

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**256<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**September 8-11 & 14-18, 2020**  
Online Meeting due to the COVID-19 Pandemic

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## Meeting Transcript Summary

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## A. Call to Order

### 5. Agenda

**Marc Gorelnik** [00:00:00] That concludes the ED report and will take us to our next agenda item, which is approval of the agenda. We have, Chuck had mentioned we have no proposals to review under Agenda Item D.3 so I guess I'll open the floor for discussion on the agenda and see if there is a motion to approve the agenda or to amend the agenda before approval. Corey Niles.

**Corey Niles** [00:00:41] Thanks Mr. Chair and first to get some discussion going here. I do think we have, we are interested in having a discussion here about modifying the agenda. The issue that's been brought to our attention and I know it's been brought to the GMT and NMFS's attention and others as well as that the market and economic conditions of the pandemic have affected all of us, but it is affecting sablefish, the fishery up in Alaska and the timing of when they finish up there and are able to come down here and prosecute their tier fishery, so this issue came up just a day or two ago after the written public comment deadline had closed, but we expect that Bob Alverson will be coming up under B.1 to ask us to consider this change to the, to extend the season length from October 31st to the end of the year, so I'm going on too long here, but I believe one idea that would allow the Council to consider the merits, that idea, we would have to modify the agenda to even take that up, the question of whether we should do a change and we could do that most naturally under the D.2, I believe, if I have my agenda right here where we talk about workload implications in general. So I'll stop here quickly and see if staff had a reaction, if we have an interest in take, in considering this request in looking for the, if others are supportive of where and how to do best.

**Marc Gorelnik** [00:02:42] Thank you Corey. Well, I'll look to staff for some guidance here.

**Chuck Tracy** [00:02:47] Thanks Mr. Chair. Thanks Mr. Niles. So if there is a request that the Council wants to consider for picking emergency action on something like that they could take that up similar to how we did back in April on the whiting mothership catcher processor issue, so that would involve the Council considering the need for and modifying the agenda to set up a new agenda item and so there'd have to be sufficient justification for that but that could be done. I think it would be good to if that, if there is consideration of that to include some discussion about the workload implications under groundfish item D.2, but in terms of actually modifying the agenda, that could be done essentially at any time during the course of the week. However, I would advise the Council to provide some lead time between considering and identifying the issue to be addressed and actually bring it to the Council floor so that staff and advisory bodies have an opportunity to develop some briefing materials and develop statements and there's public notice as much as possible to allow as much formal process as possible so, again, I would encourage some time between those identification and addressing the issue on the Council floor. So, I guess with that being said, again I haven't, I've heard about this issue, something about this issue, but I haven't seen any specific requests of this type.

**Marc Gorelnik** [00:05:11] Thanks Chuck. Ryan.

**Ryan Wulff** [00:05:14] Thank you Mr. Chair. I just wanted to echo the comments made by Chuck. I agree with everything he said. I do think it would be helpful from NMFS perspective to get the Council's input on this once we see this request if this is coming through. I think that is most appropriate under D.2 with those other workload priorities and just want to reiterate to the Council as per NMFS guidance on emergency rules. Moving forward with emergency rule automatically takes precedence over any non-emergency issues so that would devote NMFS resources, which are limited and we'll hear more about that in my report to focus on this as a priority, probably limiting our ability to take anything else on in November, including follow-up from other items at this meeting so therefore be very relevant to

have in the context of that broader workload discussion. Thank you.

**Marc Gorelnik** [00:06:12] Thank you Ryan. And so if I understand correctly, Chuck, that we could take this up under D.2, but if we were to take action, we would actually need to amend the agenda to add perhaps a D.7 to separately call out that Council action and allow advisory bodies and the public to provide an opportunity to weigh in on that potential emergency action?

**Chuck Tracy** [00:06:46] That's correct Mr. Chairman.

**Marc Gorelnik** [00:06:50] All right, thank you. Is there further discussion on the September agenda? Corey.

**Corey Niles** [00:06:58] Well just yes. Thank you, Chuck, and thank you, Ryan, and we fully agree that if we were to have this discussion, workload, we want to, we definitely want to know about the workload implications. What I didn't say before was the reason I think, you know, we've heard enough and you will hear and be able to ask Bob under the next agenda item for more details but we're talking on the order of 20 to 30 percent of the tier fishery going unharvested or not and can't do math on the fly here but that's in the million pound range and I know the price per pound is not, it's not what it would be in normal economic times, but that is a significant amount of economic benefit so hearing that is the reason we think, we the Council should consider the idea and I would be, if I'm understanding what I'm hearing correctly from folks that we'd be prepared to put a motion here to add an agenda item where we can take that all into consideration and make a recommendation.

**Marc Gorelnik** [00:08:16] Thanks Corey. Are you suggesting you would make that motion now or are you, as Mr. Tracy indicated we could amend the agenda later once we have a request?

**Corey Niles** [00:08:33] Thank, Mr. Chair, well, I'm going to make the, I'm making the request that we take this up and Bob will support that and I think if we wait till to B.1 after we hear or we do it now, I don't think that matters to me in terms of I think the aim is to give people as much notice as we can and now or an hour from now doesn't....

**Marc Gorelnik** [00:08:57] Well it would be simple from a parliamentary procedure perspective to not have to revisit previously approved motions so if before we get into any motion practice on this agenda item, I want a, I see additional hands up. So Marci....

**Marci Yaremko** [00:09:15] Yes thank you, Mr. Chair. I would I think support the pathway forward that Chuck identified, which would be we consider whether we need to add an emergency item in the course of our actions under D.2, which would include modifying the agenda at that time. I have some concern with adding an item now. It indicates that we intend to take up the question and we may or may not intend to take up the question so I think Chair Gorelnik you were getting to the point about giving an appearance of considering an item and then if we discussed it under D.2 and then subsequently needed to cancel it that's not the most efficient path so I'd support having the full discussion under D.2 and determining if we need to amend the agenda at that time.

