos mentioned, it's sort of a separate issue and how to best move those forward will receive some further discussion. Finally, the motions phrased as picking an alternative for amendment of the FMP but is not specific to how or where to insert it in the FMP. My assumption here is that this will provide some latitude for the Executive Director and Council staff to work with the Council and NMFS staff on inserting and finalizing the changes for transmittal. So just to wrap up, thanks again to all the workgroup members and others who participated

in this process over the past year and a half, up into and including the public comments and statements we heard today. I think the process has positioned the Council to be able to take this important action today and I believe that this motion represents a package of meaningful fishery management responses for Council fisheries that will specifically benefit southern resident killer whales in years of low Chinook abundance, in addition to the many restrictions that are already in place to respond directly to salmon population needs.

**Marc Gorelnik** [00:20:26] Okay. Thanks Kyle for that comprehensive motion and your thoughtful comments. Let me see if there are any questions for you on your motion or discussion on the motion? Brett Kormos.

**Brett Kormos** [00:20:49] Thank you Mr. Chairman. I just wanted to offer here for Council consideration that similar to what Mr. Adicks' said about state water fisheries in the State of Washington, inherent to this motion is a commitment from the State of California to maintain river mouth control zones in our state water fisheries for specific streams on the North Coast.

**Marc Gorelnik** [00:21:20] Thanks Brett, Chris Kern.

**Chris Kern** [00:21:23] Thanks Mr. Chair. I'll just similarly indicate that should this motion pass, Oregon would take necessary rulemaking in years affected relative to the Columbia Control Zone extension.

**Marc Gorelnik** [00:21:39] Thank you Chris. Further discussion on the motion? Ryan Wulff.

**Ryan Wulff** [00:21:49] Thank you Chair and thank you, Kyle, for the motion and for all of that you said speaking to your motion. I also want to note, make a couple comments based on what we heard under discussion. I do want to point out from NMFS perspective that we, I'm very supportive of those comments that were made, and NMFS does believe that Council fisheries are adequately responsive to changes in Chinook abundance for killer whales in most years. I do want to acknowledge that north of Falcon fisheries are of greatest importance to killer whales for forage and overlap but we do note that they have a low impact on the forage base in general and their reductions in prey base from Council fisheries have decreased substantially since the 90's. Chinook abundance has also increased in north of Falcon waters since then and Council management for Chinook salmon has become more constraining, including limits to protect ESA-listed salmon stocks, and for the majority of years when Chinook abundance was low, the fisheries responded and reduced harvest. So, I do want to acknowledge that and appreciate all the comments along those lines. As we noted in our report and previously, we are concerned about concurrent years of low abundance in north of Falcon waters that have coincided with poor Chinook survival and low killer whale, southern resident killer whale viability, and that we would support an abundance threshold that incorporates consecutive years of low abundance and a mix of southern resident killer whale status, and that's proposed here in this motion, this alternative does that. It's based on the seven years with lowest Chinook abundance. It has a mix of killer whale status with two relatively good status years and the remaining low abundance years had fair or poor killer whale status. Regarding the management actions, NMFS also supports the responses that are proposed here, which focuses on the north of Falcon area for non-treaty fisheries, which the workgroup analysis found the strongest links between Chinook abundance and killer whale demographics there consistent with the observational, spatial and diet data. In addition, in years when abundance is below the threshold, it also includes implementation of management responses throughout the EEZ, both north and south of Falcon, which meets the killer whales needs to have access to fish throughout and across their range, and it also contains responses that reduce fishery overlap with times and areas where when southern resident killer whales are most likely to occur. So, for all of those reasons that I noted NMFS will be supporting this motion. Thank you.

**Marc Gorelnik** [00:24:42] Thank you, Ryan. Further discussion on Mr. Adicks' motion? Louis Zimm.

**Louis Zimm** [00:24:53] Thank you Mr. Chair, and I will be supporting this motion. It satisfies my feeling of responsibility toward the southern region killer whales, the Orca's that I feel, as thoughtful human beings, we have to consider our fellow animals on this planet and the richness that they provide to us in our experience and for our children in the future and also it does consider strongly the needs of the dependent communities that are dependent on the fisheries themselves, and I want to point out one thing that I've seen missing so far is the responsibility for this Council to provide food security for the nation, especially in this time of COVID and restricted communication and transport, so all these items I think are dealt with, even though the food security thing was not mentioned, and I favor it and I really appreciate Mr. Adicks' motion. Thank you.

**Marc Gorelnik** [00:26:04] Thank you Mr. Zimm. Any further discussion on this motion? Not seeing any hands, I will call the question. All those in favor say 'aye'.

**Council** [00:26:15] Aye.

**Marc Gorelnik** [00:26:15] Opposed no? Abstentions? The motion passes unanimously. Thanks very much Kyle for the motion.

**Chuck Tracy** [00:26:33] Mr. Chairman? Just real quick....

**Marc Gorelnik** [00:26:35] Yes.

**Chuck Tracy** [00:26:36] I thought I saw Joe Oatman attempting to speak and given the volume of his sound system earlier I just want to make sure that he was heard.

**Marc Gorelnik** [00:26:52] So Joe could you repeat, were you a 'yay' or a 'nay' or an abstain on that motion?

**Joe Oatman** [00:26:59] A 'yay'.

**Marc Gorelnik** [00:26:59] Thank you. Anything else Chuck?

**Chuck Tracy** [00:27:09] No, thanks.

**Marc Gorelnik** [00:27:09] We're good. Okay. All right so we have some additional business on this agenda item that Brett Kormos referred to, Brett.

**Brett Kormos** [00:00:00] Thank you Mr. Chairman. Yes, as I'm sure everyone is aware, the recommendations that came from the workgroup weren't limited to thresholds and management actions in the face of low salmon abundance, but there were also some recommendations that were specific to stocks in California and specific to the conservation or management objectives for those target stocks in Sacramento River fall Chinook and Klamath River fall Chinook. There was also a recommendation for reevaluation of, excuse me not reevaluation, but for the development of an age structured assessment approach for Sacramento River fall Chinook, and I have a number of comments that I'd like to make about those recommendations for Council consideration. To begin with, I and the State of California support and certainly are looking for acknowledgment from the Council for support of these recommendations as a priority for this Council, and we are interested in the feasibility for the Council to support that technical work going forward. I'll start by, well first of all, the reasons for the support and really the purpose and need behind those recommendations are that those improvements, those

adjustments to our management approach and our management targets should, in theory, improve how sustainably we're able to manage the fishery and that should provide a benefit to the stocks themselves as well as our stakeholders, but also it should conceivably help improve prey availability for southern resident killer whale and allow us to better understand the effects our fishery may be having on southern resident killer whale related to those specific stocks. I want to point out that there are a number of items sort of wrapped into those recommendations that may or may not be obvious to all that are looking at them that are really interrelated, inextricably linked, if you will and that is that any adjustment to an escapement objective is going to require subsequent changes to the harvest control rules that we use to manage those stocks, and in the case of the Sacramento River fall Chinook, any adjustment to the escapement objective should in all likelihood be driven by the development of an, an age structured assessment and stock recruitment analysis that would go along with that. So, there is a significant amount of work involved in a number of facets of our FMP and our management approach that would require attention and potential adjustments should the Council take that work up at some point in time. Given the fact that that is not trivial and really a substantial process that would require a very significant amount of time and a commitment of resources from multiple agencies, I think it's important for us to think about a few things as, as it relates to the Council's capacity to do that work and maybe more importantly, choose a time at which or choose to take action on those things at this time, at this meeting in November of 2020. First and foremost, I think we need to be cognizant of the current and perhaps future ad hoc workgroups that we are, like I said, currently engaged in or maybe anticipating the formation of in the future because they really preclude setting a start date for something of, you know this, for the substantive work that would, that it would require to make these adjustments to the conservation objectives and develop an age structured approach. I will remind the Council that very recently there was a discussion on promoting American seafood competitiveness and economic growth and the Council's discussion at that time landed on this work as being important, but not likely to happen soon due to workload and staffing limitations. Furthermore, CDFW will need some time for our own internal discussion and planning before choosing a date or a point in time to start these processes. Staffing and funding to support these annual assessments are not currently in place and will require some planning. It is one thing to develop an age structure assessment tool or new conservation objectives, but it is another altogether to develop the infrastructure necessary to generate inland coated wire tag data results, reporting to RMIS and age specific escapement estimates such that they can support that management scheme or that management approach. One other limitation to being able to foresee a point in time at which we might start this work is that the dam removal for Klamath River fall Chinook has yet to occur, and it is inherent to... reevaluation of the conservation objective for that particular stock, meaning changes to that number are predicated by the removal of the dam and subsequent recolonization of the habitat upstream for a number of years before we can actually do any sort of useful assessment and make an adjustment there, but like I said at the beginning of this statement, we are supportive of making these, doing this technical work and perhaps making the necessary adjustments to our fisheries management process and certainly don't want to lose sight of this priority or these goals as time goes by and we move past this point where we're looking at these recommendations for the purposes of southern resident killer whales, and given all of that, I have a few suggestions and or reminders for the Council and our stakeholders as places where we might keep this concept alive or continue to keep it on the radar, if you will, such that we don't forget to move it forward when the time is right, it's feasible to do and it's appropriate. First, I'll point out that at least for Sacramento River fall Chinook escapement objectives and the age structure approach, these are things that have been in our research and data needs document for years and years and years and less we don't forget that those are in there. They are there for good reason and like I said before, prior to thinking about this in terms of southern resident killer whales, these tools and these changes are things we've acknowledged as potentially useful just for the purposes of sustainable fisheries management. They have shown up in our rebuilding plans too, more than once, but all of that said, I would ask the Council, in addition to keeping this as a priority moving forward and making a verbal commitment here to do so, perhaps we can also put this in a parking lot or sort of a standing agenda item to consider for future

workload planning so that some number of years from now when the time is right and we have the tools that we need and the staffing and the funding and everything that's going to need to align in order to facilitate such an outcome so that it's there and ready and waiting and the public can see and acknowledge that the Council's intent is to move this, these processes forward for the benefit of fisheries management, if not southern resident killer whales as well. So, I will stop there. I know that was a mouthful and maybe somewhat convoluted, but I know I and I think others at the table here may be looking for some consensus acknowledgment of that as a Council goal going down the road.

**Marc Gorelnik** [00:10:56] Thanks for that Brett. Chris Kern.

**Chris Kern** [00:11:00] Thanks Mr. Chair. To be brief, I agree with Mr. Kormos on the importance of this, but also on the timeliness issues. To that point, my recollection is that we actually have already.....well I'm trying to think about appropriate and productive ways to keep it front and center for when it is ready to be worked on, as well as trying to think of ways to speed that process up and make it ready sooner, but in the interest of thinking about how to keep it active, typically we have done things like assign these things out to workgroup, but my recollection, and Mr. Kormos can probably confirm or deny this for me, was that we actually already have tasked it out in the past to the STT to sort of scope out, so to speak, what some of the main parameters would need to be in order to move in this direction so I don't view that as a potentially viable option at this point having assumed that we've already done that. Could I just ask for a confirmation that my recollection is correct on that?

**Marc Gorelnik** [00:12:09] Brett.

**Brett Kormos** [00:12:09] It is Mr. Kern. You are correct we do have a scoping document that the STT provided at our request.

**Chris Kern** [00:12:18] Thank you. So, Mr. Chair, I guess it does leave me with the question of, and I don't have the answer, of how do we keep this on the radar, as well as giving it some appropriate level of certainty that it's on our task list, so to speak?

**Marc Gorelnik** [00:12:35] Thankfully Chuck Tracy has raised his hand. Chuck.

**Chuck Tracy** [00:12:39] Thanks Mr. Chair. Thanks, Brett, for that well thought out, your well thought out remarks. And so there's a lot I have to agree with there that, you know, the status of our ability to staff ad hoc committees such as the Throwell Workgroup, and now we're involved in the SONCC Coho Workgroup and those sorts of things just, you know from a, I just think from a personnel standpoint put us off a while and then obviously there's, you know, the old data issue and the dam removal issue that further delay things, or the likelihood of us getting to this any time real soon. I think the research and data needs... I think that's a good point and I would remind the Council that we are revising our research and data needs process. We're in the process of developing a database similar to the way North Pacific keeps track of things. There's an informational report in this agenda, in this November Council meeting that's kind of got the progress to date on it. So, some of the things that are on the horizon for the Council in that regard are how do we set priorities in that new research and data needs world? So, I think there are some opportunities there for the Council to, you know, to provide some input into the people that are working on this in terms of how we identify priorities, if there's a timing issue that needs to be included in that, so I think that's one way. I also expect, you know part of the problem with the research and data needs, the way we've been doing it, is that it occurs once every five years and so that seems like kind of a long time to be, you know, if you're going to wait that long to think about what's next, that probably doesn't really fit our needs very well either. So, our thoughts are that with this new database, that we could do that more often, every couple of years say or something like that. That again, is something the Council will be asked to weigh in on over the course, hopefully, of the next year as we

finalize this research and data needs process... so I think that is a good, I think that's a good and appropriate place to keep track of that and again, I think there's some opportunities to improve how we've done things in the past with regard to research and data needs, so I would definitely encourage that. As far as just sort of, you know, on the radar screen, you know, typically how we've done some of these long-term things, and I'll just use this as an example, the standardized bycatch methodology review, we kind of, that's been hanging around since 2017. We're finally getting around to it at this Council meeting. So and you know, essentially what we've done with that and with other things is to just kind of put a shaded cell in the most distant meeting for the Year-at-a-Glance and then kind of just keep pushing it out, just as we get closer, we just push it out and so that kind of keeps it there on the radar screen and it keeps, you know, keeps the Council thinking about it, so that's something we can do. I know there's some, there's also some, you know, people that don't really like that, that well to see things that they know that we're not going to do for a long time but there it is, or why haven't we got to that and that's been there for years. So, you know, there's a little bit of pushback on that and I understand that too, so... but I guess just in terms of without inventing a new system that would be, you know, what we could do the way we are now. You know to go beyond that, you know you're kind of talking about some sort of, you know, maybe a strategic plan or some other mechanism to identify certain priorities that the Council might have for its various FMP's. That would take, you know, it would take some additional effort to develop something like that and I'd say that it couldn't be done or that we haven't thought about it in other FMP's as well, but I guess those are my initial thoughts on Mr. Kormos' suggestions.

**Marc Gorelnik** [00:17:36] Brett.

**Brett Kormos** [00:17:40] Thank you Mr. Chairman, and thank you Mr. Tracy. Aside from the strategic planning exercises that you mentioned, which I'm certainly not opposed to or for doing at this point in time, all of the other items that you ticked off were consistent with my suggestion so thank you, that's really how I was proposing to move forward. I appreciate that.

**Marc Gorelnik** [00:18:09] Thank you Brett. Chris Kern.

**Chris Kern** [00:18:17] Thanks Mr. Chair. This is, I agree with that approach. It seems like understanding the hesitancy of the shaded cell approach, I do think it's probably the most obvious answer to the question. I just want to throw this out as a thought that is not necessarily has to be tied to this, but I'm thinking back to the first day of Council when we saw the Habitat Committee report, which had at the very end of its report, had the red light green light set of data I believe for Sacramento at this point. Those are at a very high level at the moment and I don't intend to try to dig into the weeds of it right now but it does kind of jump out to me that potentially some of those metrics could be potentially useful in looking at some of the issues we're talking about with Sacramento and Klamath moving forward... so understand that we're probably going to be talking about those at a later time when the Klamath section of that same work is done, so I don't necessarily suggest we tie those at this point, but is another thing that I think could bear on these issues, specifically digging into rather than qualitative sort of expectations of what those metrics might look like, potentially starting to dig into some quantitative assessments that might help, particularly on things like recruitment, marine survival, anyway just throw that out there, it can, can wait but just the thought I was having as we were talking about this, I thought maybe it would be worth mentioning.

**Marc Gorelnik** [00:20:04] Thank you Chris. Further hands? So, we have in the workgroup report recommendation two and three, which is what Brett Kormos was referring to, and I think what I've heard from Brett is, and I've not heard any dissension, that we want to keep these things visible in some way so that as resources become available and other things align, such as the dams coming down and sufficient data being collected, that the Council will return to these recommendations in the future, is

that consistent? Does anyone disagree with that summary? Thank goodness no hands go up. So, Brett I think that is the sense of the Council that we will return to these as time and resources become available. Brett?

**Brett Kormos** [00:21:22] Thank you Mr. Chairman. That's satisfactory for me and hopefully for others at the table as well.

**Marc Gorelnik** [00:21:30] All right, thanks for bringing those forward. Let me see if there are any other recommendations from the floor or any other discussion from the floor on this agenda item? I'm not seeing any hands. Mr. Burner have we completed our work here?

**Mike Burner** [00:21:55] Yes thank you Mr. Chair. The Council has identified a final preferred alternative with a threshold of annual pre-fishing Chinook abundance in the area north of Falcon. It's based on the arithmetic mean of the seventh lowest years. That value is currently at 966,000 using current models, but with the understanding that if that understanding changes or the models are recalibrated, that value would also be changed without FMP amendment, and then in any single year if the abundance falls below that threshold, the Council's adopted a suite of management responses, all of which would be triggered. And then regarding your second piece of action there, the other recommendations, I think you just summarized that well, that we got Council guidance that those remain a high priority but perhaps the timing's not right, right now and we will keep those on our radar screen for future work. So yes, I believe that does and I would be remiss without also mentioning it's unfortunate that Robin Ehlke wasn't able to join us here for this. She's put a lot of work in the last couple of years on this and I'm sure she would be proud to see this one finished. So, thank you very much.

**Marc Gorelnik** [00:23:02] All right Mike.

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

**Marc Gorelnik** [00:00:00] So that takes us to Council action, which is to consider this update and I guess develop a range of alternatives or provide further recommendations to the workgroup so I will look to see who wants to get us started. It seems like a lot of work has been done, but there's still a fair amount of work to be done and the workgroup has done its best, but obviously life and events have interceded. Chris Kern.

**Chris Kern** [00:00:40] Thanks Mr. Chair. Yeah, I'll take a shot at getting going here. Yeah, a lot of work has been done. Again, appreciate all that. I had a kind of a short list of things that I thought I would throw out for potential consideration of future recommendations for what's next. The first being that I'm personally not in a place of trying to talk about narrowing any of these alternatives at the moment. They're very preliminary, as Dr. O'Farrell said, so I think the best thing from my perspective is let the workgroup continue to work through those and populate the models as they proceed. I would recommend that they, that the workgroup, it sounds like they will or are but spend some time looking into potential environmental variables. I don't think the ones we used for the other models are probably appropriate because they're starting to get pretty geographically diverse from the populations we're talking about so I wouldn't assume they would go the same direction. Specifically, we use a lot of Columbia data for that other model. I'm not sure that's workable for this population, it could be, but I presume it's probably something else. So I wouldn't try to guess at what those variables might look like but I think some discussion of them, it may be that, as I tried to mention, may not be able to find a good fit given sort of the base data for the populations that we're looking for, even if there is an underlying relationship, finding it could be difficult but some evaluation of that and some discussion for the Council to be able to see at some point so that we can at least get a sense of what the limitations are there and whether it was workable or not. And then another thing that I was thinking of as we talk about sort of the technical aspects of running the models, and I'm not really sure how this could be addressed, I think it would probably come in as sort of a management uncertainty sort of assessment during the modeling but we look at a 13 percent control rule, for instance just as an example, and the fact is that we have routinely come in well under that for the ocean fishery component so when we model at a 13, we're actually modeling something that's more conservative from a risk response than what current practice has been. Of course that range varies from year to year as well so we don't have a static half of that rate or other fraction of that rate to look at, so just throw that out there for the workgroup to consider, they probably already are, but some range around target rate to help us get our, our heads around what that means seems useful and as I mentioned before, the last one would be looking to see how the workgroup could probably or could help define and describe what we're actually measuring as risk, and give the Council some input on sort of how to think about that parameter will be helpful down the road. Not needed today because we're not there but at some point, that is something that I have found useful in the past. I think it would be good to put that on the radar so, and that's all I had.

**Marc Gorelnik** [00:04:06] Hey Chris, thanks very much for the suggested guidance. That's very helpful. Further discussion or suggestions? Brett Kormos.

**Brett Kormos** [00:04:24] Thank you Mr. Chairman. I really just have a couple of comments to this point, but before I get to those, I also want to commend the workgroup for the progress that they've made thus far. This is an extraordinarily challenging time to be embarking on such a meaty and substantial workgroup process. This particular one is going to require an immense amount of work if all of the control rules that have been proposed thus far are to ultimately be evaluated... so kudos to everyone who's contributed to that effort and gotten us as far as we have in the face of COVID and evacuations and constantly having to move due to their homes being destroyed or made uninhabitable so that's commendable. As I said just a few seconds ago this particular workgroup has a huge task in

front of them that they've only really scratched the surface of to this point. Any of those abundance-based control rules are going to require a forecasting tool for this ESU which is no small thing, certainly not trivial whatsoever, and I do note that we have a meeting scheduled for January for this workgroup and they're scheduled to come back and report to the Council in April. It's not complete and total overlay with the management cycle given I'm not seeing anything on the proposed March agenda for the SONCC Workgroup, but given the circumstances, some of the challenges we have in front of us for this management cycle given impacts from COVID-19 and data gaps that will ultimately manifest themselves through our fishery management models, I am expressing some concern about workload here, particularly during the spring while we're trying to accomplish our routine management goals, which are not trivial either. It's a very difficult and arduous process in a normal year, let alone given the circumstances we're faced with now and the target of November for a completion date, given the fact that we're behind and these other challenges will persist is commendable, but perhaps something we should acknowledge may not be achieved, however I know the workgroup, and everyone involved will do their best. I also just note that right now I'm not seeing anything planned for the June or the September Council meetings where the workgroup will be coming to report to the Council or meeting during a Council, scheduled Council meeting as well, so we have preliminary preferred scheduled for April, which is very, very, very soon to get that far and then final preferred scheduled for November, so we may need to make some adjustments to the timeline here as we get further along and the challenges that we're facing and the workload that the Council has to shoulder, including most of the staff or many of the staff on this workgroup, as those things begin to prove out and ultimately limit or not the progress of the workgroup as we move forward. One other comment that I wanted to make regarding the abundance-based control rules and in particular Control Rule 8 and Control Rule 9, the department through the workgroup process has already expressed some concern for those particular control rules. They, by design, are multifaceted, meaning they have individual control rules for individual subpopulations or aggregates in the case of the Klamath Trinity and Control Rule 9, and that puts a tremendous amount of stress and commitment on the individual surveys that are providing those data should we ever get to an abundance-based approach and true evaluation or use of, excuse me, not necessarily evaluation, but eventual use or implementation of those control rules. Most of those surveys are surveys that occur in the State of California and as, has been a theme as of late our resources are finite. We are already committed to a substantial amount of monitoring, evaluation and assessment work to support ocean fisheries management and ESA consultation or implementation of rules and adding this to the plate may be untenable, and I think that we should take those concerns seriously. The department will continue to voice those concerns. Those surveys, while they do have a long, long enough time series of actual escapement data as opposed to read surveys or something of that ilk, while they do have that, they have never had a management application before. They are not guaranteed to continue to go on year in and year out. There are current obligations that the state needs to fulfill and will prioritize. And last, Coho escapement and the timing of these surveys is going to be extremely difficult relative to the, the timeliness of the management cycle and the inputs that are going to be required for that process. It, these fish are spawning in the late fall and early winter. These data may not even be available or being just barely available under perfect circumstances, an ideal scenario when, for example, the Klamath River Technical Team is sitting down to put together the age specific escapement estimates that ultimately plug into the KOHM and so that's under ideal conditions. These data, these surveys have never been required to provide their estimates or generate data on that kind of a schedule and the expectation here will, you know, if we take those control rules seriously and ultimately move them forward for implementation, the expectation will be that those data are possible and can or will be provided under that time frame and that's, that's a substantial leap in the eyes of my department at this point in time. So that summarizes my comments and my concerns to this point around those data and those specific abundance-based control rules. Like I said before we will continue to make these comments, continue to make sure people are cognizant of and aware of these practical considerations and really probable limitations to those management strategies. So, thank you and appreciate the opportunity to comment.

**Marc Gorelnik** [00:13:47] Thank you Brett for your comments and cautions. Further discussion, guidance on this agenda item? I know that we're behind on this and we have some dates set forth on a timeline. It's not clear to me how fixed the timeline is. Is there someone from the workgroup who can respond to that question? I know that everyone's going to do their best to get this done on the existing timeline but given, as Brett Kormos pointed out, given that we are behind and given that we're coming up on a rather, an especially difficult routine season setting process, I'm not sure we have the bandwidth to get caught up. We might even fall further behind I don't know. Can someone help me out here? Perhaps not. Chuck. Susan? Susan Bishop. Susan, I don't know if you can hear me, but I see your hand is up.

**Susan Bishop** [00:15:49] Can you hear me?

**Marc Gorelnik** [00:15:50] Yes.

**Susan Bishop** [00:15:52] Oh great. For some reason I was having trouble unmuting. Chair Gorelnik are you asking for what are we committed to doing under the current workplan in terms of timeline where we are required to do versus where we may have flexibility?

**Marc Gorelnik** [00:16:10] Basically, you know there is a, there is an existing timeline and I know that there is also a, there has been litigation, so I guess I'm trying to find out where we have some flexibility and where we do not?

**Susan Bishop** [00:16:30] Well, I can take a run at some of it and others may have something to add to it and I think Chuck's weighing in here would also be important. With regard to the timelines associated with the stipulated agreement and stay of the case, the three timelines that are in that agreement were the process description by NMFS last April, the adoption of the workgroup process and formulation in June by the Council and then we're required to, or the Council itself is required to complete the control rule work by next November 2021 and then after that NMFS, there's some deadlines with regard to what NMFS has to do with that information, but there are no timelines out within those sideboards that are part of the stipulated agreement. We do have a schedule because Mike alluded, Dr. O'Farrell alluded to within the terms of reference that the Council adopted that have the workgroup meetings laid out, what tasks were accomplished at each of those meetings and when we would report back to the Council, and that's where the range of alternatives in March and preferred, preliminary preferred alternative in April come from, but those are not part of the, those are not contained in the stipulated agreement itself. So, part of the question is, given the Council adoption of those terms of reference, maybe Chuck could help out in terms of what flexibility exists within that. Does that help?

**Marc Gorelnik** [00:18:20] Yeah that helped a lot. Thank you very much. Chuck.

**Chuck Tracy** [00:18:28] Mr. Chair. Thanks Susan that was helpful. Just you know right now, maybe I should probably turn this over to Mike, but he'll correct me if I'm wrong. But, you know, what's laid out on the Year-at-a-Glance does have the next step being a range of alternatives slash PPA in April and final action in November, both shaded which means they could move around some, although I think it's sounds pretty unlikely that we'd be able to extend beyond November for final action, but in terms of, you know, if it's necessary to move the range of alternatives out, we can certainly do that to June or September. If we need to have, you know, an additional update as I believe the workgroup recommended in September, we could do that. We could split up range of alternatives and preliminary preferred. So all that still certainly on the table. You know I suspect the schedule.....(garbled).....

**Marc Gorelnik** [00:19:38] Your audio is problematic. Chuck. Not hearing you Chuck.

**Chuck Tracy** [00:19:52] I'll get right back to you in a second.

**Marc Gorelnik** [00:20:01] All right, great. I didn't hear that part.

**Chuck Tracy** [00:20:05] Okay can you hear me now?

**Marc Gorelnik** [00:20:44] A bit better.

**Chuck Tracy** [00:20:45] Okay

**Mike Burner** [00:20:54] You're breaking up.

**Chuck Tracy** [00:21:03] Well. Okay.

**Marc Gorelnik** [00:21:19] Let's just give that a go.

**Chuck Tracy** [00:21:22] Okay hopefully you can you hear me. Can you hear me now?

**Marc Gorelnik** [00:21:25] We can hear you.

**Chuck Tracy** [00:21:28] Okay. Well, I guess the bottom line is we can move out or add additional meetings between April and September in order to accommodate those interim steps before final action in November. I think we probably avoided June and September because that's the time when most of the industry folks are fishing and it's difficult for them to weigh in on alternatives and do that sort of thing, but we've done that in the past and I'm sure we can do it again so I think we can build in some time to accommodate whatever steps need to occur prior to November.

**Marc Gorelnik** [00:22:16] Okay, thanks for that. Brett, did you have your hand up?

**Brett Kormos** [00:22:23] Thank you Mr. Chairman. Yes, I did but changed my mind, so thank you.

**Marc Gorelnik** [00:22:27] Okay very good. So, there's a lot of work to be done. I think our, our goal, our task right now is to provide guidance because the workgroup will be meeting in January. We received some guidance from Chris Kern, thank you, and I'd like to see if there's any further guidance and if not, I'm going to turn to Mike Burner to try to summarize where we are. Mike.

**Mike Burner** [00:23:11] Thank you Mr. Chair. Well, like as you mentioned we got some guidance from Mr. Kern and Mr. Kormos. The workgroup's scheduled to meet again in early January. I propose we see what comes out of that at the March meeting. Perhaps we could have a discussion under future meeting planning as to what we do about April, whether we schedule that as more of another check in, sort of like this one and planned for either June or September as another touch base on this as Mr. Tracy mentioned, but I don't think we have any further business on this that's required. Just as any other guidance I'm sure the workgroup would be all ears, otherwise I think they're set to proceed into the new year with this task.

**Marc Gorelnik** [00:23:51] All right. Thanks for that Mike. Is there anything further on this agenda item? I'm not seeing any hands. Thanks everyone. Thank you, Mike Burner.

**Mike Burner** [00:24:06] Thank you.

**Marc Gorelnik** [00:24:08] So that concludes agenda item F.3. It concludes salmon for this November Council meeting.

## G. Groundfish Management

### 1. Gear Switching and Sablefish in the Trawl Catch Share Fishery

**Marc Gorelnik** [00:00:00] Thank you Vice Chair. My, so I think Chuck did, the plan here is to take a break, is that correct?

**Chuck Tracy** [00:00:12] Thank you Mr. Chair. I think there was a desire to maybe have a little bit of Council discussion before we take a break, but I don't know, perhaps Mr. Anderson has some thoughts on that.

**Marc Gorelnik** [00:00:25] Well, then I will ask Mr. Anderson to speak.

**Phil Anderson** [00:00:34] Thanks Mr. Chair. Yeah, I was just thinking it might be useful to give us a bit of time to get our thoughts in order. If we were meeting in person there might be a huddle in the back of the room amongst a couple people. I'm not, if there's a desire to have a little bit of discussion first before we take that break that's great but I am recommending that we take a break here to allow us to get our thoughts in order as we heard throughout our presentations today from our advisory panels and GMT and our public, there's a number of ideas that are out there as to how, what's the best way for us to proceed here, and so that's the primary reason for my recommendation to give us a little bit of time to get some thoughts in order.

**Marc Gorelnik** [00:01:40] There's a veritable kaleidoscope of proposals out there and options and alternatives and so let me see before we take a break, let's see if there's any interest in a discussion now. I'll look for hands. Marci Yaremko.

**Marci Yaremko** [00:02:01] Thank you Chair Gorelnik. Maybe this is an appropriate time. I do have a question for National Marine Fisheries Service if they'd be willing to consider it now.

**Marc Gorelnik** [00:02:20] Well, it would be part of Council discussion, so Kelly is here, so why don't you pose your question and see if we can get an answer.

**Marci Yaremko** [00:02:31] Yeah, and maybe it's more a question for legal, I'm not sure, but in following kind of the recent information that's been brought to the Council on the need to ensure that we have adequate NEPA coverage and that our NEPA documents are up to snuff according to the latest standards, I'm just wondering if NMFS has any initial thinking for us about the NEPA side of what this process might look like going forward, and what level of NEPA coverage would be necessary? If there's anything they can tell us about that at this stage? I'm just, the reason I'm asking is I'm thinking about the timeline and how, I'm expecting that NEPA will be a factor and that we should consider that in thinking about how we move forward here today, as I'm guessing that could change our thinking about the timeline. Thanks.

**Marc Gorelnik** [00:03:54] Okay. I'll see if a hand goes up.

**Kelly Ames** [00:03:58] Through the Chair thank you, Marci. This is Kelly. We have not yet conducted NEPA scoping. Typically, we wait until the Council has adopted their formal range of alternatives so we did not do scoping based on the SaMTAAC alternatives. We're waiting for the Council to make that move. Once the Council has adopted their ROA, we will initiate the NEPA scoping. I do want to highlight that there are new NEPA CEQ regulations which will have to be taken into account in

developing this action, but we have not had detailed discussions yet on how to do that and will not do that until we have that range of alternatives. I will say overall that I view the NEPA as an easier bar to cross than the Magnuson considerations. So, recall that any time that you do an allocation we need to go back to Magnuson and our National Standard guidelines and consider fair and equitable and so on and so forth. I can elaborate more on those requirements if you like, but to me the Magnuson will be the, the harder list compared to the NEPA.

**Marc Gorelnik** [00:05:25] Marci will that do?

**Marci Yaremko** [00:05:26] Yes that more than does it. I really appreciate the answer. That was even more than I bargained for so thank you for.....(garbled)....the CEQ guidance was basically what I was interested in hearing about and thanks.

**Marc Gorelnik** [00:05:42] Thank you Kelly. Phil Anderson.

**Phil Anderson** [00:05:48] Yes thanks Mr. Chair. I just, I didn't want to leave too much out there in the way of mystery so you're, I mean the Council members that were part of the SaMTAAC process are kind of in and out in the deep end of the pool on this topic and those are the folks that we are going try to huddle up. We've been kind of going back and forth with emails and thoughts and different ideas and we thought it would be a good idea if we could just get together and maybe come back and have some suggestions for the Council to consider, so that's why I'm asking for a bit of a break here to allow us to do that and hopefully the Council will have something of use to bring back for consideration.

**Marc Gorelnik** [00:06:40] Thanks that hopefully would be a more productive way forward. So, before we take this break, anyone feel like they need to get a comment out there or ask a question? Phil, how long a break are you anticipating?

**Phil Anderson** [00:07:03] I was going to request an hour. You know it's possible we could get it done a little quicker than that, I'm not sure, but so that we don't, so I would, we could be back hopefully ready at 3 and if something happens and we go quicker than that and we can communicate back with all these, probably 2:40, or yeah 2:45 would be the earliest and 3, but plan on 3. Would something like that be acceptable?

**Marc Gorelnik** [00:07:36] Well, if we need to be back at 2:45 to check-in then, I think the way these things usually go why don't we give you till 3 with the optimistic view that what you bring back to the Council will make the balance of the afternoon go well. So, unless anyone objects, we'll take a break here and come back at three o'clock and enjoy the fruits of the discussion that Phil and the other SaMTAAC members will be having. I wish you well. Godspeed.

**Marc Gorelnik** [00:00:00] Well, I have 3:15. Can I inquire of Executive Director Chuck Tracy if we're going to be ready?

**Chuck Tracy** [00:00:10] Thank you Mr. Chair. I believe we are ready.

**Marc Gorelnik** [00:00:14] All right everyone. Take your virtual seats. We are in Council discussion on the Council action, Agenda Item G.1 and who wants to help us resume our discussions here? Mr. Anderson.

**Phil Anderson** [00:00:51] Yeah, thanks Mr. Chairman. I will make an attempt to get us started here, and several of us had a little sidebar, as I mentioned, that some of us that have been involved in the SaMTAAC process, but this was just a sidebar among a few of us to talk a little bit about what we heard

and see if we could bring forward some thoughts for the Council's consideration and so I appreciate the time afforded to us, for us to do that and you have to be the judge of whether or not that was a good use of your time. And so, from there the rest of what I have to say are my personal thoughts. There're not, we weren't there to come to an agreement or consensus or anything else, we were just there to talk about what we might, what we thought in terms of moving forward, and so, you know, I think, reflect obviously back to June when the SaMTAAC provided its final report to the Council. A lot of work obviously went into that by a lot of folks and I think it's a demonstration not only of the work that the SaMTAAC group did and all the members of the public that participated in that process, but as well as the CAB and the GAP and there's been a number of groups and entities that have tried to look at this issue and see if we can't come forward with some kind of a recommended approach and the complexity of it is demonstrated by, at least in part, by the alternatives that were included in the SaMTAAC's report, and I really wanted to compliment both Jim and Jesse for their presentation here today, particularly on the alternative's, I thought it was the clearest articulation of the alternatives that were contained in the SaMTAAC's report that I've heard and so thanks for doing that. You know we started by looking at a purpose and need statement which the Council ended up adopting and we also as part of that conversation talked about principles that we thought were important for us to consider as we developed the various alternatives and there were seven of them, and they were in no particular order of importance I don't think, but we wanted to ensure that whatever, however this came out, that we had trawl access to the sablefish. We didn't believe that their unlimited catch of sablefish through gear switching was a desirable outcome. We wanted to consider the impacts on existing operation and investments. We wanted to maintain gear switching options for trawl operations. Wanted to consider industry and community impacts and then ensure long term stability, and we wanted to consider the effects and the value of trawl permits and we wanted to increase the net economic value of the trawl individual fishing quota fishery. So those were condensed of sharing of the principles that the SaMTAAC developed. Now those were never adopted by the Council. The only thing that had been adopted by the Council is the purpose and need, but you know in trying to achieve all of those things simultaneously is no small task and it's not easy to do as being borne out of by the amount of time, the amount of effort that a lot of people have put into this issue. And the other thing we did that I think is important for us to remember is our decision in September and that was really kind of a red light, green light decision at that point as to whether or not, based on the information that was provided to us both from the SaMTAAC process, the CAB process, the GAP and all of the members of the public that have testified on this issue, the Council decided that it needed to move forward in what I would call 'see this issue through' to whatever in that is, but given the degree of interest and concern we wanted to, we thought, we decided as a Council to continue and we had hoped, I think, and we had anticipated that we would be at a point here at this meeting to adopt a range of alternatives. And you know, and I know I came to this meeting with that as my thought of what we should try to accomplish, but as this meeting has unfolded and the reports have come in from places like our Groundfish Management Team, the GAP, the public and a further look at the alternatives, I have come to a different point of view and that is that I don't think that adopting a range of alternatives as we had envisioned it is the appropriate next step, and some of you, maybe a lot of you are going 'oh my goodness they're going to draw this out even more'. I don't think, I hope that that isn't what you think after we deliberate and make whatever decision we do, but I do think that we've got, there's a lot of decisions to make, you know, in order to put a package together and one of the most obviously important ones and it kind of sets the table is what's the overall gear switching level going to be, and there's been a lot of analysis done that can help inform that decision. It's kind of spread out in a lot of different places in the various documents and analytical, and in the SaMTAAC's report and other places, and so, and as Bob Dooley has often said, 'We can't build a road to your destination until you know what your destination is', and he's been relentless in reminding us all of that fact. And so in terms of trying to decide where we're going to go, this question of what is the overall gear switching level is an important one and so, you know, I think we need to put some more emphasis on that. I think we need to get information from our analytical team on to the best of their ability on a on a fairly wide range of results or impacts from a level, different levels of the proportion of the trawl fixed, or trawl

sablefish that is taken with fixed gear. And then I think once we, and I think there's some repackaging of existing analysis that can help us look at that question and make a more informed decision about that, and once we get to that point, then I think we, of all of the other factors in terms of our tools, our management tools to get us there, while at same time kind of honoring those principles or something similar to that, as well as ensuring that we're in compliance with the National Standards and other applicable law, will we be able to move forward. So, I'm hoping that by kind of bifurcating this question from the rest of it and trying to deal with it first will help us and maybe even speed up the rate at which we get to a final outcome. So, Mr. Chairman, those are just some overarching thoughts of mine and in terms of where I think the appropriate way for us to go is. I want to emphasize that I'm not trying to, those thoughts are not intended to try to indicate we want to slow down, and they're also not, you know we're, I am not interested in one group or the other walking out of this meeting thinking that they've got the so-called upper hand. I think we need to do a very thoughtful process and understand what the implications are of these various levels of gear switching as it relates to the overall health and welfare of the trawl fishery, as well as those who have invested in this aspect of the trawl fishery that is currently part of the catch share program. So, with that Mr. Chairman I'll conclude and look forward to hearing the wisdom that comes from my other colleagues around the table.