**Marc Gorelnik** [00:10:21] All right, thank you Marci. Any further discussion before entertain a motion on the agenda?

**Chuck Tracy** [00:10:31] Mr. Chair.

**Marc Gorelnik** [00:10:34] Yes sir.

**Chuck Tracy** [00:10:34] I guess I would just say that again we haven't seen anything. I will, I'm not like to repeat rumors but I wonder if maybe just a question for Mr. Niles if he is, I believe there's been discussions among the GMT about a potential solution that would not require emergency action to this proposal which we haven't seen yet. Just wondering if he is aware of those discussions and if that is had any bearing on his thoughts?

**Marc Gorelnik** [00:11:19] Corey.

**Corey Niles** [00:11:19] Thanks, Chuck, and it's not, it's not a rumor and it's an artifact of the public comment window being closed, which is another matter that we might talk about in the future, but I have not heard the GMT offer other solutions so I might be in the dark there but the only tradeoff, and Marci thanks for the comments, the only trade off that I'm seeing is just the public notice and how much people are on notice we'll talk about this and whether or not we're going to have so I'm not, I don't know that it really matters and Bob's going to bring it up here under B.1, so, again, I thought I was here, bring up here to give people notice. I don't know what single it says. I don't think we by scheduling an agenda, I don't agree that we're definitely going to act on it, it's just giving us the option to act but if others feel that's the signal we're giving, again we want opportunity to talk about this, looking for the right way procedurally and happy to do it how people feel most comfortable but we'll hear it pretty soon here from Bob and people in NMFS. I know NMFS has been thinking about was probably the first one to know so, yeah, if there are other thoughts on how to best do this, I do think it's a discussion we should have and given all the emergency actions we took..... here to help people with the pandemic conditions. If we had a crystal ball we would've put this one because that's what's going on here and I don't see any difference between what we did earlier this year and what we're asking for here, it just came up recently.

**Marc Gorelnik** [00:13:18] All right. Well I think it's a little early in the meeting to get wrapped around the axle on something like this so I'll entertain a motion here, keeping in mind the comments we received on agenda item D.3, not having received any topics for analyses and also taking into count this sablefish issue. We've heard one perspective that we don't need to amend the agenda at this time, but I think Corey is sympathetic to that so I'm just going to open the floor now and ask someone to make a motion so we can nail down this agenda and move on to the rest of our meeting. Maggie Sommer.

**Maggie Sommer** [00:14:20] Thank you Chair Gorelnik. I'd like to move that the Council approve the agenda as proposed in agenda item A.5, September 2020.

**Marc Gorelnik** [00:14:47] Okay. We have a motion. Do we have a second? I see Pete Hassemer seconding the motion. Please speak to your motion Maggie, in particular I'd be curious to find out why you don't want to remove item D.3 from the motion. Go ahead Maggie.

**Maggie Sommer** [00:15:14] Thank you Chair Gorelnik. That was my error in being too hasty to put forward a motion. I, in fact do support removing item D.3 from the agenda so perhaps I could withdraw my motion.

**Marc Gorelnik** [00:15:31] All right. You'd like to withdraw your motion. Pete you seconded, are you fine with the withdrawal of the motion?

**Pete Hassemer** [00:15:38] Yes.

**Marc Gorelnik** [00:15:39] All right. Maggie give it one more try here.

**Maggie Sommer** [00:15:44] Thanks Chair Gorelnik. I move the Council approve the agenda as proposed in agenda item A.5, September 2020 except strike Agenda Item D.3.

**Marc Gorelnik** [00:16:07] All right, thank you Maggie. Pete, you have your hand up as a second?

**Pete Hassemer** [00:16:10] Yes, that's the motion I intended to second.

**Marc Gorelnik** [00:16:15] Okay. Maggie speak to your motion, as necessary.

**Maggie Sommer** [00:16:19] No. Thanks Chair Gorelnik. I don't think much is needed, just acknowledging that for the D.3 item there were no methodologies proposed for review so the Council doesn't need to take that up and I also would just say that I certainly recognize the discussion about the sablefish issue and the emergency rule but I am not prepared to consider a change to the agenda at this point. I think we all need to learn more about ongoing discussions about that.

**Marc Gorelnik** [00:16:52] All right thank you Maggie. Any discussion or proposed amendments? I'm not saying any hands or any for discussion or amendments, I'll call the question. All those in favor of approving Maggie Sommer's motion say 'aye'.

**Council** [00:17:07] Aye.

**Marc Gorelnik** [00:17:07] Opposed no? Abstentions? Motion passes unanimously. Thanks very much Maggie. So we have an agenda.

## B. Open Comment Period

### 1. Comments on Non-Agenda Items

**Marc Gorelnik** [00:00:01] Is there any discussion here? Louis, I see your hand up.

**Louis Zimm** [00:00:06] Oh I'm sorry, I'll bring it down. Thank you.

**Marc Gorelnik** [00:00:08] All right. Mr. Anderson.

**Phil Anderson** [00:00:11] Yeah thanks Mr. Chairman. I was struggling to find my unmute button, but I'm hoping that finding it isn't a mistake. I wanted to speak to some of the comments made with respect to shortbelly rockfish and I'm sympathetic to many of the words that were spoken in concern with the Council's action in June, but my concern or my sympathy lies with the comments that were associated with the importance of shortbelly rockfish as a forage fish, and it's important to the overall ecosystem and its importance as a prey for many species that depend on it. I wanted to just go back for a moment to the June discussion if I could and I may have a question and I don't know whether it will be for Todd Phillips, I don't want to take him by surprise or for Ryan Wulff, but what we did, you know, I was, one of the things that was said in public testimony was something along the lines that the Council concluded that shortbelly rockfish are not in need of management or conservation and that the result we were ignoring it again and I don't, I take issue with that statement and here's why. Now I recognize that in the GMT's comments in their report that they specifically said that they concluded that for a variety of reasons that shortbelly rockfish are not in need of conservation and management in the 2021-22 biennium and that was in part what led to their recommendation that the Council consider them as an EC species in the FMP. They were also careful to point out, however, that considered consistent with certain provisions within the Magnuson Act but that management measures can be adopted in order to collect data on EC species, minimize bycatch or bycatch mortality and protect the associated role of the EC species in the ecosystem and that is where I think our Council discussion was largely focused in June, and it is why we explicitly said we are going to maintain our inseason monitoring and reporting of incidental bycatch. It is, part of the discussion was the assurances we got from industry that they're going to provide that information, which they continue to do. We also reiterated our support for having shortbelly included as part of our stock assessment for 2023 and it was also in recognition that the shortbelly rockfish resource at this point in time is healthy. It may be at unprecedented levels of health and abundance but whether it is or it isn't at unprecedented levels, it is at a very healthy state and so to me that does not, I did not conclude or and do not conclude that Council action is in any way saying that shortbelly rockfish resources are not in need of management or conservation or that we're going to ignore it. Quite the contrary. Now taking this approach is one avenue and when it's coupled with these types of management measures and monitoring data collection, stock assessment pieces that went along with our actions, I do not find the same conclusion that some of the folks that commented on it under this agenda item are. So again, I'm sympathetic to many of the words and the concerns that were spoken by members of the public on this topic. I'm sympathetic that they want to hold our feet to the fire. That even though we determined it as an EC species for the 2021-22 biennium, we're not walking away from our commitments for inseason monitoring, reporting, keeping it in the suite of stock assessments for 2023 and so that leads me, if you will Mr. Chairman, to my question just to affirm that, or what I walked away from our June discussion with that I just referenced is in fact accurate. I don't have time to run back and look at the meeting minutes right at the moment but if it would be fair and question to have that, my understanding affirmed either by our Council staff officer that supports the GMT and would have been, I believe, in the seat at the time or certainly Ryan Wulff, and I believe Aja was in the seat at the time for National Marine Fisheries Service when we made our decision in June on shortbelly rockfish.



**Marc Gorelnik** [00:07:09] Thank you Phil. I'll look to see if we have any input from Council staff or Ryan and I'll look for a hand to be raised so I can call on them. Todd, please go ahead.

**Todd Phillips** [00:07:32] Thank you. Mr. Chair I only recount the brief ending there from Phil. Could the question be repeated? I would want to make sure I answer it in full. Thank you.

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

**Phil Anderson** [00:08:01] Yeah thanks. Well I wanted to affirm, Todd, my recollection of the discussion on shortbelly rockfish which augmented our decision, the Council's decision to move this species to an EC species in the 21-22 biennium. We augmented that with that decision with the affirmation that we are going to continue our inseason monitoring and reporting of incidental bycatch. That we were going to continue its inclusion in our stock assessment, suite of stock assessments in 2023 and I believe that would also result in it being included in the, that information being included in the safe document and I also reference the industry's continued support and commitment to report virtually as it occurs the bycatch of shortbelly rockfish that was taking place in the trawl fishery.

**Marc Gorelnik** [00:09:20] Todd.

**Todd Phillips** [00:09:21] Yes thank you Mr. Chair. Yes, Mr. Anderson, those are my recollections. One thing that in the motion that the Council made and I'm paraphrasing, was that one, obviously that the species would be moved to the ecosystem component and also that the Council would watch this particular species catch and they would do so be it inseason through the species scorecard or, excuse me the scorecard, the groundfish scorecard. Also that should shortbelly catch approach or hit a, I believe it's a 2,000 metric ton amount, the Council would then take up the issue and determine if further management measures would be needed to curtail or even slow the catch of shortbelly. Yes, I would wholeheartedly agree that there was, the Council recognized that at least for this coming biennium it could be the shortbelly would be an ecosystem component species, however, based on my interpretation of the discussion that the Council reserve the right, I guess is maybe not the correct word, but reserve the idea that should things, should the GMT, should the GAP, should industry start reporting that there were concerns that shortbelly could, the management of shortbelly could change based on new data. So, in short Mr. Anderson, I agree that what your recollection is, is what I recall as well. Thank you.

**Marc Gorelnik** [00:11:19] Thanks Todd. John DeVore. John you're muted but I see your hand up. There you go.

**John DeVore** [00:11:33] Okay sorry. Just to add to what Todd had to say. Shortbelly is on the list of 2023 assessments and in the SSC discussion in June when they were talking about assessments. Dr. Field from the Southwest Science Center mentioned that they were planning to do an assessment of shortbelly as an academic exercise again, which was the original assessment in 2007 and we're not opposed to, you know having it formally reviewed in a Star Panel in 2023 as well, so we're in a position to be able to assess that stock and the Council did select it as a candidate for 2023 so just to confirm that Mr. Anderson's characterization of the June actions is correct. That part is correct as well.

**Marc Gorelnik** [00:12:34] All right. Thank you, John. Any further discussion on this agenda item? Seeing none I think that concludes this. Correct Chuck?

**Chuck Tracy** [00:12:56] Corey has his hand up.

**Marc Gorelnik** [00:12:58] Corey's hand just went up. Go ahead Corey.

**Corey Niles** [00:13:02] Thank you Mr. Chair. Sorry slow on the buttons here, and first I'll thank Phil. Well said about shortbelly. I, too, agreed with much of the public comment in principle and common objectives, but disagree strongly with certain conclusions and happy to explain anyone who wants to talk what that means, but I just wanted to prompt again if people are willing to discuss here briefly. I, as I said this morning, and I realize we were a bit ahead of the curve on what the issue was but Bob and Paul brought up the issue here and of the challenges of harvesting the sablefish tier fishery this year, which is one of our core fisheries and a big source of income for folks in our community so, again, just if people are still wishing to consider whether we need to modify the agenda under D.3 that would be fine, but I do think we've heard enough about the economic importance and understand the seriousness that NMFS is talking about workload-wise and looking forward to hearing more about that, but this is a big deal...to put it not very eloquently.

**Marc Gorelnik** [00:14:31] Thank you Corey. Well it seems like we could take this up under a D.2 and then discuss whether we need to add a further agenda item. I'd like to check to see if that's okay with you Corey, and also check with Chuck to see if that would be appropriate.