**Marc Gorelnik** [00:12:06] Thanks for that Phil. You won't be getting any wisdom for me. I see Bob Dooley has his hand up. Please go ahead, Bob.

**Bob Dooley** [00:12:18] Thank you Mr. Chairman, and Phil thank you so much for eloquently stating everything that I truly believe, and you hit every point I could possibly think about hitting. I agree with all of that. I have, yes, I've been incessantly saying that we need to have a destination before we go much farther. I hope that someday when I grow up, I can be as eloquent and thorough and thoughtful as you, but I think at this stage of my life I think that's a dream. So anyhow, getting onto this, you know have been part of it from the CAB to the five-year review of the CAB and the SaMTAAC, and two different seats on that and watched this process go forward, and there's been a lot of thoughtful work, good work to put these alternatives together and... but we're at a point, I think, and you know I want to recall that we had 23 I believe, alternatives on the table that came from different people on the CAB and on the SaMTAAC. And we ended up down to 3, which is pretty admirable, but obviously because of the diverse opinions, and you saw that in spades today in the GAP report, people are still where they are and I think the missing link here is, as Phil described, we need to contemplate the level of gear switching that the Council believes is appropriate, fair and equitable, and I think that will then signal for the people that have done the incredible amount of work on this to come together. And I, too, want to thank Jesse and Jim for all of the work that they've put into it, as well as all my fellow SaMTAAC members and the public as well, but I think that we're at that place and I support exactly what Phil was talking about so I will stop there not to drag it on. So, thank you.

**Marc Gorelnik** [00:14:41] Thanks Bob. Does seem to make sense to approach this in an iterative way to put some, you know, decide on levels and then move forward from there. Further discussion or perhaps someone might want to offer a motion, but I think there's more discussion to be had. Pete Hassemer.

**Pete Hassemer** [00:15:14] Thanks Mr. Chair. Maybe I was hoping somebody else would raise their hand there, but my finger beat me to it on the mouse. You know it's too easy to understate the value and the importance of all the contributions we've had through this long process and I agree also with what Phil said. A lot of work has put into this, been put into this by people. It's important work. This is a really critical and very important issue to address so I sure appreciate everybody's attention to this and really value the public comment that we've heard through this and especially today and all the advisory body reports. One thing that strikes me in this though and let me back up again, I want to say I agree with those points Phil made so not to repeat them too much, but to express why I come to that opinion,

and to me a really unique aspect of this issue is the degree of separation between the proponents of status quo and the proponents for some change in the management, and that's really evidenced in the GAP report where we have two different reports there. That difference of opinions, if you want to use that term, to me is a signal that we need to be very careful and deliberate about how we proceed on this issue and that in relation to some of the new ideas, the fresh ideas we heard today about potential changes to the alternatives and the way to look at this leaves me with anxiety, too, at this time about selecting a range of alternatives and going down that pathway. And I agree, I guess I was taking my cue from the GMT report and their recommendation about looking at different levels, analyzing different levels of gear switching, sort of absent of how you actually implement those and see what some of those community level effects are and those types of analyses that would come forward with it. I guess maybe, I don't know if this is a good way to explain it, but I tried to come up with some type of analogy and you don't have to be a golfer but if you watch golf on TV, I had a chance this weekend to watch a little bit of the Masters and when I watch those golfers when they approach a putt, they spend a lot of time looking at it and they look at it from behind the ball and then they go 180 degrees opposite and look at it and then from the right side and the left side and from a higher elevation and down at ground level, and they really look at that and I try and think if we've really taken that approach with what decisions we need to make now relative to the importance of this. And I think if we, we find a way to implement what the GMT is recommending there, it gives us a chance to maybe take a look, I don't know if it's 180 degrees different from how we've done this in the SaMTAAC analysis, but it gives us a different perspective to assess how different levels of gear switching are going to affect the fisheries and the communities in that, and I think we owe it to this process to take the time somehow to go through that step and best inform ourselves into the future and at that later point in time when we have a good sense of how the level of gear switching affects the communities should we make a decision on that, then it's the right time to think about how we get there, but I'm troubled that, well I just see a lot of value is taking a step back and making sure that we've looked at this from all angles and we're well informed and ready to make the best decision we can, so I'll close it there with my comments. Thank you.

**Marc Gorelnik** [00:20:21] Thanks very much Pete. Further discussion? We've had some really thoughtful comments here that seem to be very consistent. I'm looking to see, especially if there are any contrary views, and if there aren't any contrary views. Christa.

**Christa Svensson** [00:20:48] Thank you Mr. Chairman, and I'm not going to say that mine is contrary. I don't think that I am, but I do want to put just a little different perspective to kind of segue on my colleague's comments about looking at this from a lot of different viewpoints, and really the thing that struck me this morning in listening to management teams, to advisory panels, to the public, is that we've really in a lot of ways have been approaching this from a scarcity standpoint. And I think that this is demonstrated when we use words like 'losses' or 'degradation' and it came up earlier, not on the Council floor about ghost plants, and I really don't know that that is the direction or the approach that I would like to see. I would like to think that we are able as a collective to work towards a future of resiliency, and so when I started thinking about that and I was struggling through the alternatives like I think we all are, and what those would really mean for assured future, it occurred that resiliency isn't going to look the same for all stakeholders. And by that I mean, you know, if you're a large processor or a large boat, what builds resiliency for you may be very different than somebody that is a small shoreside vessel that's fishing for 12 months a year, and to highlight a couple of examples of this, when I was at Jesse's the biggest problem I had for whiting and this is no pun intended, was that the boats were literally too big. The port only dredged to 16 feet and most of the boats just physically couldn't even get in there and that was a problem for growing jobs and really strengthening that community. Then on the flip side, and I know I've talked to a few folks about, how we looked at developing groundfish markets, the challenge there was I had a boat that while I wanted to cut fish, they could bring in a hundred thousand pounds and my equipment and my personnel could not handle that. So as we're working through this I think it's really important to make sure that we are able to include as many different types of

stakeholders as possible, to provide that opportunity, and really that resiliency, and I think long term that will make us nimbler in terms of capitalizing on opportunities and reacting to environmental or biological or marketing shifts or changes and, you know, I don't want people to misinterpret in my statement there, you know in terms of, hey I think we need to really consider everybody, that somehow I don't think we need large scale, we definitely need large scale. I don't think that we can access all of the resource if we don't have big players out there. But I also think that we are likely to see more development in terms of small scale and midsize markets that can kind of capitalize on those opportunities to really increase the value of our fisheries. And I would note that we've had folks that have come in and testified in the last couple of meetings who have demonstrated that they have some ability, so I don't think that it isn't a viable option that we could foreseeably have groundfish additional capacity come in or additional processors, nor do I think that it's a pipe dream. I think that the opportunities out there, but I don't know that that opportunity is there for everybody, and so I'm going to conclude by saying that I am concerned about the concentration of processing into just a few ports. I don't think that it is just a matter of consolidating jobs, but I truly believe that it's putting our industry at risk. I think it's putting our resources and our national food security at risk, whether that's a foreseeable event or a forced measure, and I'm concerned that additional consolidation will amplify short term effects, and by short term effects I mean even things like the big windstorm that we've got going on here in the Pacific Northwest. You know, historically if we had plants in Bellingham and Astoria and down into California, if there was a big windstorm up here, you still had cutting capacity and processing and deliveries in California and without that, really it's going to create major ripples in our supply chain, and I feel like that's, it's a pretty fragile thing, so as we move forward and I'm encouraged by what I've heard today in terms of kind of the path we're possibly looking at, I do want to be looking for solutions on how these alternatives can increase both industry and community resiliency. With that I will close my comments. Thank you.

**Marc Gorelnik** [00:00:00] Christa thanks, thank you for your perspective on that. Further discussion? Maggie Sommer.

**Maggie Sommer** [00:00:15] Thank you Vice Chair, pardon me, thank you Chair Gorelnik. I am prepared to offer a motion when you are ready.

**Marc Gorelnik** [00:00:26] Well, I think we are ready. I'm not seeing a burst of hands go up and certainly the motion is apt to stimulate further discussion so I would welcome it at this time.

**Maggie Sommer** [00:00:38] Thank you Chair. Sandra has it. I move the Council.....(garbled).....request that the analytical team provide information on the impacts of the following levels of fixed gear attainment of northern sablefish in the IFQ fishery. Zero, 12 percent, 20 percent, 33 percent, unrestricted. At a future meeting, consider the information provided in response to number one and identify a maximum level of gear switching to be used in further development or refinement of any action alternative's and at a subsequent meeting adopt a range of alternatives for the potential modification of regulations regarding the use of fixed gear to catch sablefish in the trawl IFQ fishery north of 36 degrees north.

**Marc Gorelnik** [00:01:36] Thank you Maggie. Is the language on the screen accurate and complete?

**Maggie Sommer** [00:01:40] Yes.

**Marc Gorelnik** [00:01:42] We'll look for a second. Seconded by Phil Anderson. Please speak to your motion?

**Maggie Sommer** [00:01:46] Thank you Chair. This motion proposes a reorganization of the approach

that the Council is taking....(garbled).....and requesting information....(garbled).....to the decision on a level of gear switching to use in further development of management alternatives to potentially limit gear switching.....(garbled).....alternatives today, and many of you have heard that from me very recently. I came to this meeting prepared with a lot of detailed recommendations for refining the existing alternatives, but not a lot of confidence that those were the right recommendations for reasons that others have already expressed. The alternatives we have been looking at are very complex. They have multiple regulatory approaches, outcomes, impacts on communities, on individual participants and administrative burdens and other costs, so this recommendation is to bifurcate the steps the Council will go through, as Phil noted, and the hope is to get us to a good outcome through a better process than what has gotten us where we are today. It builds on the GMT's suggestion. I'll note that this also was brought out in the last paragraph of the WDFW report and in a lot of public discussion I've heard that's focused on limiting gear switching to certain levels. So, the first request is for the analytical team to provide us information on the impacts on the fleet, on processors, fishing communities, on the overall levels of fixed gear attainment at these levels, pardon me, zero, which would mean no gear switching, 12 percent, 20 percent, 33 percent, and unrestricted. Zero, of course, is the no gear switching scenario to which other levels of gear switching have been compared in previous iterations of the analysis and I think that that's a valuable reference point to continue to understand the others. The 12 percent is an approximation of the amount of northern sablefish quota share owned by folks with recent primary participation in gear switching. 20 percent is an interim level and 33 percent is the recent average attainment with fixed gear in this fishery, and unrestricted would be the status quo option where there is no regulatory restriction on gear switch, fixed gear attainment and that could include, anywhere it could include the recent levels or an increase or a decrease. As part of that analysis I would ask the analytical team to try to address the recommendations that the GMT made on some analysis.....(garbled).....and they make some specific recommendations for exploring and learning through that in their report and I would hope that that could be included. I also would like to note that I understand from Jim and Jessie that much of the information asked, requested here has already been produced. I don't think we would be expecting significant new analyses, although there may be some, but it would be very helpful, I think, to the Council and participants in this process to see the information pulled together and presented in a way that really illustrates the overall impacts of the variety of gear switching levels, separate from the complexities of how to get there and the details of impacts on individual participants or groups of participants in the fishery. So, the proposal is that the analysts would work over the winter to produce what information they can in response to this request and then at the next meeting at which the Council takes up gear switching, we would consider that information and identify a maximum level of gear switching for use in the further development and refinement of action alternatives, keeping in mind that the no action alternative will remain part of what the Council is considering, so that's there too. I have not specified a date or a particular Council meeting to consider for this. We can have some discussion on that today if there is interest and I'm sure we'll be taking it up under future workload planning. And then the third step would be at another meeting following that, so the next meeting at which the Council chooses to take this up, we would then consider and hopefully adopt a range of alternatives that would include, you know, would have been developed based on the level set under step 2, again for the action alternatives. I do want to note that there's been so much work done on the alternatives that have been developed by the SaMTAAC and others, that is not at all wasted. We will be considering these alternatives and or possibly others with future refinements potentially when we get to that step. I know there has been some discussion of whether new alternatives should be proposed that did not go through the SaMTAAC process, and my perspective on that is that certainly there is value in having gone through the SaMTAAC process, but I don't think that precludes us from considering other alternatives for adoption in a range when we get to that point. And then the burden would be for analysis after adoption to make sure that we understand all the details of any alternative the Council chooses to move forward for further consideration. Finally, I want to say that some may think that this is a delay, as was noted, or that the Council is avoiding making a hard decision by adopting a range of alternatives today, I'll say I see it as the other way around. I think that identifying a

level of gear switching to aim for in action alternatives is important in our decision and putting us on a track to do that will help the process. The information requested today in this motion, the analysis to produce that information and a decision on a level of gear switching would have been necessary at some point and I think putting us on track to do that now rather than later on reduces the risk of finding ourselves down the road and eventually revisiting a range of alternatives, so hopefully this will streamline the process. I certainly can't presume whether it will get us to a better outcome or not, but I feel like it can certainly get us there by a much more logical and fair process. Thank you.

**Marc Gorelnik** [00:09:31] All right. Thank you very much Maggie. Your audio did drop out there for a couple of moments, I'm not sure why this meeting is so special in having audio issues, but I guess it's just a special time. Louis Zimm.

**Louis Zimm** [00:09:48] Thank you Mr. Chair, and thank you very much, Maggie, for this. It is way more than I could have hoped for, but I do have one question for the maker of the motion is that we refer to an analytical team and realizing that the GMT is overtaken lately, and that NMFS will not be able to get around to working on this until next fall. Who do you envision the analytical team to be?

**Marc Gorelnik** [00:10:20] Maggie. Do you have an answer?

**Maggie Sommer** [00:10:22] Thank you Mr. Chair. Hopefully you can hear me. I was envisioning primarily Jim Seger and Jessie Doerpinghaus potentially with some assistance from the GMT. I understand they may have a January work schedule, pardon me, work meeting scheduled but I really don't presume to know what plans and competing tasks there are on their plate so I really primarily I was imagining Jim and Jesse and I understand that they feel they could produce this information over the winter.

**Louis Zimm** [00:11:02] Okay. Well thank you, Maggie, then you're calling once more on the A team? Thank you.

**Maggie Sommer** [00:11:07] You sure are. Thanks.

**Marc Gorelnik** [00:11:11] Any further questions for the maker of the motion or discussion on the motion? Marci Yaremko.

**Marci Yaremko** [00:11:20] Yes, thank you Mr. Chair. Thank you, Maggie. Question for you regarding item 3 and the range of alternatives. I just want to understand if adopting this description of the range of alternatives is going to clearly define the box within which we would work from looking forward when we do go to adopt a range of alternatives? And let me explain the reason for my question and see if maybe you can enlighten me a little bit. The language here indicates that the range of alternatives would modify regs regarding the use of fixed gear to catch sablefish in the IFQ fishery north of 36 and one thing that we have learned in the course of the scoping of this item over the last few years and with heavier emphasis in the last few months, that California is a very big and very diverse state and what is good for one part of California may be very bad for another part of California, and thinking about the input we received in our CDFW survey, there was an awful lot of input from stakeholders in the area between 40 10 south that are very concerned about losing their ability to gear switch, and also, if they weren't interested in gear switching themselves, they were worried about their retirement and their ability to sell their portfolio at the highest price....and I'm thinking how nice and clearly Kevin Dunn put it for us today. He wants the most money for his catch that he can get and I think the same goes for shares, and I'm feeling that the folks that hold shares and lease them, the folks in the area, I'm going to call it kind of California's heartland there between 40 10 south, you know have, I think, a different business interest and different perspective and need for diversity than potentially ports to the north and

you know, I'm thinking about testimony. I heard the last meeting about Eureka and Eureka really needing this to save it and hearing some testimony from trawl representatives in Eureka saying how important this was to their business to be able to, or gear switching, restricting gear switching was a solution for them, but I'm hearing kind of a number of different opinions, and I'm just thinking ahead to when we adopt a range of alternatives. If this action here today on item 3 would preclude us from considering using a different geographic line for the application of the program, meaning that, you know, I would be wanting to talk more and get more input from constituents north of the 40 10 line say to 42, as well as south to ascertain how we best build alternatives that will keep the value in this fishery. We heard a lot of testimony today that the overall net effect of adopting a prohibition on gear switching is to reduce the overall value of the fishery, and I'm very concerned with that, particularly for the heartland of California, where a restriction on gear switching is likely to have the greatest impact. So, I just, my question for you is would this mean that the only possible line that we could consider for the application of this program is at 36 degrees north?

**Maggie Sommer** [00:16:36] Through the Chair, thank you Marci. That is not my intent, and I don't believe that this wording would restrict it to that. It's simply worded north of 36 since we had, the Council had previously decided not to address anything south of 36 degrees as part of this action, but I don't think this would preclude considering a different line north of 36.

**Marc Gorelnik** [00:17:09] Thanks for that answer. Marci.

**Marci Yaremko** [00:17:12] Yes, thank you. I will note that in my own records and hope that that will be part of the record and I really appreciate it. Thank you.

**Marc Gorelnik** [00:17:24] All right further, any further questions for the maker of the motion or discussion on this motion? Corey Niles.

**Corey Niles** [00:17:38] Yeah, thank you Mr. Chair. Thank you, Maggie, for the motion. Just quickly I'll speak in support of it. I'm also going to connect to what others spoke to before the motion and during discussion. I joined as WDFW SaMTAAC rep at the last minute for one virtual meeting, but I've been impressed by the thoughtfulness of the folks that their and all the hard work. I'm going to, I'm going to put Pete's analogy up there with Brad's, the one about the freeway lane size as a good one. I'm not a golfer either and no matter how many times I walk around the putting green, I'm going to miss it, miss the putt unless, but I like that, I like the way he described that, and this is coming at these issues from a different angle and I do believe that it is a good way to go. Maybe Jesse and Jim can, and others can do what the TV people do and put the path to the successful putt there down on the green for us, but we shall see. Another thing, I just want to also note listening to public testimony today was really thankful for the folks we have in this process. You know this has been going on a long time. There is a lot at stake financially businesswise, but also on other important things like communities and fairness and all that, and it's really nice to see people come to the Council and speak their points of view civilly and respectfully and want analysis and facts and to hear the other perspectives so, you know, watching the news about other places in our country, that doesn't happen in a lot of places so thank you for all that, for those who came today, and I hope that helped those deliberations continue. I know I have full confidence that they will, and I thank you for the motion Maggie.

**Marc Gorelnik** [00:19:47] All right, I'm going to call out Marci...has her hand up and then Brad Pettinger.

**Marci Yaremko** [00:19:54] Yeah, thank you Mr. Chair. I can get behind this motion. I appreciate the hard work that folks did thinking over the past few days on how we, what our best path is leaving this meeting. I appreciate the deep thought. There's been a lot of kind of circling around in a lot of team

rooms. A lot of, I think, coming to conclusions about why we need to take a step back. Agree with all those remarks and thank folks for their leadership on coming to that realization. One thing that's I think weighing on me here is, you know, we are looking at with this repackaging kind of just a different side of the same apple, and maybe looking at how we might fight it a different way. I think that's certainly a good idea, and for all of the reasons that Maggie raised about improving efficiencies on how we develop alternatives and move them forward and analyze them, completely support that. But one thing I don't want to lose sight of is it's still the same apple and the repackaging effort is important, and I again agree that that's going to be fruitful but it does not, I think, take away from the fact that we're going to need to be wrestling with costs of what we might build and ensure that the benefits that accrue will generate the greatest net benefit in light of the potential cost. Essentially what we're talking about here is a program that's going to involve a lot of cost. We haven't heard a lot about the costs. We're going to probably be looking at some new programming of databases at NMFS that will be time consuming and difficult. The permits branch is likely to need to engage legal, certainly if we have options that determine who is in and who is out, that's always going to involve appeals and litigation, so I look forward to hearing more about those and weighing them as we proceed. The thing that I'm on the immediate horizon, I appreciate hearing from Maggie that she's had some discussion with the analytical team of Jim and Jessie and that they'll be able to proceed with this activity over winter and be ready for us whenever we next agendaize the item. I guess I'm struggling a little bit with how we got to having an analytical team on this one item, and I'm thinking about the other priority items that are in our queue and that we will be discussing in short order under the agenda planning item and that's definitely, I think, weighing on me that we have a team of analysts on this item and potentially is going to tie them up and prohibit them from beginning work on other items that are high priority in our queue ... like having a look at some of the non-trawl fishery needs and actions that we might consider. So I think I just want to support the motion, but I am going to be interested in having a little more discussion about Council staff capacity to take on new initiatives if they remain tied to the work of this analytical team, or what other Council staff support might be available to take on other new items, because I feel like they are all a priority for us so I guess with that, I again express support for the motion. Thank you.