**Corey Niles** [00:14:58] Yeah, and I said D.3 because I can just never keep these things straight, but I meant D.2 and if that's what would work and that's the place to have, people are comfortable having a discussion there that definitely works for us.

**Chuck Tracy** [00:15:12] Yeah, thanks Mr. Chair. Yeah, I think that's, I think that would be appropriate place for the discussion. If there is some contemplation of adding an agenda item, again I think what would really facilitate the discussion under that agenda item is, you know, if we had a clear statement of what the issue is, what the proposed solution is, and some background information so that, so that we really you know have, the Council has some good information upon which to base a decision, you know, a clear record and some analysis of what this might mean, so I think that would be, I guess I would encourage other proponents to start trying to put that together. We worked through the advisory bodies as well to get that information in front of the Council and in front of the public so that they can have an opportunity to comment on it. You know, I think back to April and we had some, you know, some very last minute inseason changes that came that nobody saw and I think there were a lot of problems with that process and as a result, a lot of the hoped-for actions were not able to be carried through so, again, just encouraging people to get their ducks in a row and get there, get the materials there and not just rely on what people heard under some agenda item but that there'd be some written materials for people to work with. Thank you.

**Marc Gorelnik** [00:17:10] Thanks for that Chuck that's good advice. At the moment D.2 is scheduled to be taken up first thing on Tuesday, September 15th if that is if we can manage to stay on schedule so the earlier that those materials could be put together the better. So let's see, Maggie Sommer.

**Maggie Sommer** [00:17:37] Thanks Chair Gorelnik. Just looking for some clarification on the statements you and Director Tracy just made. So we would be looking for those materials and those clear statements of potential solution under D.2 when the Council could then have an informed discussion of this in the context of groundfish workload priorities, and if the Council chooses to move forward with considering an emergency action at that time, we would entertain a motion to revise this week's agenda to add a new item at some point later in the week to do that?

**Chuck Tracy** [00:18:29] Mr. Chairman.

**Marc Gorelnik** [00:18:30] Please.

**Chuck Tracy** [00:18:30] Yes Miss Sommer, that's correct. That would be my, that is how I'd like to

see it approached...so get the information to make the decision on whether to amend the agenda under D.2 and then add it for some time later so that, again, so the materials are there for people to look at and have some discussions before we get to Council action.

**Maggie Sommer** [00:18:56] Thank you.

**Marc Gorelnik** [00:19:00] Okay anything further under this agenda item? All right I'm not seeing any hands, so that concludes Agenda Item B.1.

## C. Administrative Matters

### 1. National Marine Fisheries Service Report

**Marc Gorelnik** [00:00:00] Concludes public comment and that takes us to Council discussion on quite a wide-ranging NMFS report, so let's see what manner of discussion we can have here. I'll look for people to raise their hand. Heather Hall.

**Heather Hall** [00:00:30] Hi. Thank you Chair. I just wanted to address the issue with the Washington cabezon kelp greenling stock complex and the 2019 catch exceeding the ACL. I'll keep it brief. The GMT did a really good job in their statement explaining the situation. I just wanted to take a couple steps back from that and say that it's something we've been watching carefully prior to 2019. The primary catch in that complex is cabezon, so in addition to revising the stock complex in 2019-2020, we also implemented a sub bag limit of one fish per person in all of our marine areas, so we've taken regulatory action. You know we were hopeful that we would standard the ACL, and granted, it's less than a half metric ton, but I appreciate that it's important we explain that we're certain we won't exceed that ACL again. As the GMT report said, we had our recreational fishery closed for a couple of months this year due to the COVID pandemic so we just have a couple of months without any recreational landings at all and then in addition, the ports of the Neah Bay and La Push are closed and that's really where we see a lot of the cabezon catch of our coast, so I think the GMT report did a really good job of explaining why that wouldn't be an issue in 2020, but then also looking forward to 2021 and 2022, and I'd be happy to answer any questions if folks have them.

**Marc Gorelnik** [00:02:30] Thank you Heather. Further discussion or guidance? I know what's out there, people are shy about raising their hands. Marci Yaremko.

**Marci Yaremko** [00:02:44] Yeah thank you Mr. Chair. I just want to thank the GMT for their report. We don't usually get a GMT report under the NMFS report item but raising the issue about the yelloweye bycatch information we received for the 2019 directed halibut fishery is important so I'm glad to receive that and I look forward to the updated scorecard in the inseason item so just appreciation for them taking the time to call that out for us.

**Marc Gorelnik** [00:03:22] Thank you Marci. Louis Zimm.

**Louis Zimm** [00:03:24] Thank you Mr. Chair, and thank you to Heather for her discussion about cabezon and so this is just a comment. I just want to say how remarkable it is that in California, we were able to go from a two fish limit up to a total, including the bag limit, perhaps 10 and I think it's very interesting what is California doing differently or is it just a completely different world with a lot more recruitment? And I'm sure we can't come up with the answer today, but this is just something to ponder on. Thank you.

**Marc Gorelnik** [00:04:02] Thanks Louis. One thing I did hear, at least through, through public comment was an interest in continued engagement through the Council process in aquaculture issues and I appreciate Ryan's offer made to Mike Conroy. NMFS might consider having an evening session at an upcoming Council meeting. I know those are difficult but to the extent that this is a good venue for stakeholders on that topic and given how scarce floor time is these days, that might be something that NMFS could consider. Bob Dooley.

**Bob Dooley** [00:04:57] Thank you Mr. Chair. I appreciate those comments of having an evening session dedicated to this, I think it would be very fruitful. The purpose of my comments here wasn't that but I do appreciate that. I'm reflecting on the GAP statement and the second half of it regarding cost recovery.