**Marc Gorelnik** [00:25:00] Thank you. Brad Pettinger.

**Brad Pettinger** [00:25:02] Thanks Chair Gorelnik. I was really happy to see the GMT statement. I thought it was a very, it was nice to see a fresh look as far as how to approach this process. I think Marci took my apple analogy before I could get to it, but I think where we're going was too big a bite of the apple. I think that this is the proper way to do it, lay things out and do a very methodical process getting to a right decision, and so I'll be synched here to say that I support this motion and I think the group we're getting together, putting together and just outstanding work really to those folks that are coming to this end, and really hats off to everybody that the work that's been done to date for this meeting and this agenda item, so that's it for me Mr. Chairman.

**Marc Gorelnik** [00:26:03] Thank you Brad. Any further discussion before I call the question? Not seeing any hands, I will call the question on this motion. All those in favor say 'aye'.

**Council** [00:26:21] Aye.

**Marc Gorelnik** [00:26:21] Opposed no? Abstentions? Motion passes unanimously. Maggie thanks very much for the motion. Let me ask if there is any further guidance to be provided under this agenda item? Is there any other business under this agenda item? Maggie Sommer.

**Maggie Sommer** [00:26:58] Thank you Mr. Chair. It came to my attention that one of the spots my audio cut out may have been when I was saying that I hope as the analysts do some more work that they try to take the GMT recommendation specifically.....(garbled).....so I just wanted to clarify that in case

you all didn't catch it. Oh, Jim, I'm cutting out right now again am I?

**Marc Gorelnik** [00:27:30] Something about that statement that the gods don't like so can you try it again?

**Maggie Sommer** [00:27:36] Do what the GMT said. My request was for the analysts to follow the GMT recommendation for.....(garbled).....the work they'll be doing.

**Marc Gorelnik** [00:27:56] Okay I think there was a little bit of a problem there, but I think we got it.

**Maggie Sommer** [00:28:01] I may try to call in tomorrow. Thank you.

**Marc Gorelnik** [00:28:04] Yeah, I think that might be, I mean it's not you. I don't know what it is. It's multiple people are having this issue. Corey Niles.

**Corey Niles** [00:28:15] Excuse me... never mind Mr. Chair. I think you said you did get... I understand what she was saying but it sounds like you did too... so never mind but thank you.

**Marc Gorelnik** [00:28:24] All right. Anything further on this agenda item?

**Chuck Tracy** [00:28:33] Mr. Chair this is Chuck.

**Marc Gorelnik** [00:28:34] Yes Chuck.

**Chuck Tracy** [00:28:35] Yeah, just to mention that in the motion mentioned a future meeting and a subsequent meeting and so I think we should be thinking about that in terms of some of those things like staff capacity, GMT workload, those sorts of things over the next couple of days and then we should attempt to address that if we can under future agenda and workload planning on Friday. Thank you.

**Marc Gorelnik** [00:29:07] All right. That's always a fun agenda item. So yes, this will come back then. Jim, how are we doing here?

**Jim Seger** [00:29:19] Thank you Mr. Chairman. I think with that motion you've covered an action that moves the process forward. Will be working on the range of alternatives further down the road, but today's business I think is covered.

**Marc Gorelnik** [00:29:34] All right, terrific. Thanks so much.

## 2. National Marine Fisheries Service

**Marc Gorelnik** [00:00:00] That concludes public comment, takes us to Council discussion. We've had of couple of good topics discussed at length here so I will look to see if there....Phil Anderson.

**Phil Anderson** [00:00:21] Thanks Mr. Chair. I had a question, and it's probably in the report so I apologize for having to ask it, but and I think it's to Ryan. There was a mention of a meeting that's currently scheduled dealing with the cost recovery in April and understanding that from NMFS perspective that there were additional meetings needed after that, which I fully suspect there would be, and up to two additional meetings from their perspective and they would need to hold those later in the late summer, fall time frame. I just wanted to understand what this currently scheduled April meeting, make sure I understand there is one and whether or not there is an understanding, a common understanding of what the objective of that meeting is.

**Marc Gorelnik** [00:01:27] Ryan do you want to respond to.....

**Ryan Wulff** [00:01:30] Yeah, thank you, Chair, and thanks, Phil, for the question. I mean the April agenda that I'm referring to is the annual report on cost recovery to the Council, where we present to the GAP and to the Council every year, so since that's a kind of a standing annual agenda item, I referenced it not only in connection with these discussions, but also with the, in the other report regarding the potential reg change. You could utilize that agenda item also to kind of finalize action there too. Was that helpful Phil?

**Phil Anderson** [00:02:06] Through the Chair, yeah thanks, thanks for that Ryan. I didn't catch that distinction there and I guess I'm wondering if we could expand that by perhaps reconstituting our Cost Recovery Committee between now and then. I'm looking at the current membership, it's in the roster, there are seven people and I think there's probably three or four of them that are, have moved on to other things so it would need to be re-populated with members and whether seven is the right number or not I don't know. I would assume that, that could be, I mean the cost of convening the, the community could be borne by the Council, but I'll defer to Mr. Tracy for that given that it is a Council committee, and perhaps there's a willingness on the part of National Marine Fisheries Service to participate in that meeting without having additional cost incurred under cost recovery to get things started at least, and then, you know I guess I think starting with this, some of the elements that were addressed in the lawsuit, and I don't want to put a legal connotation on this in any way, but you know having, understanding what the method for determining the actual additional costs of the trawl rationalization program is one as well as the method for determining which of the additional cost was directly attributed to each of the three sectors, and then I think the other important piece is what is the method to evaluate whether there's been efficiencies gained and reduced cost as a result of implementing that co-op program from what those costs were to the agency prior to the program, and so I think, I mean what I'm, you know I mean, there's a whole lot of details that industry is looking for and I don't mean to minimize those, but really the fundamental piece is kind of the clear accounting, you know, with estimates, the cost to implement the catch share program, both the cost of the pro, of running the fishery pre-catch share program and post, so that we can have an accurate you know, or an estimate of the cost deficiencies that were derived, if any, as a result of that, and then from there you can start digging into the weeds of some of those other concerns and questions that industry's brought forward. But, I just, you know I'm, my guess is if I'm frustrated then those of you who are more directly involved in this or even more frustrated, including you, Ryan, as well as the industry folks have clearly indicated they've got a frustration kind of with where we are on this issue, and we've taken, you know we've taken some past steps in an attempt to get at this, you know, bringing a small group of people together including leadership from West Coast Region and National Marine Fisheries Service along with the agency and some Council participation, and obviously our efforts up to this point in time have failed to meet the expectations of the industry.

So, I'm just, you know while Heather said something about I'm sure people would wish... I would just take a break from this for a while and you know, maybe people do or maybe people don't, but that isn't going to get us anywhere and so I think we have to acknowledge that we have an issue here. We need to acknowledge that what has been done up to this point in time has not adequately addressed it, and if there's a willingness to take another, you know, keep trying here, then this idea of reconstituting the Cost Recovery Committee and perhaps having some, maybe having the first meeting associated with the April meeting when NMFS gives their annual report and a discussion about what are some of the key elements that would bring us toward success in the future would be a good place to start. Thanks for letting me empty my brain on this one Mr. Chairman.

**Marc Gorelnik** [00:08:08] All right. Thanks very much for your helpful comments there Phil. Further discussion? What to folks think about reconstituting this workgroup or however we're going to characterize it? Bob Dooley.

**Bob Dooley** [00:08:27] Yes, thank you Mr. Chairman. I agree with Phil that there's a lot of value in doing this. I think the industry as lined out by the, the GAP statement that the biggest part that wasn't read has commented on this consistently since before it was implemented and I know that the final decision that the Council made actually prescribed, you know, what the metrics were to be used to measure what is recoverable and what is not recoverable per the guidelines that were included in the final motion. I think it's called Appendix C if I'm not mistaken. And so from my point of view, I think, yes, it's important to kind of figure out what's going on, but going forward is a really important part of this. We can continue to do this continually into the future or we can try to come up with a matrix or a method that is very visible, a checklist that from start to finish, alpha to omega, go through this and understand that everything is, all the check-ins or all the checklists are made and all the conditions are met, and I do appreciate the fact that we've never done a before and after type of comparison, which is part of it, you know, it's with and without, before and after a little bit. I think you have to have that knowledge and we have to have that transparency, and I don't know that we can do this in the way we've done in the past, kind of taking it as a whole. I think this kind of like eating an elephant, you've got to do it one bite at a time, and I would think that that's what that committee would do. As for the recoverable determination of this exercise, I mean I just think in a personal type of point of view when I call Pacific Gas and Electric Company and question my bill, they don't charge me for that. I mean this is a little different than actual cost recovery functions and, you know, I just personally bristle with the fact that if you're going to question the bill and the procedure they're using to charge you to understand that that it's, you've got to pay for it and I know it's not free. I do understand it takes work, but you understand the other side to that there's people that are putting a lot of time into thinking about this, and it's caused a lot, the Council a lot of time. It's, you know, it's cost the Council a lot of time to continually deal with this and the agency and it's been a bone of contention since then. I would really like to see this taken on in a very methodical way, not trying to do it all at once, but come up with a plan that actually into the future would reduce the workload and increase the confidence and trust that it's all being done in a way that is totally understandable and justifiable because from my point of view, when we did the catch share program and ITQ program, we were, you know, full understanding it would be, that the extra cost, the incremental cost would be charged and paid by the industry, that was totally understandable and I think, I don't think I've never heard anybody complain about the actual payment of doing it. It's just questioning the calculations. Questioning what is recoverable. Have we gotten credit? We, meaning the industry, credit for what is, you know, what part they've contributed too to reduce the burden of managing the fishery, and so I think those are all components of this, the guidelines and the Council's intent to begin with and I think we should, we should do that, and I don't think that's going to happen overnight. You know, understanding the burdens on the Council and the agency to get just the basic work done and how much of a backlog and with COVID and all of those things, but I would hope that at the end of the day we could come up with a, with a plan that pretty much illustrates how this is all being done and is easy to understand and is automatic in the system as it goes forward

and I think that would ultimately save a lot of time going into the future because this isn't going to end any time soon. So, I'll stop there, and I would support that committee.

**Marc Gorelnik** [00:13:31] All right thanks Bob. Chuck Tracy.

**Chuck Tracy** [00:13:34] Thank you Mr. Chair. First to respond to a couple of questions Mr. Anderson had about reconstituting the committee and whether that, what the cost might be? I guess just on those points, you know, certainly I think the cost, well if they were in person, there would be some more cost, if they're able to be done virtually the cost would be pretty nominal, but I think, I don't think there'd be a huge cost to the Council either way. It is not something we budgeted for. If these were later in the year, we're kind of back to the in-person meetings people want to go that route, you know that's something but again, probably not a huge deal. But I guess the other thing that the Council needs to consider here is some process. That's kind of my, that's what you get with me a lot and I think we might have heard a little bit of this under Barry's presentation earlier in the week but, you know, this is another, really it's a groundfish workload issue and we've got a process for establishing priorities for groundfish workload as these things do impact various members of the staff, both Council and NMFS and our ability to accomplish what the Council views as its highest priorities. So right now, we've got on our March agenda we've got our sort of annual prioritization exercise, so I think this is really something that should, it's not on the list right now of groundfish workload priorities or groundfish projects for that matter, so I think it ought to appear there. I think it ought to get weighed relative to the prioritization process for the other things that we've got identified already and just to see where it lands with that, with respect to that, so I guess to me this is something that should be decided in March when they can be looked at in that context. This is not an action item for the Council in any event so if something would occur, it would have to be under at the very least workload planning, potentially some business reconstituting under appointments, but I think in reality that probably all ought to occur in March, particularly I think, given that the proposal here is for later in 2021 and not since, I don't know what the urgency would be to do that sooner than that anyway but maybe, maybe some other people have some, a different take on the urgency of getting going on this. So, thank you.

**Marc Gorelnik** [00:16:50] Thanks Chuck. Phil Anderson.

**Phil Anderson** [00:16:55] Yeah, thanks Mr. Chairman, and thanks, Chuck, for that. I just, I mean the Cost Recovery Committee is a, you know, is currently constituted as an ad hoc Council committee. I'm assuming the Chair could make appointments to that for the individuals that are listed that are on that committee that are no longer in positions or engaged in the Council process. So, I mean, I'm just, when you say this isn't an actionable agenda item, I don't disagree with that, but if we wanted to try to get the Cost Recovery Committee activated again it's not a, and this is a question, it's not a matter of, you know, recreating the committee, it's a standing committee that has not been eliminated by the Council if I have that correct.

**Chuck Tracy** [00:18:23] That's, Mr. Chair. Mr. Anderson, yes, that's correct. It is a committee. It has not been dissolved. The Chair is able to make appointments. They typically do that in consultation with the Council, which is why I suggested that it would at the very minimum probably be something that would come up under C.7 Appointments if Council wanted to move ahead quickly with that.

**Marc Gorelnik** [00:18:49] Right, thanks for that clarification. Marci Yaremko.

**Marci Yaremko** [00:18:51] Yes, thank you Mr. Chair. I just want to echo some of Chuck's, I guess, admonishments on this process in this discussion and the need for consideration of this among our groundfish workload priorities. The idea of reconstituting the ad hoc committee while yes it exists and yes, appointments could be made, would be a very kind of overt action on the part of the Council to

indicate that work by this committee is a priority and the idea of scheduling work or discussions any time, I think, before the fall to me is really seems very difficult. I'm thinking about other things on the priority list. I'm thinking about the discussion we had yesterday under the gear switching agenda item and the tasking of the analytical team. I'm thinking about work that is already ongoing on the mothership utilization item, and I'm concerned because I have not yet heard that there is a Council staffer assigned to the one non-trawl issue that we're hoping to give some attention come spring. So, I'd be very concerned with putting something else on the Council staff's work plate at this time without a more thorough discussion of prioritization and what the staff capacity really is and who is available to do what. We've had some challenges with Council staff in the sense of, you know, there have been some unplanned absences, some needs to juggle some assignments and, you know, I think they've got an awful lot already on the plate. I'm just very worried that if we don't seriously deliberate this item among the others, that it really kind of undermines our very deliberate discussions and decision making on prioritization. Thank you.

**Marc Gorelnik** [00:21:22] Thanks Marci. Louis Zimm.

**Louis Zimm** [00:21:28] Thank you Mr. Chair. I do have a lot of concern about this problem that was first presented to me in the GAP about clarity and how NMFS determines how to do these, these cost recovery charges. However, I do take some comfort in the fact that the fisheries that are involved in this seem to be successful at this time, while at the same time the fisheries that are involved in the non-trawl RCA situation are teetering on the brink, so I just have to say that I do support what Marci just expressed. Thank you.

**Marc Gorelnik** [00:22:17] Thank you Mr. Zimm. So as Chuck pointed out this is not an, we don't have an action item here and certainly reconstituting or refreshing the membership on that committee is not a big lift. The real issue here is workload priorities and as has been noted, that is an agenda item in March. There is an agenda item in April that touches on the topic of cost recovery as Ryan has said, and so I guess I'd like to get a feel around the table as to whether we can, whether that we can get agreement or not to defer the discussion here until we've actually had a more comprehensive discussion of workload priorities in March, and at that point we could undertake the refreshing of committee membership and discuss having a meeting in April. I guess based upon what we heard from Barry and what we've heard from Ryan is there's such limited bandwidth at NMFS staff, and I know that our Council staff is also pretty subscribed, that if we were to advance this, that would mean putting something else behind and I don't think we can have that discussion under this agenda item when we already have that agenda set in March, but I could be misreading the, misreading things here so, Phil.

**Phil Anderson** [00:24:17] I don't know that I disagree with anything that anybody said. I think to the degree that this is a workload issue for NMFS and the Council, we do need to carefully consider it along with all the other groundfish workload items that are on our plate so I am wondering though if we aren't maybe missing an opportunity in April to at least, and whether that decision is made right now or made on Friday or made in March for that matter, I don't really care, but I do think there may be an opportunity here to repopulate the Cost Recovery Committee between now and April, and have the committee meet with National Marine Fisheries Service as part of our April meeting and have them receive and have a chance to interact with NMFS when they provide their annual report. And really that's the only step I was thinking about as potentially being an efficient way to maybe get a little bit of forward momentum on this task or problem or issue or whatever you want to call it, but at the same time not having the full discussion as we will do relative to balancing competing groundfish workload items that are already on our plate and this one has been on our, has been on our plate for a long time, so it's not a new one. It's one that we haven't made enough progress on from my perspective and whether or not we decide to tee up those meetings later in the summer or later fall that were mentioned is...we can lead to a further discussion when the totality of our groundfish workload items are in front of us.

**Marc Gorelnik** [00:26:54] All right, thanks Phil. It really does seem like we're all on the same page here at least as near as I can tell. We want to do something before April so that if it's the Council's decision, we can do something in April. I think reconstituting that committee membership can easily be done in March. At the same meeting we can be discussing priorities and if that, let's see I've got a couple hands up so I'm going to shut up and call on Bob Dooley followed by Marci Yaremko.

**Bob Dooley** [00:00:01] Thank you Mr. Chairman. I appreciate it and I agree with Phil's comments. I think that we should think about reconstituting the committee and maybe even expanding it a bit to make sure we have enough participation there. On another, this is kind off the subject here a bit, not really. We heard from Heather Mann a suggestion to suspend cost recovery until we can deal with this and I don't, you know, I don't know if I support her or not but I would like to hear Ryan's comments, particularly a response to that, just particularly in the light of the comments that Heather made about the fixed gear sector that's a lap that isn't being charged now and it's been that way and I know that an example that came to my mind was that, you know, I know that when we did an emergency rule for the whiting sector that was charged in cost recovery. However, when we, we just finished an emergency rule for that sector, and I don't know that that was even considered to be a cost recoverable and I'd like to have maybe a little better understanding of the possibility of what Heather had suggested and what the thoughts are on that and get Ryan's thoughts on that so that would be my question. Thank you.

**Marc Gorelnik** [00:01:38] Ryan.

**Ryan Wulff** [00:01:38] Yeah, thank you Chair and thanks, Bob, for the question. I think you mentioned two things regarding the tier fishery and then also the potential or the request to suspend so on the former, you know NMFS determined there were insufficient costs to justify building a cost recovery program for the tier program, whereas in the case of the trawl rationalization program, the costs are substantial and so that program has been implemented, of course, and annual cost recovered but as Heather noted also the agency has repeatedly stated we don't have the authority to suspend the MSA requirements to recover costs. Section 305.c.1 of the Magnuson Act authorizes the secretary to implement emergency actions and interim measures but not to override statutory requirements and so therefore using emergency rule is not applicable in this situation. You can't modify statutory requirements through emergency rule.

**Bob Dooley** [00:02:44] Follow-up if I could Mr. Chairman.

**Marc Gorelnik** [00:02:46] Sure.

**Bob Dooley** [00:02:47] Yeah so if I understand what you're saying that the determination that the fixed gear sector is non-recoverable, not recoverable, is that a fixed forever deal or as conditions change and workload changes is that something that you could redetermine that it is recoverable or is that just to be determined at once and it's over with if I'm clear on that.

**Ryan Wulff** [00:03:16] Thank you Bob for the question. Through the Chair, yes, we can revisit it. In fact, the tier program review requires us to do so and we anticipate it will be part of that review.

**Bob Dooley** [00:03:33] Thank you Ryan.

**Marc Gorelnik** [00:03:33] All right, Marci.

**Marci Yaremko** [00:03:37] Yes, thank you Mr. Chair. I just want to follow-up on the summary statement that I think you left us with, with regard to the reconstitution of the ad hoc workgroup. I think you said that all of us agree that something could be done for April. I'd like to hear from Chuck Tracy

what his understanding of that statement is and what plans he would implement between now and April to make sure that group is staffed and that they're appropriately convened and whatever else may be necessary for such a group to be reconstituted in time for an April discussion. Again, I'm just, I'm not aware that there's a Council staffer assigned to this and I'm just very cognizant, increasingly cognizant of what Council staff are assigned to and before I let that blanket statement go, I just want to make sure we really are all on the same page about what that means.

**Marc Gorelnik** [00:04:53] Let me, Marci let me clarify my statement in case I didn't make myself clear. I felt that the Council could repopulate that committee. That's basically an exercise that would be undertaken under membership appointments at the March meeting. It does not determine whether, whether and what that group will do, that will be determined at the March meeting during, I would anticipate it being determined at the March meeting when we go through our groundfish workload priorities so I didn't mean to imply that something would happen in April, only that something could happen in April if that was the decision of the Council in March. But back to Chuck to answer Marci's question.

**Marci Yaremko** [00:05:51] Yes, yes, I'd just like to hear from Chuck to confirm that there'd be nothing done in terms of preparing paperwork or putting out calls for interested members or any of that sort between now and March. Thank you.

**Chuck Tracy** [00:06:09] Thank you Mr. Chair. Thank you, Marci, for the question. So, a couple points. I agree with Marc's interpretation. I think the decision of, you know, the status of that committee or its role moving forward would rely, would depend on how the Council prioritized issues in March and then, frankly, I think probably the real assignment ought to come in April under the cost recovery agenda item. It's already been expanded to a little bit beyond the usual annual report to include some action on some regulatory changes. I think it would be appropriate at that time, assuming it survived the workload planning exercise in March, that that would be the time to make an assignment to the group and or to fill out, refill the committee and make an assignment to the group, and that would as well give an opportunity for Council staff to determine what resources it would have to put towards that effort. On a couple additional details, I would note that Jim pointed this out to me that if you look back at the committee in 2011 when it was active, there was, I think there was 11, 11 or 12 people on it so there is this, each of the state agencies had a representative on it, maybe another person or two so it would be a little, you know, if you went back to that model it would be a little larger committee but I don't think, you know, that's certainly up to the Council how they want to fill out that committee and meet the needed expertise and areas of interest. Now I forgot what....oh Council staffing, so right now typically Jim Seger is our staff officer that works on the cost recovery issues so, you know, we would obviously have to take a look at what resources we have available and Jim's workload. Of course, he's also a big part of the analytical team for the sablefish business so we would just have to, you know, I think maybe at that time we will have a better idea of what the workload associated with sablefish is too, or maybe, so we would just have to take that, take that in stride and see what resources we have. If there's, you know, an opportunity for other people to work on that, other staff members or contractual opportunities, we'd have to see how things go. We should have a reasonably good idea of our budget status at that point, our funding and whatnot so I think the sort of the April time frame to decide on how that topic might move forward seems to make sense to me, particularly given that the NMFS recommendation that anything like that would have to occur in the fall, so it seems like there would be time to fill out the committee, decide what assignments the Council wanted to give it and what the various staff resources are seems to make sense to me.

**Marc Gorelnik** [00:10:20] Thanks Chuck. Butch.

**Butch Smith** [00:10:23] Yes Mr. Chair, and I agree with Chuck and most of what's been said, but I

think it's important to give a signal to the Council, Council staff and I think that what I hear is that, you know, we're looking in the concept of firing this committee back up and they can make the proper preparations and we get to March or April and find out it's for whatever reason, it's absolutely impossible. But now that I found out Jim Seger is, you know would be on it, you know, boy what a guy to have if anybody and if there's a guy that can do it's Jim, but in preparation for that I think that it's good to send a signal to Chuck and staff that there's an interest in firing that committee back up and see where it goes and I would support that we send that message to the Council and see where the workload and all that good stuff ends up in March and April, and Chuck would have a better idea what's at hand. So that's my flavor and that's what I'd like to support, so thank you Mr. Chair.

**Marc Gorelnik** [00:11:53] Thanks Butch. Well, I think Marci makes a good point in terms of staff availability and bandwidth, but I'm also hearing that there is a sentiment among the vocal Council members to start the process of refreshing this ad hoc committee and that's obviously not going to be happening here at the November meeting, so the next opportunity to do that would be the March meeting and the Council would have to have some discussions about how that, how it would like to see that committee reconstituted. As Chuck points out, the composition back in 2011 is not the same as the roster list as I see on the Council's website today. I would propose having that discussion in March and so that committee could be reconstituted. I'm not sure Chuck if, what the timing would be and the process for once the Council had decided how to reconstitute that committee, how we would go about recruiting membership and what the timeline for that would be so could you help with that process in describing that process?

**Chuck Tracy** [00:13:34] Thank you Mr. Chairman. So I guess the way I would see it is that, again, if this issue rises to the level of action in 2021 during the March groundfish workload prioritization process, that at that meeting the Council would have an opportunity to solicit interest or if they've already got enough expression of interest to operate on they could at the March meeting fill it out or I guess what I was thinking was that they could solicit interest and then at the April meeting they could fill it out with the advantage of having the cost recovery item in April they could, you know, sort of have an opportunity to further discuss the role and the tasks that they would assign that committee so that, you know, filling it out in April and providing some assignments at that time would be, I guess that seems like the most deliberate approach, and again, I'm also assuming that, you know, National Marine Fisheries Service participation is from what we've heard, you know, they're still seeking leadership positions in groundfish probably at that time so we're just getting them established so I just think that again, that time frame speaks well to making some effort in that area in the late summer or early fall provided everything lines up, its priority list and all those things.

**Marc Gorelnik** [00:15:46] All right. Thanks Chuck. Let me just see if there is any objection to using that timeline, and I'm not seeing any hands, so I think that's a very reasonable and as you point out, a very deliberative process, not putting the cart before the horse. We do have to have that discussion in March. So, let me see around the table if there's any further discussion to be had on this agenda item?  
Ryan Wulff.

**Ryan Wulff** [00:16:23] Thanks Chair. Yeah, on this agenda item I just wanted to still reiterate, we are looking for some input from the Council on our HOA NMFS Report 1 on the cost recovery calculations for the mothership and catcher processor sectors. We put forward two options of which this one would be changing the regs to match our current practice of which this could be considered the first meeting in doing so or that would, and that's our preferred option. The other option is, of course, trying to find a way to develop a methodology to estimate the value of non-whiting species in those sectors so would appreciate some general guidance from the Council on those that we've put forward.

**Marc Gorelnik** [00:17:08] All right. Well, we have a preferred option and some other perhaps avenues. Phil.

**Phil Anderson** [00:17:17] Thanks Mr. Chair. I would support the preferred option. I think that's, I mean and I'm largely guided by the opinion of the GAP that they brought forward in support of that as I understand it so that's where I would be.

**Marc Gorelnik** [00:17:37] Anyone have a contrary view? I'm not seeing any hands. Ryan, I think you have some guidance there. Is there anything else on this agenda item? All right, it's my turn to turn to Todd and see if he concurs that we have completed our discussion. Any other action on this agenda item?

**Todd Phillips** [00:18:06] Yes thank you Mr. Chair. Yes, I believe the Council has had a very vigorous discussion, notably about cost recovery and other items that were in the agenda list, or excuse me, in the reference material, so I would consider the Council's work on this particular agenda item complete. Thank you.

**Marc Gorelnik** [00:18:27] All right. Thanks very much, Todd, and thanks to everyone. It took a little more time than I thought, but I think we had a good discussion, and we have a path forward on that cost recovery issue.

### 3. Inseason Adjustments for 2020 and 2021 Including Pacific Whiting Set-Asides for 2021-Final Action

**Marc Gorelnik** [00:00:00] So with no public comment, that takes us to Council action. We have some very specific recommendations from the GMT and the GAP, which seem to align, so let's see who wants to get us started here with Council discussion, or a motion to get discussion started. Marci Yaremko.

**Marci Yaremko** [00:00:31] Thank you Mr. Chair. I do have a motion and yes, it may be easier to go ahead and bring forward the motion and then we can have discussion as part of that consideration.

**Marc Gorelnik** [00:00:42] All right I think that's a great way to start. So, if you've sent it on to Sandra, maybe Sandra can bring it up.

**Marci Yaremko** [00:00:51] I have. Thank you.

**Marc Gorelnik** [00:00:59] All right.

**Marci Yaremko** [00:01:00] I move the Council adopt the following recommendations as described in Agenda Item G.3, Supplemental GMT Report 1. Number 1: Set the Pacific whiting set aside for research activities and the pink shrimp fishery at the GAP recommended 750 ton level for 2021. 2: For sablefish DTL in 2021: A. Adopt Option 1 for open access north of 36, 600 pounds a day or one landing per week of up to 2,000 pounds not to exceed 4,000 pounds per 2 months, and no action is needed for limited entry north. B. Adopt Option 1 for limited entry south of 36 north latitude, 25 hundred pounds per week and for open access south at 2,000 pounds per week, not to exceed 6,000 pounds per 2 months. Number 3: Adopt Option 1 for both limited entry fixed gear and open access trip limits for lingcod south of 40 10 in 2021: limited entry fixed gear at 16 hundred pounds per 2 months and open access at 700 pounds per month. Number 4: Adopt Option 1 for open access shortspine and longspine thornyhead south of 34 27 in 2021. The daily trip limit of 100 pounds per day and not more than a thousand pounds per 2 months.

**Marc Gorelnik** [00:02:41] All right Marci does the language on the screen accurately and completely reflect your motion?

**Marci Yaremko** [00:02:47] Yes it does. Thank you.

**Marc Gorelnik** [00:02:49] All right I will look for a second? Seconded by Maggie Sommer. Please speak to your motion.

**Marci Yaremko** [00:03:01] Yeah, thank you Mr. Chair. I first want to, I think, acknowledge my appreciation for the very hard work of Mel and her GMT colleagues, as well as Gary Richter and his GAP colleagues over the break between the September and the November meeting. I want to also acknowledge our stakeholders that brought their inseason request to us in a timely manner that allowed for some really robust dialogue between the GAP folks and the State of California on the proposed increases to the limited entry and open access trip limit. We've seen continued increasing interest in participation in a number of our open access fisheries and we're also very mindful of the relationship between the trip limit levels, between limited entry and open access and I really want to commend the GAP, and particularly Gary, for looking to provide opportunities while being mindful of allocations and the need to ensure consistency and also the need for precaution. I want to reiterate a few things that Mel described in the interchange that she had with Louis about the trip limit modeling and some of the uncertainties we find ourselves in with a lack of data to populate these models. These are exciting times and that we now have significantly higher trip limits for a good number of species in our trip limit

tables. We want to proceed cautiously and at this point we've had some opportunities that became available back in June as a result of prior inseason actions and we're just now seeing some of that participation in some of those species and species groups begin, so these are exciting times and we are, I think, cautiously optimistic that we can afford opportunities at higher levels, but we also need to be vigilant and part of that vigilance, we had a discussion in delegation this morning, means that we will be, on CDFW's part, closely monitoring our performance in our 2021 fisheries as well as 2020 but with the higher limits that come in 2021 we encourage fish dealers and fishers to make sure that they are submitting their fish tickets in a timely manner, particularly the shortspine and longspine thornyhead increase that's being recommended for open access. This is a change that is pretty new. We don't have a lot of information on how well this is going to work and we're still going to be needing to work within a very low total limit for the year, so it does put some onus on us to ensure that we are maintaining our tracking capabilities with our fish ticket tools that are available. Having CDFW's e-ticket system that requires submission of all deliveries within three business days, submission of the tickets by electronic means, certainly is going to improve our ability to do near real time tracking, so we're committed to doing that so I just want to make sure everyone is aware we're upping our game here and we know the fisher folks that are participating from the industry, both from the buyer and the fisher sector will help us with that. I also want to speak to the need for actions here to do what I think we've learned to term as a rollover of trip limit adjustments from the end of 2020 into the first periods of 2021, that'll be the case both here for sablefish north as well as the lingcod limits, these are limits that are in effect right now, so we are just looking to adjust those at the beginning of 2021 for consistency with what's available on the books right now. So, we also had some discussion surrounding the period 2 opener that we approved in our biennial spex package. Yes, it is certainly, I think, going to be a benefit to the industry to have no blanket closure in the months of March and April to allow some stability for markets and participants. Long time coming, but again, this is one of those things that we'll be watching to see how our management change is responded to by the fleets. So, we've turned some knobs here in this inseason action. We turned some back in the spex and in some inseason actions back earlier in the year. Last year, we feel good about them. I think there's been a lot of very thorough deliberation about what our boundaries are and what we're comfortable with, and I'm pleased to offer this motion. Thank you.

**Marc Gorelnik** [00:09:42] All right, thanks very much Marci. I've got a question for you. Under Section 2, B of the motion, we have a weekly limit for both limited entry south and also open access south and then the language not to exceed 6,000 pounds for two months, is that a limit to be placed on both limited entry and open access or only open access?

**Marci Yaremko** [00:10:09] Mr. Chair if I may.

**Marc Gorelnik** [00:10:11] Please.

**Marci Yaremko** [00:10:12] That's the open access south limit.

**Marc Gorelnik** [00:10:16] Okay so that's how it reads, I just wanted to make sure that that was clear. Thank you. So, let me see if there are any questions for the maker of the motion? And not seeing any question, let's see if there's any discussion on the motion? Louis Zimm.

**Louis Zimm** [00:10:41] Thank you Mr. Chair, and thank you very much Miss Yaremko for this very clear motion. I will be supporting it, acknowledging the hard work of all parties involved in this, and I think it's a good step forward. Thank you.

**Marc Gorelnik** [00:11:01] Thanks Mr. Zimm. Heather Hall.

**Heather Hall** [00:11:06] Thank you Chair. I want to, I have a couple of things. One, I just wanted to

say that I think that the recommendation for the set asides, the Pacific whiting set asides for research of pink shrimp make a lot of sense. I appreciate that the, rather than continuing to keep doing what we've always been doing, that the GAP acknowledge that we should be looking at the data and using that going forward so I think that's a good move there. Then I also have a question for Kelly and maybe I should know this so, but we heard this morning from Ryan about the spex regulation, you know was hopeful that that would still be in place on January one, but then I was trying to align what are these inseason changes, how does that work if the inseason rule, or I mean sorry, the spex rule is not in place on January one, what would be in place? Would these rules be in place or what was in place in 2020? I don't know if I made myself clear, but we'll see if Kelly can figure me out.

**Marc Gorelnik** [00:12:28] If Kelly needs some clarification, I'm sure she'll ask for it. Kelly.

**Kelly Ames** [00:12:35] Through the Chair, thanks Heather for the question. We would be implementing the inseason changes through the harvest specifications rule, which we are still optimistic will be in place January one. If that did not occur, the 2020 period one limits that are listed in the current regulations would be in place and then once the spex rule comes in, it would replace those values.

**Marc Gorelnik** [00:13:08] Heather does that answer your question?

**Heather Hall** [00:13:10] Yes. Thank you.

**Marc Gorelnik** [00:13:15] Further discussion on the motion? I'm not seeing any further hands. I will call the question so unmute yourselves. All those in favor say 'aye'.

**Council** [00:13:29] Aye.

**Marc Gorelnik** [00:13:29] Opposed no? Abstentions? The motion passes unanimously. Thanks everyone and thank you, Marci, for the motion. I think that motion was pretty comprehensive. Before turning back to Todd, let me ask those around the table here if there's a further motion practice here or any further business folks want to raise under this agenda item? Pete Hassemer followed by Marci Yaremko.

**Pete Hassemer** [00:14:14] Thanks Mr. Chair. I just have a comment that's related to performance in the 2020 season, so I will stand down to make sure you take care of all the motions and business, the action items that need to be taken care first.

**Marc Gorelnik** [00:14:29] All right, I'll come right back to you Pete. Marci Yaremko.

**Marci Yaremko** [00:14:34] No, you're right back to Pete. I had just a comment on a non-motion item.

**Marc Gorelnik** [00:14:41] All right. So, we'll go back to non-motion items. Pete, and then Marci.

**Pete Hassemer** [00:14:46] Thank you Mr. Chair. I just wanted to come back to the issue of the salmon catch, and not an issue, the questions I had asked of the GMT there, and only because it's in the report that sort of wrapping up the 2020 season and it's something that is deviating from, if there's anything normal we've seen in the past four or five years that I just wanted to highlight because I'm optimistic that it's good news and something that will just become a small artifact in a future report a year from now. When I was looking at that table 11 on page 11 of the GMT report, you know the, all the sectors there, the whiting and the non-sector have quite a bit of bandwidth within that threshold of Chinook salmon caps for the whiting sectors it's 11,000, non-whiting 55 hundred, and the report stated that the amounts and rates are low this year. My comparison because NMFS under the last agenda item for items

with an Excel table, I was able to quickly build a pivot table there and look and I just wanted to highlight that if you look at the catcher processor over the last four years, their salmon bycatch ranged from, and this is I think total salmon bycatch, not just Chinook, but it ranged from 27 hundred to 31 hundred and the value this year is 666. Now I don't know if the devil is in the details there because I'm taking a high level look at this, but that is really down from what it's been in prior years and Mr. Dooley, Bob's comment about I think in that sector the fishing is probably pretty much done because of the relationship with the Alaska fisheries, but it's good news that both the amounts and the rates are low. My optimism is conditioned on the fact that salmon abundances could be really low so I was trying to scurry and do a little research there, and I can't find any indication that the salmon abundances are 20 to 25 percent lower this year in the ocean than they have been across the past four years so just a comment there, sometimes we miss these, you know, when we exceed threshold value it certainly raises a red flag. We never have a green flag to raise so I'm hoping this is good news and when we look at those fishing patterns and other things that, you know, we recognize that the regulations we put in place and the fishing patterns and compliment the industry on what really looks like pretty clean fishing that occurred in 2020. The catches were somewhat reduced there, but not to the extent that it would make those bycatch amounts that low, so hopefully that's a good news item. As I said, you know, a year from now when we get the bycatch report, it might be really hard to dissect that information and see what's going on there, but at this point I applaud it. So, thank you.

**Marc Gorelnik** [00:18:39] All right thanks for that Pete. Like you, I hope it's not reflective of low Chinook abundance but rather a cleaner fishery. Marci.

**Marci Yaremko** [00:18:49] Yeah, thank you Mr. Chair. I just want to thank the GMT for their diligence in every inseason item where they bring to us an update to the rebuilding species scorecard. I really, you know these tables are so kind of easy to overlook and you glance at them and move on, but it's so important that we all spend time, I think, reflecting on the changes that come to these scorecards through each inseason agenda item that we hear. They're definitely with the increased projected impact to the yelloweye bycatch in the directed halibut fishery, some notable changes to the scorecard shown in appendix 2. Appreciate the GMT putting that all together for us and calling it out in their report. Also want to just acknowledge the language of the scorecard and how it is constructed. Off the top reductions are not the same as allocations, and I really appreciated the clarity that went into designing the scorecard to make that point explicitly clear. The allocations are bolded in the scorecard. They're not, they're shown in black in the table, whereas the off the top deductions are not. Anyway, I just want to express my thanks for their diligence in keeping this record up to date for us as we track our progress toward rebuilding our last remaining stock and appreciate their deliberation of impacts to yelloweye for all of the proposed increases that we've taken action on here. So, thank you.

**Marc Gorelnik** [00:21:17] Thank you Marci. Further discussion? All right, let me turn to Todd and see how we're doing on this agenda item?

**Todd Phillips** [00:21:36] Yes, thank you Mr. Chair. I believe as you worded, we had very comprehensive motion which covered the two particular action items. Based on conversations I think this particular item is concluded. One thing I would like to acknowledge about the GMT is thank you from Council staff for all your hard work. I admire all your dedication and to I guess I don't know if this is common knowledge, but to announce my appreciation for Karen Palmigiano and Abigail Harley, who will be cycling off the team here shortly. Thank you very much for your leadership and your guidance in my thus far short tenure on the team, and with that, sir, I would conclude.