I thought that was a very fruitful proposal that could really get us out of the spiral we seem to be in for the, since we started, and I think, I know staff time is tough to come by but I think it might be worth putting some time into this in a committee type approach or some type of a workgroup type approach to see if this could get us somewhere. I mean for, I think since the first cost recovery report, I've been harkening back to the guidelines that were part of the original motion and how important it was to, and how informative they could be to putting together a more transparent way, and it's been a common theme through every cost recovery report of the cycle that was described there so I know there was a question about staff time and all the time it might take to do it but I look at this maybe a net gain at the end of the day because it'll get us out of this spiral and get us to some transparency, build trust, build understanding of how this is all going forward and what it really is and give us a better understanding of it. So I would be supportive of that and I think it would be worth to explore that, at least to explore that whole idea so and then finally, I'd like to thank Heather for all of the work she did on the buyback and getting that done. Thank the, you know, the agency obviously for finally getting it done and now we see the fruits of it and what it could produce. I know that this has been a long, long time coming, this buyback relief and I think it started way back when with Pete Leipzig was part of it and I know that Michele Norval carried the ball for a while and, you know, there's been a lot of work in it but Heather, Heather was the workhorse that got this done and I really, really appreciate it so I wanted to say that publicly. So thank you.

**Marc Gorelnik** [00:07:39] All right. Thank you, Bob. Phil Anderson.

**Phil Anderson** [00:07:43] Thanks Mr. Chair. Just a couple thoughts on the cost recovery piece. Appreciated the GAP trying to think of an alternative approach to kind of getting us to get to a better place. On that topic I know we've expended, we, particularly the industry and National Marine Fisheries Service, have expended a lot of effort up to this point in time trying to get there and there still are some outstanding issues that remain unresolved or need further discussion and, you know, before I'm, I guess ready to endorse the idea I would like for NMFS to take some time to think about what's being proposed there and maybe we can come back in November and have some further dialogue in terms of if we want to move forward in that with that kind of a structure to get at the remaining issues, making sure that we have an understanding of what NMFS thinks about the approach, as well as the, the ability of the Council staff to provide the necessary support for such an approach. Thanks.

**Marc Gorelnik** [00:09:16] I think that's a good idea Phil. Further discussion? Louis Zimm.

**Louis Zimm** [00:09:23] Thank you Mr. Chair and I just wanted to make sure we don't lose sight of your suggestion for the Council to pursue information and to perhaps have an evening information gathering session. If need be, I can bring the principles of the Offshore Mission Bay Finfish Group to that session. I could stir them up and so I think this is really something we need to get at before a lot of misinformation gets out and it turns into a hornet's nest that we have to work much harder on a few years down the road. Thank you.

**Marc Gorelnik** [00:10:09] All right. Well since that would not be taking up floor time in November, we won't discuss it as part of workload planning, but that is something that can be discussed offline after we conclude the September meeting and if the important parties are prepared to participate, including NMFS, then that's something we can discuss. As far as guidance here under this Agenda Item C.1, there was the suggestion that NMFS consider the request, the recommendations of the GAP and then provide a response at the November meeting and I guess I'd like to ask Ryan if that's something NMFS would be prepared to do. Ryan.

**Ryan Wulff** [00:11:03] Yeah, thank you Mr. Chair. I had my hand up briefly a moment ago to say this same thing. Yes, so we're happy to do that as you just outlined and as Phil recommended and I'm also

happy in parallel to work with Louis and those interested on the formulation of an off agenda evening for other session on the aquaculture issues raised during this discussion.

**Marc Gorelnik** [00:11:26] Right, I mean it doesn't have to be an evening, it could be something you know, it doesn't have to coincide with the Council meeting necessarily. I mean, in the olden days when we met in person, everyone was here so we would do it in the evening but there is certainly no imperative to do that now but it is something I think that would be fruitful. Bob Dooley.

**Bob Dooley** [00:11:50] Thank you Mr. Chairman. I just wanted to make a comment that in regards to the cost recovery procedure and it would be nice to have NMFS staff look at that and come back to us with an analysis, but I would hope they would work with the authors, Sarah particularly, who made the, you know, answered the questions but where else there to understand if there's any misinterpretation so we get a clearer picture of what it is that is being proposed and how we might work through some of the rough edges before we get to just an open ended answer, so just a thought so I appreciate it. Thank you.

**Marc Gorelnik** [00:12:40] Thanks Bob. Well, I think NMFS probably has to do some internal discussions after having seen these requests from the GAP so I guess we'll get a response from NMFS in November and if they think it's fruitful to reach out to Sarah between now and then, I guess we'll leave that up to NMFS. Is there any other discussion or guidance to be provided under this agenda item? Maggie Sommer.

**Maggie Sommer** [00:13:09] Thanks Chair Gorelnik. Just briefly, we already emphasized our concerns about the trawl, pardon me, all of the surveys next year and I just thought it was worth them coming back around and recognizing that again, that was the first topic the GAP addressed in their report and it is really a critical to importance, of critical importance to us so we have been really appreciative, I think of the updates that Kevin Werner and Kristen Koch have been provided and I heard some intent to repeat that in November and report to us on progress and planning, certainly in the context of potential ongoing COVID-related challenges next year and just support that and look forward to it in November again. Thanks.

**Marc Gorelnik** [00:14:05] Thanks Maggie. I think that's an important point to emphasize. This was an issue for the Council even before we had the COVID interruptions in surveys and especially, you know, we have this Executive Order we'll be discussing on the last day of the meeting about improving seafood production and one of our great obstacles is actually a shortage of data for stock assessments that would allow us to access more of certain abundant stocks...but we can't... so is there any other guidance or discussion on this agenda item? Okay that will conclude Agenda Item C.1.

## 2. Executive Order 13921: Promoting American Seafood Competitiveness and Economic Growth – Final Recommendations

**Brad Pettinger** [00:00:00] Well that takes us through public comment which brings us to Council discussion. We have been doing this for about an hour and a half. This is a topic of pretty broad base, a lot of things to look at. I'd like to maybe open it up for discussion before we go to break just to get an idea of the size of the axle we're about to wrap up and see if somebody has something they want to at least start with to get us thinking about during the break. Briana.