**Marc Gorelnik** [00:22:25] All right, thank you very much Todd. Well, that completes Agenda Item G.3, Inseason Adjustments and Set Asides.

#### 4. Sablefish Management Strategy Evaluation Update

**Brad Pettinger** [00:00:00] That would conclude public comments and we would go to Council discussion and looking for guidance on the MSE and also how the Council would engage in a stakeholder feedback process to a better inform the sablefish Management Strategy Evaluation. So anyway, so we're looking for some hands or some comments here from the Council members. Phil Anderson. Phil.

**Phil Anderson** [00:00:32] Thanks Mr. Vice Chair. Well as I understand it, there is this intent to have the workshop in the spring in April and that the SSC also had that as a part of their report in terms of supporting that and of course the GAP did as well with an additional request to follow-up in the fall of 2021, and it just seems to me that I don't know to what degree the group intends to invite people to that workshop if it is a regional workshop, i.e. the West Coast, which is fine. It seems to me that they would, the process would benefit by having some discussion and input across the various jurisdictions that are going to be involved here at some point. It doesn't need to happen right at the outset. So, I would just, would speak in support and appreciation of the intent to have the workshop in the spring. We'll look forward to hearing the outcome of that. We would like to for us to keep on our screen the request from the GAP to have a follow-up in the fall of 2021. Hopefully by then we'll be able to meet in person and ask the MSE analysts and core team to give some consideration to trying to bring together some of the stakeholders from the different regions at some point as they're developing their goals for the program and the management strategy evaluation process.

**Brad Pettinger** [00:02:52] Thanks a lot Phil. Maggie Sommer. Maggie.

**Maggie Sommer** [00:02:56] Thanks Mr. Vice Chair. I'd like to support the comments that Mr. Anderson just made and agree with them and also to recognize some of the points raised in our SSC's report. I think they made some good suggestions for potential future development of the operating model, recognizing that some of the things they suggested, for example, incorporating some more economic considerations or an economic model would be probably taking it beyond what we had described to us today in terms of a focus on spatial stock structure, but thinking about this in the big picture and our West Coast interest in sablefish as such an important fish to our fisheries, you know I think that would be something I would like to keep in mind to explore and also thinking about it in the context of our upcoming tier fishery review and our potential actions on sablefish gear switching and just the potential for West Coast stakeholders to really help inform the team here on the specific dynamics of our fisheries so that the operating model can best accommodate those and really make sure that it is including the, to the greatest degree possible or necessary, the dynamics of our fisheries off the West Coast. So, certainly would support that and the ideas I have heard so far sound good. Thank you.

**Brad Pettinger** [00:04:41] Thank you Maggie. Bob Dooley. Bob.

**Bob Dooley** [00:04:45] Thank you Mr. Vice Chair. I'm going to do what I do all the time is kind of dumb it down a little. I support Phil and Maggie's approach to this, but I would just add that, you know, if we're going to engage industry, that the presentations and such that they come from the science need to be as, I'll channel my inner Butch Smith, need to be in his words, in English, not science speak and to the extent I realize that people understand that part of it and the equations and all that, but a lot of people in industry don't, so if that could be paid attention to a little bit too, when we do the interactions with industry so that there's understanding and then it could lead to a greater ability to buy in and actually be meaningful participants in the process... so with that I'll stop there but just wanted to make that point.

**Brad Pettinger** [00:05:42] Good Bob. Thank you on that. Further comments? Okay John, I'll look to

you. Do we have enough information and guidance from what we've heard so far?

**John DeVore** [00:06:05] Yes, thank you Mr. Vice Chair. Yeah, we had a very, I thought, constructive discussion and from that discussion the key points are that there was support for a spring workshop as a first step. It sounds like it might be logistically more tenable to keep it within the West Coast region, but ultimately, engagement across the region in jurisdictions is supported. And I also heard some support for a Council session in the fall of next year to go over the workshop report and to talk more about the next iteration of this MSE process for the West Coast and I think we have enough information to guide us in getting that spring workshop up and running and I'll certainly work closely with Dr. Haltuch and the rest of the PSTAT and others to make that happen, and so I would say unless there are any further comments or discussions, you have completed this agenda item.

**Brad Pettinger** [00:07:35] Okay. Seeing no hands, I think we have.

## 5. Assessment Methodology Review-Final Action

**Brad Pettinger** [00:00:00] I don't see any public comment signed up so that will take us to Council discussion and looking for some hands potentially. It's been a long day. It is late. It'll be shorter if someone raises their hand. Ah ha! Louis Zimm.

**Louis Zimm** [00:00:25] Thank you Mr. Vice Chair, and thank you very much Dr. Budrick. I just wanted to thank the SSC and its committee for duly considering these improved methods and I'm hoping that including some of the methods in the data moderate group will allow us to come up with somewhat more favorable assessments or situations for some of our stocks so I think this is an example of going in the right direction to provide surety to maintain our stocks in a sustainable manner and at the same time to provide, as I mentioned before, protein to the nation, especially in these difficult times so I just wanted to thank you very much.

**Brad Pettinger** [00:01:22] All right. Thank you, Louis. Anyone else? Corey Niles. Corey.

**Corey Niles** [00:01:31] Yeah, thanks Mr. Vice Chair. Maybe a question for Mr. DeVore. Kind of slow on the mute button here when Dr. Budrick was there, but John, if you would, on that last paragraph, John DeVore, on the SSC statements about the elasmobranch harvest control rule and the advice to the Council. Just wanted to, I have an imagination of what might happen, but how do you see that advice coming back to us when it comes time to look at the harvest specifications, which if memory serves, will be this time next year if not September.

**John DeVore** [00:02:14] Sure. Through the Vice Chair, Mr. Niles I think, you know, we'll certainly get recommendations on OFL's and whatnot from the SSC, but the way I read this, maintain harvest limits at or below MSY equilibrium level for those elasmobranch like big skate and longnose skate, we have that estimate in the assessments that you're currently using and that might be a consideration for an ACL decision for the Council when we revisit the next spex cycle. So I think this right now is advisory and the information that the SSC looked at was, like they said, over multi-decadal time scale so it's not, I don't see a hair trigger on this or an absolute, you know, recommendation that you have to get there now, but it's sort of something to think about, a precaution to think about and certainly what the SSC is recommending for the long run is that we get the information to revisit harvest control rules and come up with a more sustainable proxy but I think this is just a little bit of something to keep in the back of your mind for when we start deciding ACL's for elasmobranchs in the next cycle.

**Brad Pettinger** [00:03:50] Okay. Anyone else? Oop.. I'm sorry.

**Chuck Tracy** [00:03:54] Mr. Vice Chair?

**Brad Pettinger** [00:03:55] Yes.

**Chuck Tracy** [00:03:56] This is Chuck. So just on the recommendation about a future methodology review. So, I guess one thing I would just like to emphasize is that I think that's a good idea. We do have a scheduled COP that schedules such methodology reviews. I think it's, I think it would be a good process to adhere to that schedule to make sure that things are scheduled far enough in advance that we don't end up like we are here trying to clean up something that we didn't quite get to in September, so I guess I would just encourage the SSC and Council staff as well to make sure that that schedule is adequate to meet that objective and not, you know, not have to sort of pick up the pieces later. But anyway, so I would just put that out there that we've got a schedule. We should stick to that schedule to make sure that decisions are made in time to get them into stock assessments in the forthcoming cycle and not try and play catch up, so that's just my comments. Thanks.

**Brad Pettinger** [00:05:23] Okay, thanks Chuck. Hey John.

**John DeVore** [00:05:26] Yeah, just the SSC did talk about that and certainly any future methodology reviews they understand would go through the formal topic selection process and we would have that discussion on timing and whatnot so I mean, the SSC is in agreement with that process just to assure you all.

**Brad Pettinger** [00:05:47] Okay. Thank you on that. Anyone else or maybe Marci?

**Marci Yaremko** [00:05:53] Thank you Mr. Vice Chair. I believe Sandra has a motion from me.

**Brad Pettinger** [00:06:03] Wonderful. Okay.

**Marci Yaremko** [00:06:11] Thank you Sandra. I move the Council adopt, one, the final length-based assessment methods and two, the proposed minor changes to the groundfish and CPS stock assessment terms of reference language as described in Supplemental SSC Report, G.5.a.

**Brad Pettinger** [00:06:31] Thank you Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:06:35] Yes.

**Brad Pettinger** [00:06:35] All right second by Virgil Moore. Thank you, Virgil. Speak to your motion Marci?

**Marci Yaremko** [00:06:43] Yes, thank you Mr. Vice Chair. Just want to appreciate the Council's flexibility following up on that last discussion with regard to the timing of this item. Yes, we had hoped that this would be taken care of on the normal schedule and cycle. We had a number of delays earlier this year with needing to reschedule meetings and such. I just can't appreciate enough the work of the Groundfish SSC Subcommittee and the participating contributors in getting this work somehow over the finish line for use in this biennium, this stock assessment biennium, so appreciate everyone's flexibility and we are certainly mindful of the need to stick to the schedule in the future. This year has just been unusual all the way around, but very much appreciate this work and look forward to it. Thank you.

**Brad Pettinger** [00:07:45] Okay, thank you Marci. Discussion on the motion? Okay. Seeing no hands let's call for the question. All those in favor?

**Council** [00:08:02] Aye.

**Brad Pettinger** [00:08:05] Opposed? Abstentions? Motion passes unanimously. Okay John are we, are we done with this item?

**John DeVore** [00:08:19] Yes, thank you Mr. Vice Chair. Yes, you are. You've adopted those assessment methods that were endorsed by the SSC and the new proposed language for the terms of reference to guide the process for assessments in the next year so with that you have completed the action under this agenda item.

**Brad Pettinger** [00:08:44] Thank you, John, and I could happy to say that we're actually ahead of schedule. It's a great day. So, with that I'll give the gavel back to our Chairman. Chair Gorelnik there you go.

## H. Coastal Pelagic Species Management

### 1. Preliminary Review of New Exempted Fishing Permits for 2021

**Brad Pettinger** [00:00:00] That will take us to Council discussion and action and looking for a hand. Briana.

**Briana Brady** [00:00:16] Thank you Mr. Vice Chair. I just wanted to express my appreciation to the applicants and the fishermen who are conducting the work to help maintain and improve the data that go into the sardine stock assessment and I'm supportive of these proposals going out for public review.

**Brad Pettinger** [00:00:38] Okay. Anyone else? Corey Niles. Corey.

**Corey Niles** [00:00:54] Thanks Mr. Vice Chair. You waited long enough for, you made me do this, but I'm going to echo Briana and thank folks. I know the agency's been involved with the EFP's and we're also very appreciative and sorry the silence was deafening but I will second what Briana says for sure.

**Brad Pettinger** [00:01:23] Okay. Louis Zimm. Louis.

**Louis Zimm** [00:01:26] Well thank you Mr. Vice Chair. I also will be supporting this proposal keeping in mind that Jeff's point and we'll be watching to make sure that this doesn't take an appreciable amount of the sardine catch. Of course, we hate to see that and endanger some of the other small fisheries for that, but I just want to point out after my couple years, 23, so years of research operations that these activities are very expensive. It's wonderful that the department is supplying the aviation component of it, but running the boats is expensive and also we need to allow the vessels to catch a fairly large school if it is spotted by the plane and restricting them to only catching very small amounts would not help us in determining whether the what you see from the plane, the amount is the same as what is actually in the water so we do need to allow some flexibility here on the amount of take that a boat can work on, the amount of fish they can work on. So, thank you. I will be supporting this.

**Brad Pettinger** [00:02:54] Thank you Louis, and Briana Brady. Briana.

**Briana Brady** [00:02:59] Mr. Vice Chair I have a motion to put forward. If Sandra could display it, please.

**Brad Pettinger** [00:03:15] Okay.

**Briana Brady** [00:03:16] Thank you Sandra. I move that the Council adopt the preliminary exempted fishing permit proposals in Agenda Item H.1, Attachment 1, 2 and 3 for public review.

**Brad Pettinger** [00:03:28] Okay. Thank you for that, Briana, and does the language on the screen accurately reflect your motion?

**Briana Brady** [00:03:34] Yes it does.

**Brad Pettinger** [00:03:35] Okay looking for a second? Bob Dooley. Thanks Bob. Okay. Briana, speak to your motion please.

**Briana Brady** [00:03:46] I think these proposals provide for opportunities to help maintain the biological data that go into the stock assessment, and they also help to address data gaps related to nearshore biomass by allowing for industry run acoustic and aerial surveys to collect corresponding

biological data to inform species and size composition of the nearshore schools. Additionally, our advisory bodies are supportive of these proposals being adopted for public review as well. Thank you.

**Brad Pettinger** [00:04:15] Okay. Any comment, discussion on the motion? Okay seeing none I'll call for the question after a slight pause here to unmute yourself. All those in favor?

**Council** [00:04:33] Aye.

**Brad Pettinger** [00:04:35] Opposed? Abstentions? Okay motion passes unanimously, and I'll look to Kerry. Kerry, does that care of us on this?

**Kerry Griffin** [00:04:52] Yes, thank you sir. That does complete the business for this agenda item, and just as a reminder, the proponents are, will be coming back at the April meeting in order to provide updated proposals for their EFP activities and then the action would be to give final approval for those at the April meeting.

**Brad Pettinger** [00:05:15] Okay fantastic.

## 2. Methodology Review Topic Selection

**Brad Pettinger** [00:00:00] We'll go to Council discussion and looking for some hands. We had too big of a lunch. Ah ha! Briana.

**Briana Brady** [00:00:20] Thank you Mr. Vice Chair. I guess I just want to say that I agree with the CPS Management Team report and the suggestions that they have made regarding COP 26. I think it would help to clear up the process a little bit. Thank you.

**Brad Pettinger** [00:00:50] Thank you Briana. Corey Niles. Corey.

**Corey Niles** [00:00:57] Yeah thank you Mr. Vice Chair. Thanks Briana. I guess I think maybe we're not totally following the details here, but I do, I think the team's general idea of having the September notification sounds like a really good way to go. I'm wondering and maybe Chuck, a question for Chuck or Kerry, but process-wise it seems with the COPs we would normally do that on Friday but since we're talking about if there is, still is concern out there, if we have some time we can we can ask the team to look at it again with the advisory subpanel in April and that would still be plenty of time to get the notification in by next September, so maybe just prompting Chuck or Kerry if they had, if that sounded reasonable or if other Council members think the concerns are addressed? Yeah, I'd be curious if Chuck or Kerry had some point of view there.

**Brad Pettinger** [00:02:08] Okay. Let's see which one is it? Please Chuck.

**Chuck Tracy** [00:02:11] Thank you Mr. Vice Chair. Yeah, I think it would be worth taking a look at. I think we do have some time and I think it would be good to just we've, got a nice suggestion here from the management team and some ideas from the advisory subpanel, I think would be good to allow staff to take a look at it, also to maybe reengage with the SSC since they are involved as well, and make sure that everybody's on the same page and frankly, I think sort of like the EFP's, I think looking to make sure we have as much consistency across FMP's is probably also something that we'd be interested in taking a look as staff. So I guess my suggestion would be to direct staff to work with the advisory bodies, both teams and subpanels and the SSC, and then bring something back for the advance briefing book in April. Let the people get a look at and then take final action at that point under the, well I guess I'd have to see what's on schedule for April but typically we would do that under the, I think we would do that under COPs, appointments and COPs in April.

**Brad Pettinger** [00:03:49] Okay. I see Briana you have your hand up.

**Briana Brady** [00:03:54] Thank you Mr. Vice Chair. Thank you, Chuck, for those comments. I just wanted to clarify what I meant under the EFP agenda item when I was asking the SSC about their comments and their report, and I actually don't agree with consistency across the FMPs in that respect. My point was is that we use the data directly to inform stock assessments for CPS and I actually think we do need that two-step review process for the SSC, maybe not for EFPs that have already gone through that process, but for something new, so I just want to clarify that point. And then also, Mr. Chair if I may, Mr. Vice Chair.

**Brad Pettinger** [00:04:44] Please.

**Briana Brady** [00:04:47] I am supportive of the COP 26 edits suggested by the MT and putting those under the agenda item for COP's at this meeting, but it sounds like other Council members and Chuck may want to have more of a look and more of a discussion and bring it back in April, which I think would be fine as well. Thanks.

**Brad Pettinger** [00:05:13] Okay. Given that any more comments or direction Chuck? Corey Niles. Corey.

**Corey Niles** [00:05:33] I see Kerry's hands up, so I'd yield to him Mr. Vice Chair.

**Brad Pettinger** [00:05:35] Okay. Kerry.

**Kerry Griffin** [00:05:36] Oh thank you. I'm sorry there's a leaf blower outside my window, hopefully it's not too loud for you all. Yeah, I just wanted to dial in a little bit to the request and the direction. So maybe that's time for me to ask now or maybe I'll just put it out there, I guess. I don't know what Corey was going to ask about, but with regard to consistency between or among the, you know, the processes for the different FMPs and how they handle methodology reviews, they are all sort of different and unique. I guess my question was, is the direction to Council staff to kind of open up all of the methodology review processes and, you know, try to get them all consistent or was it more a matter of looking at the CPS COP 26 and just make sure that it is consistent with sort of standard approaches to the way we generally handle it? So, I guess that it was more of a scope question. Are we still, you know, when we come back in April with some ideas or proposals for a new or revised COP, would it be just the CPS COP or would it be perhaps others also? That was my question.

**Brad Pettinger** [00:07:10] Well I see Chris Kern's hand's up so maybe he could give us some guidance. Chris for some insight.

**Chris Kern** [00:07:13] Thanks. Appreciate it. Well relative to the, well I guess I'll do it in two phases. One, I think I'm supportive of looking into the COP specifically for CPS at this point, and I think the way Mr. Tracy proposed it makes quite a bit of sense to me. Others may have different opinions based on time sensitivity and I don't have strong opinions about that but it does seem to me that if we have the time to take a more deliberate approach, not intending to imply that the comments we have so far is not, but just to make sure, that seems to make a lot of sense to me, and in that same vein, relative to Kerry's question, to me I would not be very supportive of a blanket assignment to review COPs right now for other FMPs. I would say that if Council staff, as Chuck suggested, maybe wants to spend some time looking for consistency across those and maybe, you know, kind of put that on the radar in some other way I'd be open to that, but I'm not super excited about sort of seeking out changes to COPs in other areas at the moment.

**Chuck Tracy** [00:08:43] Mr. Vice Chair?

**Brad Pettinger** [00:08:46] Yes Chuck.

**Chuck Tracy** [00:08:46] Yeah, I think Chris characterized it well. I mean I think we want to look at the other COPs. I'm not saying that we should, you know, try and get them all to do the same thing. I don't think that, I don't think that's, I'm sure we don't want to do that. I think each FMP does have certain needs and different schedules but again, I think it's worth at a staff level looking at these things and seeing if there's, you know, I mean, if some good idea comes out of one, you know we might want to kind of start the process or the conversation with other FMPs or if we see something in the other FMPs that look it would apply well to the CPS I think we should be willing to borrow from that, but I'm not suggesting that we go on a consistency drive here, but again I think that's, I think that starts with staff and I think that's incumbent upon us to kind of look at that and to orchestrate the process with the objective of coming, you know, the main objective being coming back in April with something for CPS in particular.

**Brad Pettinger** [00:10:01] Okay, thanks Chuck. Corey. Corey Niles.

**Corey Niles** [00:10:04] Yeah. thanks Mr. Vice Chair. No, I will echo what Chris and Chuck said there. That sounds great. But I did also want to just voice support for Briana's point about consistency. I think she makes a good point, so while not opening all EFPs, you know looking at what she said there about why CPS is the way it is, I just wanted to echo that sounded like a good idea to think about as well.

**Brad Pettinger** [00:10:31] Thanks Corey. Chris Kern. Chris.

**Chris Kern** [00:10:35] Thank you. Sorry thanks for indulging me. One quick question that I think I know the answer to, but I'd like to get it clarified to make sure, COP topics are generally under the admin sections of the agenda, correct? So that's where we expect it to be housed when it does come back?

**Chuck Tracy** [00:10:55] Mr. Vice Chair I might respond to that. So, I mean ideally they come up under agenda, you know it depends on what COP, but in this case I think it's appropriate that it comes up under the methodology review. It's relevant to that topic how the process is carried out and that's where we get the, you know the most, it doesn't get lost with all the other issues associated with the appointments and COPs if that's the only place it shows up. So, I think it's good to have it show up and see how it affects the agenda item that it's addressing. So, but I think once that's done I think, you know, taking the final step in the appointments and COPs is fine as long as, you know, it's had the proper exposure to the advisory bodies and the public under the relevant agenda item so we, you know and frankly if there was a, you know, if we were doing final methodology review approval in April then I don't think there's anything necessarily wrong with doing it there, but typically we at least like it to be introduced under the relevant agenda topic.

**Brad Pettinger** [00:12:23] Okay, thanks Chuck. Any more comments? Direction? Okay, Kerry I'll look to you. Corey Niles.

**Corey Niles** [00:12:32] Thanks Mr. Vice Chair. I didn't have anything more on the COP but quickly as I asked my question to David about the meeting between the AS and industry and in the Science Center and the region, thanks again for everyone for doing that. I do think and as we heard in public testimony, there is interest in taking up some of these questions and so just putting it out there and in the air of over the course of the year, next year or so I hope we can have a similar conversation with the region and the Science Centers on the scientific workload and priorities and thanks again for everyone for doing that and helping smooth out this agenda item, but I do hear that interest, it's been going on for a while and I do hope we can get to that dialogue at the Council level when people's schedules start to normalize a bit.

**Brad Pettinger** [00:13:35] Thanks Corey. All right. Okay with that, Kerry, I think we got some direction out of that. You want to sum up where we're at?

**Kerry Griffin** [00:13:49] Yeah, thank you Mr. Vice Chair. I think that's good direction. What I heard was direction to have the Council staff take the lead on looking at the recommendation from the CPSMT. Probably do some informal consulting with maybe the SSC and the CPSAS and come back and put something presumably in the advanced April briefing book for consideration by the Council and all its advisory bodies and that would be under the COP's and membership appointments agenda item in April.

**Brad Pettinger** [00:14:34] Wonderful and so with that, this will conclude H.2.

### 3. Comments of Court Ordered Rulemaking on Harvest Specifications for the Central Subpopulation of Northern Anchovy

**Brad Pettinger** [00:00:00] That takes us to the Council discussion and does anybody want to start us off? Okay. John Ugoretz. John.

**John Ugoretz** [00:00:16] Thank you Mr. Vice Chair. I feel like we are in approximately the position I was concerned we would be in when we discussed whether to agendaize this item on Friday. We have two reports from advisory bodies who made those reports after reviewing a complex proposed rule for what I believe was less than an hour. We have interesting and novel approaches within the proposed rule that have not been analyzed in any way, that have almost no justification within the rule, and that, as you can hear from the public testimony, there's varying thoughts as to whether those are appropriate. So honestly, I don't have all that much to say at this point in time, given the limited amount of information we have in front of us.

**Brad Pettinger** [00:01:30] Thank you John. Anyone else? Corey Niles. Corey.

**Corey Niles** [00:01:41] Yeah, thank you Mr. Vice Chair. Yeah, maybe a slightly different viewpoint than John, not too different. This isn't the ideal situation to be in. I, you know was equivocal about taking this up at this meeting but I'm really glad we did. I thank the management team and the advisory subpanel for the giving the attention they did, and you know thanks to Ryan and thanks to Josh for that walk through, I now feel like we've somewhat had a normal Council process here. The SSC didn't weigh in, but I have a feeling that what they would have said and I'm feeling comfortable with what is in this rule. I may have a question here in a sec for Ryan or whomever, but yeah, I think I'm glad we, we did this, the Council process is much superior, in my opinion, than plain old notice and comment rulemaking. We're in this situation because of litigation. I heard the questions raised in public testimony and we heard some viewpoints so I'm glad we did this and thank you for those who made it happen. I guess part of my comfort on John's comment about there being some new ideas in here, they do seem new and creative but a question just you know, I did read through the materials it does, as John's saying, it's nicer to have longer for ideas to sink in so not, don't know if I'm connecting the dots but on the three versus four, your question, and here comes Ryan a question. I guess we heard proposals for two yet and so I guess the question is one, does the three or four years come from? It seems that the court order, one of the flaws that the court found or critiques that the court had was that the rule was indefinite, so it seems to me that you're trying to address that by picking a definite time period and so question one is that, am I reading that correctly? And then two, did you have thoughts you could share on why three or four and why maybe not two?

**Brad Pettinger** [00:04:22] Ryan.

**Ryan Wulff** [00:04:26] Yeah, thank Mr. Vice Chair. Thank you, Corey, for the question. I mean, a couple of points. I mean, yes we note, as you noted, some of the discussion from the court on the fact that it was open-ended previously but as we state in the rule, I think what we were focusing a little more on is just trying to project out what might be a rational time frame for the Council if they wanted to revise the catch limits, in particular noting that the kind of current estimate from our Science Centers is a research stock assessment completed late 2021, but potentially not even until early 22 or around that time frame and that's the best estimate now, you know, obviously with who knows what additional delays might be on that with the current pandemic situation, so I think with all of that in mind, plus the potential for not only this to be a potential change of catch limits, but also based on as you've heard by some of the previous discussions and comments, the potential for maybe changing the framework itself and amending the FMP. You know when we backed that up, when we projected all of that forward and

all that information coming to the Council meeting, along with all the proposed or at least the required meetings that would be necessary to make changes along those lines and then followed by a subsequent timeline for NMFS rulemaking, that's why we put out the three to four years and we're looking for feedback on that, but again, that was really kind of the main intent behind it was looking ahead at new information, as well as projecting out what, you know, how long it might take to go through a two or three meeting process if it's an FMP amendment and then subsequent rulemaking.

**Brad Pettinger** [00:06:27] Okay. Anyone else? John.

**John Ugoretz** [00:06:44] Thanks Mr. Vice Chair, and thanks Corey for clarifying some of that. I guess the follow-up in my mind is that I'm fairly uncomfortable setting a precedent that changes Council management as defined in an FMP through a NMFS rulemaking in terms of the management framework, time frames for analysis and other aspects that have not been fully analyzed, that we have not seen a range of alternatives and we've not had consideration of the implications in terms of managing to prevent overfishing, so I'm concerned about even going there.

**Brad Pettinger** [00:07:48] Thanks John. Okay. Corey.

**Corey Niles** [00:07:55] Yeah, thanks Mr. Vice Chair. Thanks John, since no one else, I don't see anyone's hands popping up here and yeah, I think we're in an unfortunate situation that no one wants to seem in, no one seemingly wants to be in and I don't disagree with you, John. I do think the way forward, I don't myself not seeing the need to request that we put together official proposed, some comments on the proposed rule. I do, again very comfortable with the rule. It looks a lot like what we've done recently. Ryan's explanation on the process and you know uncertain timeline of when it would, when we could possibly get the framework that we're hoping to get into place, so three years, that sounds like a reasonable, three to four years sounds like it takes time to do such things, but yeah, the framework in getting there like the team mentioned and others, that's I believe, that's where we should focus next. So, I wasn't suggesting from my point of view that we make formal comments here. Do share some of John's questions and concerns and I do think I understand why NMFS is doing what they're doing given the circumstances but getting to that framework is what seems most important.

**Brad Pettinger** [00:09:26] Okay. Thank you, Corey. Any further comments? I think going into this we knew the SSC wouldn't be able to review it and so we're getting too deep into the weeds here, so it's more of an informational setting as the way I took it so with that Ryan Wulff.

**Ryan Wulff** [00:09:50] Thank you Mr. Vice Chair. Just real quick, I did want to clarify something to in case, I don't want to be misconstrued and I appreciate the comments by John. I wasn't suggesting that or that we put in a time frame because we were expecting or proposing changes to the framework or FMP amendments et cetera. You know, we also fully recognize that the existing framework in the FMP would allow the Council to react to new information such as that of forthcoming stock assessment and they could revise catch limits, you know, through the current FMP as well, you know if new information warranted such a revision so we would, trying to of course, trying to take into account both potential tact's the Council could and that's targeting what longer potential time frame would be so that you could cover both paths forward that the Council might take, if that's helpful.

**Brad Pettinger** [00:10:50] Thank you Ryan. Okay. Kerry.

**Kerry Griffin** [00:10:58] Oh, I saw John Ugoretz's hand up, but I guess it's down now. Yes, seeing no.....

**Brad Pettinger** [00:11:08] This is where I ask you to summarize....(laughter)....

**Kerry Griffin** [00:11:16] Yeah, I get, well in summarizing not a whole lot. There was some discussion, yeah, it's not a good position for the Council to be in right now. There's no comment from the SSC. I get that. There were some comments from the, suggestions from the management team and the advisory panel but what I'm hearing is a reluctance to put anything in the as a comment into public rulemaking process at this point and sort of continuing to proceed on with the actions that the Council has already instigated with this CSNA framework and noting there's a stock assessment coming up and things like that but I'm hearing a discussion, but no action under this item.

**Brad Pettinger** [00:12:17] That's I guess the correct assessment. So, with that, I guess that we may be finished up here then?

**Kerry Griffin** [00:12:29] Yeah, if there's no action the Council wishes to take, which would be to put comments in the public comment rulemaking portal, then that concludes your business for this agenda item.

**Brad Pettinger** [00:12:40] Well there we go, and we thank you.

**Kerry Griffin** [00:12:43] Thank you.

**Brad Pettinger** [00:12:44] I also follow my staff so that I will give the gavel back to Chair Gorelnik and let him finish the day out.

# I. Highly Migratory Species Management

## 1. National Marine Fisheries Service Report

**Brad Pettinger** [00:00:00] So with that I guess we will go into Council discussion and potential action... so looking for a hand. No hands. All right. John Ugoretz. John.

**John Ugoretz** [00:00:31] Thanks and good morning, Mr. Vice Chair, and Council members. I do think we need to have some additional input from the management team on this issue. The team definitely did provide some estimates of what they would see in each tier when we were discussing potential options for the limited entry program. I do think it's important to point out that when the Council was discussing active participants in the deep-set buoy gear EFP program and the potential for a limited entry fishery, our discussions were definitely focused around people who had played a direct role in developing the gear by actively fishing with that gear and providing data needed to analyze the gears efficacy and potential impacts. So, we treated the term EFP holder in quote, similar to the way we would use the term permittee for an actual fishery, and we addressed this when stating that permits would be issued to individuals in the final preferred alternative. That said, the final preferred alternative also indicates that a business can be an individual, so it does leave the question a little bit out there. We've also been clear that a limited entry program is not a reward nor do the permits hold any value of their own as they are not transferable. So, in the initial issuance of limited entry permits, our desire was not to provide some kind of economic benefit to certain individuals, but rather to issue the permits in a way that ensures a rational approach to establishing a new fishery, and to allow the Council and NMFS the ability to stop issuing new permits if issues arise that necessitate such an action. And as you may recall, my comments on this issue have consistently focused on the fact that we really don't have evidence of that kind of problem to date but that we do want to start the program slowly in a way that allows us to react if there is such a problem and not be chasing our tails. So, all of that said, I definitely would like to get some input from the management team and perhaps working with NMFS and the advisory subpanel to help us clarify the matter for NMFS so they can move forward rapidly with establishing the actual fishery. Thanks.

**Brad Pettinger** [00:03:36] Thank you John. Anyone else on this issue or agenda item?

**Chuck Tracy** [00:03:45] Mr. Vice Chair we had Caren Braby of ODFW was listed as an attendee. She had her hand up and tried to promote her and now we don't see her so, oh she says she's on the phone audio logged into the visual.

**Caren Braby** [00:04:07] Hi, good morning.

**Chuck Tracy** [00:04:08] Yep, there she is.

**Caren Braby** [00:04:10] I'm hoping you all can hear me. Yeah, I'm having the same problem I had almost a week ago with versions. I'm talking on my phone but trying to raise my hand in the webinar... anyway too much information. I just wanted to thank NMFS for the report and appreciate John's comments and give support to the work suggested in the advisory subpanel report to do some thinking between now and the March meeting to speak to the qualifying criteria in particular, and my understanding is that that will keep us on track for the timeline of authorization of the fishery if we take that slight pause between now and March, so that's a comment and would love a confirmation from Ryan from NMFS.

**Brad Pettinger** [00:05:16] Ryan.

**Ryan Wulff** [00:05:16] Thank you Mr. Vice Chair. Thank you, Caren. Can I clarify your question, was it on the timeline?

**Caren Braby** [00:05:22] Yes, on the timeline that if we take the advisory subpanel approach of developing more input and guidance on qualifying criteria and we have that in front of us in March, that we are still on track.

**Ryan Wulff** [00:05:38] Yeah, thank you for the, through the Vice Chair, thank you Caren for clarifying. Yes, lacking a permit at least as of now we believe that's still on track. You know we have a draft EIS that we've been working on for some time, that assessment of the impacts that are there is based on the rate of permit issuance as opposed to who may obtain permits, so again, that as well as the bulk of the proposed rule language we still think would be on track with allowing us to address this qualifying issue in March.

**Brad Pettinger** [00:06:16] Okay thank you, Ryan, and thank you, Caren, for calling in. Okay, I think it's kind of summarized, or I think John summarized pretty well we need to do for next meeting. Anybody else want to add to that? And if not, I'll go to Kit. Kit.

**Kit Dahl** [00:06:42] Yeah, okay I think we're done. This was mainly just alerting the Council to these issues and the need to take them up so you can get into the nitty gritty on that in your agenda planning session tomorrow, and also it seems clear direction to the management team to do some work over the interim and, you know, dive into these issues, perhaps come up with some courses of action or options for Council consideration in March. So, with that, I think we're good on this agenda item.

**Brad Pettinger** [00:07:20] Fantastic.

## 2. Recommend International Management Activities

**Brad Pettinger** [00:00:00] Move to Council discussion. Heard some reports and comment from the public and I see John. Please.

**John Ugoretz** [00:00:12] Yeah, thanks Mr. Vice Chair. I think we've definitely learned a lot since the annual bluefin catch limit was exceeded in 2017. As the Council may recall that year, with a trip limit of 25 metric tons in place, we went from approximately 50 percent of the limit caught to exceeding the limit in essentially a weekend, and in response the Council established the current management actions to ensure we did not exceed a catch limit again for this important stock. What's changed since 2017 is that the State of California has fully implemented the use of electronic reporting of all commercial landings and we have two years of experience with requiring 24-hour reporting for bluefin. We've also been able to work directly with NMFS staff and coordinate on near real time basis when tracking catch and fishing activities. Over the past couple of years, we've also seen that the 15 metric ton trip limit at the start of the year and pre-trip notifications may unnecessarily constrain fishing and prevent access to available fish due to school size, fish behavior and the behavior of the fishing fleet itself. I'm confident now that we can start the year with a higher trip limit, though not as high as 25 metric tons, and adjust that limit throughout the year to both ensure we do not exceed the catch limit and to allow maximum access to available fish while still avoiding regulatory discards as we approach the limit. I also feel that the pre-trip notifications have not provided us with a substantial management benefit, and so long as the trip limits are adjusted as we approach the catch limit are likely not necessary. So, with that said, I think I'm leaning towards supporting what the management team has recommended but I'd like to hear what other Council members have to say.

**Brad Pettinger** [00:02:16] Thank you John. Christa.

**Christa Svensson** [00:02:20] Yes, good morning. Can you hear me?

**Brad Pettinger** [00:02:23] I can.

**Christa Svensson** [00:02:24] Okay great. Thank you. I had a little trouble with Zoom later this morning, so thanks again Vice Chair. I also am in agreement with what the management is saying with regard to bluefin and calling for trip limits, et cetera. I do want to note on the international reports, I think everyone did an incredible job of summarizing what has gone on in all of the respective meetings and I do want to pivot just for a moment here and talk about the South Pacific albacore road map intercessional workgroup meeting. We met, I will admit I participated in that on November 12th at three p.m. our time, and I do think that this is something that the Council should be aware of and that we probably should pay a bit of attention to it. I know South Pacific doesn't seem like it would be kind of in our wheelhouse, but it directly impacts the 19 vessels that we had fishing that are also North Pacific albacore fishermen, which is our fishery predominantly out here. So, we have 19 boats that went down there last year and participated in that fishery that then come home many times with that product, but also because decisions made in the South Pacific potentially can shift effort into the North Pacific and that will directly impact the 556 vessels that we had fishing last year, and I will note that 329 of those came from Oregon. So just raising awareness on this issue that we are making some decisions that could potentially affect albacore fishermen for the West Coast and again, just raising awareness. So, thank you and with that, I will close my comments on this topic.

**Brad Pettinger** [00:04:29] Thank you Christa. Further discussion? Louis Zimm. Louis.

**Louis Zimm** [00:04:36] Thank you Mr. Vice Chair, and I want to thank Christa for bringing the subject of South Pacific albacore up. That's a fishery that our San Diego fleet has been involved in and the last

couple of years has not been particularly successful at, so I really appreciate Christa following this. I know that she's not flied to the South Pacific, which is a shame, but she's virtually going there, and I know that's a lot of time and work that she's been putting into this so I really appreciate that and our people in San Diego appreciate it. Changing the subject just a little bit but also on the subject of San Diego fishers, I appreciate the acknowledgment and the reporting of this fishery that is emerging, the hook-and-line fishery for bluefin tuna and the high value that is given to the product and I am also very interested in the ability of deep-set buoy gear participants to access this fishery, so this is something that I want everybody to watch and I think this is a great development and I also appreciate that we could increase at the start of the season up to 20 tons to give our, our purse seine fleet a better opportunity to grab some of these fish that have been aggregating in our area. Thank you.

**Brad Pettinger** [00:06:17] Okay, thank you Louis. Further discussion? Ryan Wulff. Ryan.

**Ryan Wulff** [00:06:25] Thank you Mr. Vice Chair. Just based on the comments we heard in the beginning of discussion here, I just wanted to associate with the remarks made by Mr. Ugoretz. I thought he did a very good job of explaining why we're in a bit of a different situation than we were in 2017 when we exceeded our limit, and for all those reasons we do feel that with removal of pre-trip notification that we have measures in place to prevent exceeding the limit. You know on that point, I'd also note that that requirement was originally instated with the associated assumption that 15 metric tons would be caught on each trip that were noticed and we found that that hasn't provided the most accurate catch accounting and while it's ensured we remain below the limit, it's had the undesired effect at times of overestimating catch and NMFS taking inseason action too early, which may have possibly impacted the fleet's abilities to fully utilize our catch limit. And then further, since our report was put out before the options put forward by the AS and discussed in the MT report, just wanted to note again the NMFS report was just suggesting options. I appreciate what has been put forward by the advisory subpanel and support their option one as well as utilizing the modification proposed by the management team. I do think that's important to have a little bit larger buffer at the end, give us a little bit more confidence that we won't exceed the limit if that were the case. Thank you.

**Brad Pettinger** [00:08:14] Okay, thank you Ryan. Further discussion?

**Caren Braby** [00:08:22] Brad? This is Caren. Oregon.

**Brad Pettinger** [00:08:24] Yes, please.

**Caren Braby** [00:08:24] I just wanted to concur that this seems like a reasonable approach. I appreciate the comments being made and I think that the management team approach is a good one with a sufficient precaution given the new protocols in place and electronic reporting and so on that California has implemented that this is a good approach so thanks.