**Briana Brady** [00:00:37] Thank you Mr. Vice Chair. I'll start off with this CPS items and just say that I support keeping the squid item on the list and making it a priority and for the HMSAS report, adding urchin to that same line with squid. Additionally, that makes me wonder if there's any other non-Council managed species that would be subject to these similar constraints and should be looked into but I don't know how or how that would work, and then for the sardine item I think that other work needs to occur and it is import.....and prior to an FMP amendment and that it is unlikely that this can be completed within the EO one year timeline. I recommend that the advisory subpanel, the CPS Advisory Subpanel continue to explore the issue further to work towards a potential FMP amendment for something to be brought forth for a future Year-at-a-Glance item. I support this work and want to figure out how to prioritize it as we move forward so I would suggest we remove starting from the EO list. Just some consideration. Thanks.

**Brad Pettinger** [00:01:56] Thank you Briana. Anyone else? Okay well I'd say that the.....

**Chuck Tracy** [00:02:03] Mr. Vice Chair.

**Brad Pettinger** [00:02:03] Yes, Chuck.

**Chuck Tracy** [00:02:05] Yeah just so we're clear. I know Jim covered this in the situation summary. We've kind of got two things going on here. One of them is we have to develop this prioritized list for things that are within the Council's purview under the Magnuson Act, its so-called section 4 responses. Then there's a large number of things that are outside the Council's purview that may be associated with other statutes. That's a separate opportunity to provide input to the administration on things that would address the objective of the EO but aren't relative to that specific assignment to the Council's to develop that prioritized list and that implementation plan. So I just want to make sure we don't, you know, confuse our priorities and think we're doing prioritizing everything in the same bucket. We've got two buckets. We've got one that we, the section 4 business we are required to do and then the other bucket that's more of an opportunity to provide additional input to the administration so I just want to make sure we're clear on that.

**Brad Pettinger** [00:03:25] Thanks, Chuck. Bob Dooley. Bob.

**Bob Dooley** [00:03:30] Yes thank you Mr. Vice Chair. I just had a question for Chuck just for clarity because I'm hearing kind of two different tones going through this. By November second, we have to provide the list of recommendations it appears, including proposals, but it also, it says to initiating, for initiating each recommended action within one year, which is May 2021. Does that mean start working on or does that mean completing, because I'm hearing different interpretations of that through the discussions here.

**Chuck Tracy** [00:04:09] Thanks Mr. Vice Chair, Mr. Dooley. It means initiating, so that means starting it, so I guess my interpretation of that is there would be some place on our Year-at-a-Glance prior to May that whatever priorities we are able to accommodate within our workload, that they would appear

on the Year-at-a-Glance, so again these are things that would be within the Council's purview.

**Bob Dooley** [00:04:42] One follow-up if I may Mr. Vice Chair?

**Brad Pettinger** [00:04:44] Please.

**Bob Dooley** [00:04:45] Well Chuck...and then also I appreciate that, that helps me a bunch. Could this also include things that are already under our Year-at-a-Glance that may fit the description is, is that?

**Chuck Tracy** [00:04:59] Yes. Yes.

**Bob Dooley** [00:05:00] Thank you.

**Brad Pettinger** [00:05:01] Okay. Marc.

**Marc Gorelnik** [00:05:06] Thank you Vice Chair Pettinger. I also need some clarity here. I've looked at the list of the various priority items that have been suggested to us and I guess my interpretation of the EO is that it related to regulations under the purview of NOAA or at least the Commerce Department and some of the suggestions are either statutory and others, for example, the squid regulation is, I believe, promulgated by the Department of the Interior so it's not part of NOAA, so I guess I would like some clarity. When we're setting these priorities should we be focusing on those regulations that are within NOAA, within commerce? Should we be able to include those that are outside that agency and department? Anyway, I'd just like some get some clarity there.

**Brad Pettinger** [00:06:13] Are you asking for Ryan to clarify?

**Marc Gorelnik** [00:06:17] I would hope Ryan could have the answer to that.

**Brad Pettinger** [00:06:19] Ryan.

**Ryan Wulff** [00:06:21] Yeah thank you Chair and Vice Chair. Thank you there for the question. I actually would kind of put this, I'd modify Chuck's statement into more of three bins, right? So the first bin is, and this is where the priority items are. Prioritization is being requested by NMFS for section 4, which are changes to regulations, guidance documents, et cetera and that's got the template and everything. The second bin would be any recommendations that pertain to other sections of the Executive Order. For example, I would argue that squid, as it's a Fish and Wildlife Service regulation, could be a recommendation from this Council to the Seafood Task Force under section 11, or some of the aquaculture items could be put under those relevant sections, and then the final bin would be anything that doesn't really fit with a specific section of the Executive Order, however, maybe the Council feels it meets the purpose of the Executive Order and therefore understands it doesn't fit in one of those bins, but wants to at least flag it just to put it forward to see if any action happens. I hope that helps.

**Marc Gorelnik** [00:07:44] Yeah, could I follow on, a quick follow-up Vice Chair?

**Brad Pettinger** [00:07:49] Please.

**Marc Gorelnik** [00:07:49] So we've got among the list here we have requests for funding, and we have suggestions to changes to statutes, for example, the Marine Mammal Protection Act.

**Brad Pettinger** [00:08:06] That's a question for?



**Marc Gorelnik** [00:08:07] And that's a question for Ryan.

**Brad Pettinger** [00:08:09] There you go. Ryan.

**Marc Gorelnik** [00:08:10] Ryan trying to clarify....

**Ryan Wulff** [00:08:14] You cut off at the.....I think you're asking about the legislative one. So in my opinion any legislative action would not be part of the scope of this Executive Order, which is focused on actions being taken by various agencies under the executive branch, so again, anything legislative would be that third bin, if you will. I mean I would say it would be outside the scope of this Executive Order or should the Council want to put it forward and that third bin and see what happens that's your prerogative, but in my opinion legislative actions are not part of this bill.

**Marc Gorelnik** [00:08:49] How about requests for funding?

**Ryan Wulff** [00:08:52] That would be appropriations and legislative unless you're acting, unless you're asking specific to redistribution of current appropriations to prioritize elsewhere and then again, if you're asking that within an executive branch discretionary decision, I would again put that in that third bin.