**Brad Pettinger** [00:08:47] Thank you Caren for that. Okay, John.

**John Ugoretz** [00:08:56] Thanks Mr. Vice Chair. I do have a motion on this if the Council's ready to hear it.

**Brad Pettinger** [00:09:05] Okay.

**John Ugoretz** [00:09:12] Sandra, do you have that? There we go. I move that the Council recommend the following measures for domestic management of Pacific bluefin tuna in 2021 should the IATTC adopt rollover regulations for 2021 as anticipated, which would provide the United States with a catch limit of 425 metric tons. 1: Remove the previous trip notification requirement. 2: Maintain 24-hour E-

tix submission for all commercial landings, and 3: For trip limits, set an initial trip limit of 20 metric tons. During the first quarter - The catch limit is reduced to 15 metric tons when annual landings reach 250 metric tons. The trip limit is then reduced to 2 metric tons when annual landings reach 325 metric tons. During the second quarter - The catch limit is reduced to 15 metric tons when annual landings reach 275 metric tons. The trip limit is then reduced to 2 metric tons when annual landings reach 350 metric tons. During the third quarter - The catch limit is reduced to 15 metric tons when annual landings reach 300 metric tons. The trip limit is then reduced to 2 metric tons when annual landings reach 375 metric tons. After the third quarter - The catch limit is reduced to 15 metric tons when annual landings reach 325 metric tons. The trip limit is then reduced to 2 metric tons when annual earnings reach 375 metric tons. And I would like to change the word 'after' in my last bullet to 'during'.

**Brad Pettinger** [00:11:03] Okay, and then also on number 2 John, I think it was, it's supposed to be an hour after 24. Is that correct?

**John Ugoretz** [00:11:14] Thank you. Yes.

**Brad Pettinger** [00:11:17] Okay. Does the language on the screen accurately reflect your motion?

**John Ugoretz** [00:11:22] It does now. Thank you.

**Brad Pettinger** [00:11:23] Very good. Do we have a second? Seconded by Marc Gorelnik. John, speak to your motion?

**John Ugoretz** [00:11:33] I think I've said most of what needs to be said. I am confident that between NMFS and California Department of Fish and Wildlife staff we can manage the fishery in a reasonable way with these limits.

**Brad Pettinger** [00:11:51] Okay wonderful. Any discussion to the motion?

**John Ugoretz** [00:11:59] Ah shoot, you know what, there's a problem with my motion. That last bullet should say the fourth quarter, it's not third and third.

**Brad Pettinger** [00:12:12] Well.

**John Ugoretz** [00:12:12] I don't know if we have to amend it at this point.

**Brad Pettinger** [00:12:20] Or you could. Or you could remove it. Chuck.

**Chuck Tracy** [00:12:30] Thanks Mr. Chair. I think an amendment would be the most expeditious way.....

**Brad Pettinger** [00:12:36] Okay. Marc Gorelnik.

**Marc Gorelnik** [00:12:40] Thank you Vice Chair Pettinger. I move to amend where in the second statement of 'during a third quarter' change that second statement to 'during the fourth quarter'.

**Brad Pettinger** [00:12:56] Okay, and a second on that amendment? Christa Svensson. Thank you, Christa. All right Marc I think it's, you want speak to that or?

**Marc Gorelnik** [00:13:09] No, no need to speak to it.

**Brad Pettinger** [00:13:10] Okay. Any discussion? Probably not. with that we'll have a.....all those in favor of the amending the motion signify 'aye'.

**Council** [00:13:23] Aye.

**Brad Pettinger** [00:13:23] Opposed? Abstentions? Okay motion or the amended motion, or the amendment to the motion passes and now we go to the original, now we go to the amended motion for discussion. John.

**John Ugoretz** [00:13:44] Yeah thanks, just sorry for that confusion and again the intent is to manage the fishery by quarters, and I think we can do that. Thanks.

**Brad Pettinger** [00:13:57] Okay very good. Ryan Wulff. Ryan.

**Ryan Wulff** [00:14:03] Thank you Mr. Vice Chair. I'm just noting I'm still looking at the previous motion on the screen. Not the amended one. Oh, there we go. Okay, thank you.

**Brad Pettinger** [00:14:15] Thanks for that Ryan. Okay any more discussion? Seeing no hands all those in favor of the amended motion signify by 'aye'.

**Council** [00:14:30] Aye.

**Brad Pettinger** [00:14:30] Opposed? Abstentions? Motion passes, the motion passes unanimously. Okay. Kit, are you there?

**Kit Dahl** [00:14:50] I am here. So, I think you've completed your business here focusing on making recommendations for trip limit regimes for the Pacific bluefin fishery. This is, of course, conditioned or presumably a catch limit of 425 metric tons consistent with the resolution adopted by the IATTC so unless there's any further desire for making any recommendations to the delegations for the upcoming RFMO meetings your business here I think is concluded.

**Brad Pettinger** [00:15:42] Fantastic.

### 3. Biennial Harvest Specifications and Management Measures

**Brad Pettinger** [00:00:00] That'll take us to Council discussion because I don't see any, no sign ups for public comment. Anyway, so anybody want to get started here on this? See things to consider. John Ugoretz. John.

**John Ugoretz** [00:00:27] Yeah, thanks Mr. Vice Chair. I just wanted to note that I support both the SSC and team recommendations to review the SDC's over the winter, for the SSC to review them. Sounds like the SSC has a plan to do that and we can just ensure that it's in their workload so that we have something back in March that we can look at.

**Brad Pettinger** [00:01:04] Okay. Thank you, John. Anyone else? Does seem pretty cut and dried for a statement from the SSC.

**Caren Braby** [00:01:15] Mr. Chair.

**Brad Pettinger** [00:01:17] Caren, please.

**Caren Braby** [00:01:19] Thank you. I agree with John and just wanted to note the suggestion from NMFS that they work closely with the SSC on long-term approaches for the probabilistic assessment frameworks and other issues and just wanted to encourage that collaboration to address the SSC's comment that they'd recommend a long-term approach to addressing this issue in addition to the short term need of preparing us for the March meeting.

**Brad Pettinger** [00:01:59] Thank you Caren. Anyone else? Any motions? I think we need a motion on this. It says we're going to adopt the criteria. Corey Niles. Corey.

**Corey Niles** [00:02:25] Well thanks Mr. Vice Chair. I was remaining silent, agreeing in large, in full with Caren and John but would ask, would we need a motion? I think we don't have those criteria yet. We need some more work for March. I was hearing guidance, clear guidance, but so I wasn't anticipating we would need a motion but if so, I think we're staying very much on the same page as just spoken to.

**Brad Pettinger** [00:02:57] I think you're correct. Okay. We certainly have good and clear guidance it sounds like and seeing no hands. Man, it's only 10 o'clock. Kit.

**Kit Dahl** [00:03:12] Yes Mr. Vice Chair. I think you've completed your business here. Clearly there are these outstanding issues with the two EPO tuna stocks that hopefully we can find a path forward through the work of the SSC and collaboration with NMFS and also involving the staff scientists from IATTC that met back in March and then just to the last point about adopting the SDC, we can, I think look to complete this process in March and take out action in March for all the managed stocks and the criteria and quantities that are provided in the SAFE Report, so we'll come back in March and take that action, and so with the guidance you've provided I think we're done for today.

**Brad Pettinger** [00:04:30] Okay. Well thank you, Kit, for that summary and with that completion of I.3 I will hand the virtual gavel back to our Chairman. Chair Gorelnik. Marc.

#### 4. Drift Gillnet Fishery Hard Caps Update

**Marc Gorelnik** [00:00:00] So that completes public comment as well as the reports we received earlier and takes us to our Council action, which is on the screen there. We have reviewed the NMFS report and we have before us obviously not a decision on hard caps per say, but a decision on how the Council wants to address the items raised in the NMFS report. So, I'm sure we have some discussion here and perhaps some suggestions for how the Council should move forward. We've obviously had some suggestions from the management team as well as the AS and public comment so who....? John Ugoretz. Thank you for raising your hand.

**John Ugoretz** [00:00:59] Thank you, Mr. Chair, and good morning to you. The Council has repeatedly reaffirmed its commitment to both hard caps and increased monitoring in the large mesh drift gillnet fishery and the State of California position on these issues has not changed. As of now the Council adopted hard caps are in place in NMFS regulations. It's clear, however, that NMFS will be reconsidering this rule as indicated in statements both in the final rule itself and in court proceedings. While I agree that the court has not ruled on the ongoing challenge to NMFS's rule, I've never heard of a court finding in favor of a defendant when that defendant has stated in writing that they agree with the plaintiff. As such, I think it's critical that the Council weigh in on the matter and provide NMFS with recommendations and guidance on what sorts of changes could achieve the Council's continued desire to limit bycatch in the fishery while addressing the deficiencies that NMFS has noted. Additionally, I think the Council could more clearly articulate that the purpose of hard caps is not just to limit bycatch, but to encourage fishing practices which actively avoid bycatch. We certainly don't need to make these recommendations today and given workload and staff issues that we've discussed at length in recent meetings, the management teams proposed time frame to hold these discussions make sense. I would not ask the team to eliminate hard caps for marine mammals, but rather to focus on the management reaction to reaching a hard cap regardless of the species. I'm sure there's other folks who have more to say about the issue. Thanks.

**Marc Gorelnik** [00:02:44] Thank you very much John. Maybe those other folks will raise their hands and I will call on them to add to.....Phil Anderson.

**Phil Anderson** [00:03:01] Yeah, thanks Mr. Chairman. Appreciate everybody's contribution to the discussion today, the National Marine Fisheries Service, the team, our advisory panel and the members of the public, and I won't repeat in its entirety what I have said at previous meetings in terms of the investment of time that the Council and the fishing community as a whole and our environmental community as a whole put into this, to the decision that was made back in 2015, and I know there's been some turnover in Council members around the table here since that action and I guess I can just, would just share that there is a lot of blood, sweat, and tears put into this one, and it was a very difficult decision I will also say I think at the time, but I, like John, continue to support the action we took. I think I would highly recommend that we not get into the numbers and the species that were included in the decision, but instead focus on, I think what John termed the management reaction if we encounter a cap, and so I think that is, I would hope that we would kind of narrow our consideration to that aspect of the rule and I think the general time frame that the team put forward seemed like a reasonable one, and I also would definitely concur with John that they not focus on the policy calls that's already been made in terms of the hard caps being in place, but instead taking a look at the management reaction and the question about what happens when a cap is reached, and there were some things included in the advisory panel's report too in terms of some examples that might have merit further consideration but I wouldn't want to limit the thinking to those. So those are my thoughts. Mr. Chairman, thank you very much.

**Marc Gorelnik** [00:05:49] Thank you very much Phil. Further discussion here?

**Caren Braby** [00:05:56] Mr. Chair, this is Caren.

**Marc Gorelnik** [00:05:58] Oh, Caren yes, we need to give you a hand at some point.

**Caren Braby** [00:06:02] I'm raising it. You just can't see it. Thank you. I wanted to weigh in here as well. I think John's comments and Phil's comments will foreshadow my own, not a big departure and I know we don't want to be redundant with each other's comments, but I think that this is such a really important and concerning issue for so many people that I think it warrants individual comment from me. I was one of the Council members who helped make this decision for the Council and I agree with Phil it was done in a very thoughtful, intentional manner and it was one we struggled with individually and as a Council and I still support the approach. I understand the situation that has arisen from that decision from NMFS perspective and the struggle that they're having, but incentivization was part of that intent. That was very central to our decision at the time and so I support what we did and why we did it and how we did it. I support moving forward addressing or considering alternatives in adjusting elements of the program. That management response aspect of it, without fundamentally throwing out the decision or the intent, and I think that the team request, as well as NMFS and the AS to revisit the purpose and need statement is certainly warranted and would help us kind of reiterate that and refresh that but I don't want to go through and I don't think that the Council, from what I'm hearing today, wants to go through a fundamental shift here. This is more about planning for adjustments to what we have in place to meet some of the severe impacts that have been described economically and the timeline that's been laid out to revisit this in June with the DGN Bycatch Report makes sense to me. I think that's all I'll share at this point. Thank you.

**Marc Gorelnik** [00:09:11] Thank you Caren. Further discussion or perhaps a suggestion for some specific action by the Council here, at least in terms of scheduling? We have a suggestion from both the AS and the management team, and the public, and the Council members have already spoken to that. John Ugoretz.

**John Ugoretz** [00:09:43] Yeah, thanks Mr. Chair. If there's no further Council discussion, I do have a motion that I think would achieve that goal.

**Marc Gorelnik** [00:09:52] Well, I think we can still have Council discussion on your motion so please go ahead John. It'll crystallize things for us.

**John Ugoretz** [00:09:58] Thank you. And if we can pull it up. Thank you. I move that the Council task the Highly Migratory Species Management Team and Highly Migratory Species Advisory Subpanel to develop potential options for clarifying the purpose and need for hard caps in the large mesh drift gillnet fishery and to develop alternative hard cap approaches that address NMFS concerns regarding potential negative economic impacts while still meeting the Council's goal to incentivize fishing behavior that minimizes bycatch for the June 2021 meeting.

**Marc Gorelnik** [00:10:43] John, is the language on the screen complete and accurate?

**John Ugoretz** [00:10:48] Yes.

**Marc Gorelnik** [00:10:49] And just to clarify, when you earlier stated in your public comment that minimizes bycatch would refer, would incorporate both turtles and marine mammals?

**John Ugoretz** [00:11:02] Thank you Mr. Chair. Yes, in been speaking to my motion was going to talk about that. I did not include it specifically in the motion, but my intent is to focus on changes other than changing the list of species that would still affect our goals and meet NMFS's needs.

**Marc Gorelnik** [00:11:25] All right. And I just want to make sure it's clear for the record. Phil Anderson, you have your hand up for a second I assume?

**Phil Anderson** [00:11:33] Yes, Mr. Chairman.

**Marc Gorelnik** [00:11:34] Thank you Phil, and, John, please speak to your motion.

**John Ugoretz** [00:11:39] Thanks. I think I've spoken to it in my comments. I do feel this is a very important matter. I feel that the Council needs to continue to push forward noting that there is a rule in place and so the immediacy is not as direct as it might be if there was not, and I feel that the management team and advisory subpanel, given the guidance we've provided today, can come up with some options that we can consider to then provide as recommendations to NMFS.

**Marc Gorelnik** [00:12:17] All right, thank you John. Are there any questions for John on his motion or discussion on the motion? Corey followed by Louis.

**Corey Niles** [00:12:35] Yeah, thanks Mr. Vice Chair. I was going to speak up earlier but waiting for someone to express a different point of view. I don't want to be redundant to what Caren and John and Phil spoke to very nicely. I did want to say a couple of things for the record. Yeah, this is a tough issue for a lot of people. This is the first time that we've actually taken up the question of the economics, that the concerns NMFS had. I appreciate the NMFS report and laying all that out for us. I don't want to take the time here to explain why we have some significant differences from theirs and I don't want to get into legalistic arguments here, although we may, John may, I wouldn't be surprised if there is some probability that John may see for the first time a court go against a defendant when agreeing with the plaintiff, that that is a possibility in my mind. But the point here is I'm supporting this motion and doing so not because I think we have to legally-wise. I think the Council's rule is valid, but we're doing this because we want to, not because we have to, and I think the way to get through some of these differences on the economic side of things is to take up some, take a look at some different management responses or reactions and do it like we do normally comparing and contrasting alternatives on how we meet the goal while minimizing the adverse impacts on fishing communities. So, thanks John for the motion. Yeah, not to go on too long there but that's, I'm speaking in support.

**Marc Gorelnik** [00:14:30] Thank you very much. Mr. Zimm.

**Louis Zimm** [00:14:34] Thank you Mr. Chair and I will be supporting this motion; however I do have a question to the maker of the motion. I was particularly interested in the second to the last paragraph of the HMST's report as you heard earlier and I'm just wondering if his intent is to preclude any consideration of the comment that the Council should not consider hard caps for marine mammals as this bycatch is currently managed as the Marine Mammal Protection Act. Is this something that they could look into or are we specifically precluding that? Thank you.

**Marc Gorelnik** [00:15:25] John.

**John Ugoretz** [00:15:30] Thanks Mr. Chair and thanks Mr. Zimm for the question. I think as I've stated that we are directing the team to focus on the management response to if a hard cap is met, regardless of the species. I think it's up to the Council if we chose to make any changes to that species list to do that but I'm not making that specific recommendation.

**Louis Zimm** [00:16:00] Thank you.

**Marc Gorelnik** [00:16:04] Okay, further discussion on the motion? Phil Anderson.

**Phil Anderson** [00:16:15] I'm not sure everybody understood what, let me, wait a minute. I'm not sure I understood Mr. Ugoretz's response to Mr. Zimm's question because my answer would have been no, we are not leaving that door open for an assignment to the team to consider. Instead we are focusing on the aspects of the rule that are addressed in this motion. So, if I am mistaken on that, I would like to know.

**Marc Gorelnik** [00:16:58] John, do you feel the need to clarify your response?

**John Ugoretz** [00:17:06] I guess I have to if it's that confusing. I think I made in my statement before making my motion the comment that I do not want the team to focus on changes to the species, but rather the management response and that is still my answer.

**Marc Gorelnik** [00:17:30] Phil.

**Phil Anderson** [00:17:33] Thank you, John.

**Marc Gorelnik** [00:17:39] Louis.

**Louis Zimm** [00:17:40] And thank you also, John, and thank you, Phil. Though I may not entirely agree, I do appreciate the clarification and we'll go from there. Thank you.

**Marc Gorelnik** [00:17:56] Phil, you have your hand up? All right. Further discussion on the motion? I am not seeing any further hands so in a moment I'll call the question. All those in favor say 'aye'.

**Council** [00:18:17] Aye.

**Marc Gorelnik** [00:18:18] Opposed nay? Abstentions. The motion passes unanimously. Thank you very much John for that motion. Is there further Council action on this agenda item? Further discussion on the agenda item? Bob Dooley.

**Bob Dooley** [00:18:52] Thank you Mr. Chairman. I just wanted to comment on the bullet points in the SAS report, and I think that it's, the ideas of working on individual hard caps, regulatory responses, the dynamic time and area closures and all of those things, it seems to me that the, you know, the people that are prosecuting this fishery have some very good ideas. There are a lot of really good ideas floating around, particularly with the EM and in the development of that, as well as some of the cooperative structures, given the fact that there seems to be like 12 vessels that are, at least that was my understanding, that are participating in this and that could, maybe borrowing some from some of the existing cooperative structures and investigating those could be very informative and possibly get to a point where would, some of those mechanisms could really alleviate concerns about overages and hard caps and how to manage those hard caps within a fleet. I also think that, I heard in public comment Mr. Lowry's talking about not getting his NFWF Grant, and I'd be interested in some proactive work to make sure that there's some examples of this and how it could work if that's possible given the financial constraints. It seems to me that this is showing your homework and understanding what's going on in this fishery, and we heard also in that report that there have been no takes, observed take of any hard cap species in the DGN fishery, and so it seems like maybe either happenstance or something's changed and the only way to know that is to have verification and understanding of it in, you know, in a real time basis, so I look forward to hopefully industry coming forth at the next opportunity here to really maybe think outside the box a bit of how this can be, you know, how this fishery could work a little better so I'll stop there. Thank you.

**Marc Gorelnik** [00:21:28] All right, thanks for that Bob. Further, any further discussion on this agenda

item by the Council? I'm not seeing any hands, but turn back the Kit and see how we're doing on this agenda item?

**Kit Dahl** [00:21:49] Thank you Mr. Chair. Yes, you had considerable discussion about the way forward here. A motion with some clear guidance supported by that discussion so I think, and you can pursue this a bit further tomorrow, but the sentiment is to come back in June of next year to consider potential modifications to the regulations, if I may put it that way, but with a clear direction that that would focus on the management response and the Council at this time is not interested in revisiting the list of species or the hard cap numbers that have been adopted through this rulemaking. So, hopefully that's a reasonably accurate characterization and with that I think you are done with this agenda item.

**Marc Gorelnik** [00:22:54] I see John you had your hand up for a moment. Did you have something?

**John Ugoretz** [00:23:00] Yeah, I've heard it a couple of times now and I just want to make sure I'm clear that the hard cap numbers are based on a currently on a two-year rolling cap. If the management response changed to something other than a two-year rolling cap, those numbers might have to change to reflect that. I don't know that they would, but I don't want to leave people with the impression that the numbers themselves might not be suggested to change depending on how we are managing it, so I would not make the one year, a one-year cap the same as a two-year cap because I would want to again incentivize that behavior that avoids it.

**Marc Gorelnik** [00:23:53] All right, thanks John. So, I think that concludes this agenda item.