**Marc Gorelnik** [00:09:15] Okay. Thank you.

**Brad Pettinger** [00:09:17] Okay. Heather. Heather Hall.

**Heather Hall** [00:09:23] Thank you Vice Chair. My question is about bin number one, and I'm almost there. I feel like there's one piece I just want to confirm about that. So, it's a prioritized list within the Council's purview, stuff that we can initiate by April 2021 but then I also understand it has to be complete in one year. Something that would be completed, would that be May 2022? So, I just want to confirm that I've got at least my bin number one scope defined appropriately.

**Brad Pettinger** [00:10:06] And that's a question for Ryan I'm assuming.

**Ryan Wulff** [00:10:10] So, I'm looking at the EO, thank you for the question. I don't see that one year of implementation. I see, I mean there's a one-year report, it just says a proposal for initiating within one year so I don't see any implementation date in the EO, but maybe I'm missing it.

**Brad Pettinger** [00:10:40] Thank you Ryan.

**Heather Hall** [00:10:42] Thank you.

**Brad Pettinger** [00:10:42] Thanks Heather for that. John Ugoretz.

**John Ugoretz** [00:10:48] Thank you Mr. Chair and going back to Mr. Gorelnik, Chair Gorelnik's question and Ryan's response. I just want to be sure we're all on the same page with regard to which agency actions could be included because at least in looking at the Executive Order section 4.1, I do not see anything limiting this to National Marine Fisheries Service or NOAA actions.

**Brad Pettinger** [00:11:23] Ryan.

**Ryan Wulff** [00:11:25] Hold on one second. Let me.....well, so that I understood that that was pursuant to section 4, if I correctly understand your question, which explicitly requests the Secretary of Commerce shall request the Council's to submit recommended changes. That's a, I see your question,

so you're saying 4.1 is recommended changes to regulations, so you're submitting it to the Secretary of Commerce, it does not specify that those changes to regulations, orders or guidance documents must be commerce or NOAA regulations. I would think that that's implied but you're right, it technically does not say that.

**John Ugoretz** [00:12:16] Thank you and just follow-up. I don't think it is implied. I think if the Council determines another agency's actions are in some way diminishing our fisheries domestic production then we should make that recommendation and then commerce would have to then engage the other agency to affect it.

**Ryan Wulff** [00:12:42] Can I follow that up?

**Brad Pettinger** [00:12:43] Please.

**Ryan Wulff** [00:12:45] Thank you Mr. Vice Chair. Thank you Mr. Ugoretz. I was referring to why I believe that's implied is section 4.b, the fact that all these recommendations are being then updated when entered into the commerce contribution to the unified regulatory agenda, which we would not do for any other agency.

**Brad Pettinger** [00:13:09] John.

**John Ugoretz** [00:13:09] Yeah thanks. I think the Council should make these recommendations. If NOAA determines that they are incapable of affecting them then that's NOAA's decision.

**Brad Pettinger** [00:13:25] Okay. Thank you John. Pete Hassemer. Pete.

**Pete Hassemer** [00:13:31] Thank you Mr. Vice Chair and two big parts to this, one of them might shouldn't maybe respond but Heather's question for NOAA, but express my interpretation of that and then just to confirm, Chuck gave a definition for what initiating an action would be and I agree with that. I just want to confirm maybe with Ryan that NMFS sees it the same way that if we have it on our agenda or take it up, we've initiated something there and then relative to that I didn't read in here then that it has to be completed within a year under section 4.c. The reporting back to OMB includes a section describing any actions taken to implement those recommendations so, and later on maybe after a break, that's one of our discussions that becomes important but we need to find the list of things that we can initiate and then at some point we'll be reporting on what we did to initiate those so thanks. And again just, you know, maybe Ryan could clarify that initiating is, in their view, is consistent with Chuck's definition.

**Brad Pettinger** [00:15:02] Yeah thanks Pete. Ryan?

**Ryan Wulff** [00:15:03] Thank you Mr. Vice Chair and thank you, Pete, for the question. Yes, my understanding is consistent with what Chuck said. As long as it was identified as either on the November agenda or on the YAG for March and April, that would be sufficient to say there is a proposal to initiate by the deadline.

**Brad Pettinger** [00:15:27] Okay. Further discussion before the break? Looking for a hand? Seeing none, Chuck you have an idea of what, how long you want this break to be?

**Chuck Tracy** [00:15:40] Well, Mr. Vice Chair you know it's 11:20. I'm not sure how much time Council members want to prepare for the Council action on this and how long they think Council action will take. We could consider an early lunch break then come back at 12:30 or something if Council

members think that they need that much time. If they need five minutes and they're ready to go which somehow, I think the axle's a little bigger than that. Yeah I would say, but if they do think it's pretty quick and they could, you know, take 10 minutes, come back and be ready to finish in half an hour that there'd be another approach but I don't know, maybe we should put that question to a few Council members. I see one has his hand up.

**Brad Pettinger** [00:16:46] I do. I see some clarity coming. Phil Anderson.

**Phil Anderson** [00:16:50] Thanks Mr. Vice Chair. I don't know that I'm going to bring any clarity. I guess I'm trying to figure out what we can do to be the most constructive in responding to the Executive Order. There are certainly in my mind some sideboards here that we need to keep in mind that will limit us in what we can suggest because of the need to start or initiate action on our suggestion by the April Council meeting and keeping in mind what we already have on our plate, and in my mind we should take maximum advantage of those things that we already have on our plate that meet the intent of the Executive Order so being careful to limit how many additional things we add when the fact of the matter is we can't do them. I mean, just look at what this meeting has been and what we're likely to face in the near future as long as we're forced to conduct our business via these virtual platforms. On the other end of the spectrum, and we have identified these three buckets, I mean we can create one heck of a list of things, right, and I don't know how given that this item was scheduled for an hour, it's more likely to take four or five. I don't know how much use it is for us to build an extensive list that are outside the things that are within the purview of the Council, and I think we ought to prioritize our discussion on the things that are within the purview of the Council. Now I know not everyone agrees with that, but I'm putting that perspective out there. Thanks.

**Brad Pettinger** [00:18:55] Thank you Phil for those wise words. John Ugoretz. John.

**John Ugoretz** [00:19:01] Thank you Mr. Vice. Chair and thanks Phil. I actually agree in principle exactly with what you said, that we need to be very cognizant of Council workload and in saying that, I disagree almost diametrically with what you said in that I think we should be prioritizing and recommending things that do not require additional Council action or agenda. I think we should be prioritizing existing regulations or guidance as indicated in the EO, that NOAA or other agencies could remove in order to effect the changes that we're trying to get without having the Council need to come back and discuss it again.

**Brad Pettinger** [00:19:55] Thank you John. Okay. Any more thoughts?

**Chuck Tracy** [00:19:59] Mr. Vice Chair?

**Brad Pettinger** [00:20:01] Yes.

**Chuck Tracy** [00:20:03] Just maybe responding to Mr. Anderson's concerns and so I'm just going to talk about the section 4 stuff, the stuff that's going to end up on our Year-at-a-Glance at some point. I would suggest that we are planning on doing that exercise here this afternoon under our usual workload planning business, so to the extent that a prioritized, or a list could be in a not prioritized list could be developed under this agenda item for the things that are under the Council's purview. We could take that list with us when we go to workload planning and fill out the Year-at-a-Glance at that time and then just based on what's on the Year-at-a-Glance, we could submit that, submit that list of items that the Council has an implementation schedule for. So you know that, I mean alternatively we could do that exercise here under this agenda item and then we wouldn't have to do it under C.7 but they're obviously closely related, so I was just thinking that in order to get past the, in my mind the most important part of this agenda item, which is to respond to the direct requirements for the Council under

the Executive Order to take care of that and provide a way to conclude that at the end of the day might get us, you know, it might get us down, it might be the most efficient way to get that, the most essential part taken and then if Council wants to spend some time on some of those other items under this agenda item they could.

**Brad Pettinger** [00:22:11] Thanks. Thanks Chuck. Heather.

**Heather Hall** [00:22:15] Thanks Chuck. I just want to say and that's kind of where I'm going too, and I feel like you've got a lot of this done, and somewhat what Phil was saying in what we look at our potentially November, March and April agenda items, that we basically have the first list right there, that's what we've already identified what we can do and get on the plate and the work we can initiate. So in my mind, it's also very, it's also very challenging to do that before we get to C.7, so that's where we identify those things, so I think I'm saying the same thing and I agree with you, I'm on that same page that we could maybe streamline what we need to do under C.7 if we talk about that after our break. Thank you.

**Brad Pettinger** [00:23:17] Thank you Heather. Okay anyone else? So, I'm going to proposal an early lunch and come back at 12:30. Is anyone against doing that? Okay with that, we'll stop here and reconvene at 12:30. Thank you.....(lunch break)..... I see that the Jim was kind to send us out an Excel spreadsheet to be worked from and Jim you want to.....oh, I see Pete Hassemer. Pete.

**Pete Hassemer** [00:23:58] Thank you Mr. Vice Chair. I'll start this off and maybe it'll help me to be quiet in the future, but I think it's maybe some questions for NMFS, just further clarification to help in building this. There are two things I'm going to address. One of them is in the Executive Order under, scrolling down, section 4.a.3. and it has in there the qualifier that within existing appropriations, but it talks about the Secretary of Commerce providing administrative and technical support to the Regional Fishery Management Council's and so with that in mind going, I scrolled up to the top of the Executive Order and NMFS's proposed form, the action template that we put together, the second last column is a rationale on how it reduces burdens on domestic fishing and increases production, but in the Executive Order the purpose, and I'm just going to read the last phrase out of the section 1 purpose, is to revitalize our nation's seafood industry, get more Americans back to work and put healthy, safe seafood on our family's tables, so the template really doesn't get at some of the economic side of this, revitalizing the industry, getting people back to work. We have a lot of action items on our list that we have economic factors with and I'm not skewing this to the groundfish side, but as we heard about the non-trawl RCA and it might be a year two years ago but I remember California in their reports mentioning the multimillion dollar impacts that would have. We've heard in the mothership utilization the multimillion dollar impacts and the millions of pounds of seafood that are affected, so that's not in the template there. So getting back to the question, I guess the question for NMFS is on the budgeting side of this and within the existing appropriations, what are the sideboards that NMFS might see in terms of getting additional funds to do some of this work or is there a place where the Council can assist NMFS? Sort of leveraging some additional capacity to do the work because I think a lot of what we heard, it's not regulatory burdens that are preventing us from increasing seafood production or creating more jobs or putting more fish in the market, it's the workload capacity... and is there a way we can use this in some way to leverage that, that there is some room in here to work and build NMFS's capacity? So maybe just the budgeting question on flexibility within section 4.a.3. I think it was, yes 4.a.3. of the Executive Order. Thank you.

**Brad Pettinger** [00:27:38] Thank you Pete. Ryan for clarification?

**Ryan Wulff** [00:27:42] Yeah thank you Mr. Vice Chair. Thank you, Pete, for the question. To your earlier point the language in the template under that column is just taken directly from the last sentence

of section 4 so it's, that's why it's there since its specific asking for a prioritized list of recommendations to address those things as opposed to the purpose, so that's just a clarification. Regarding your reading and interpretation and your more substantive question regarding appropriations and of course, any recommendations that might be aimed at NMFS workload or capacity or any temporary assistance. Again, I don't think that would be specific to the what they are looking for and planning to do with the specific recommendations that we're going to report and add to the unified agenda, however I think Chris Oliver and multiple NOAA officials have stated, and we're not going to turn away Council recommendations, so if there is a recommendation along those lines, we would look at it and evaluate it. I do not know of any existing appropriations that are given to commerce to augment or to enact this Executive Order, I have not heard of any in the FY21 appropriation cycle but that does not mean there may not be, but again, if that is something that the Council wanted to put forward to recommend, NMFS would evaluate it probably just in the broader context of the EO as opposed to the very specific unified agenda related section, or at least our next steps outlined there for section 4, and I hope that's helpful.

**Pete Hassemer** [00:29:40] Thank you.

**Brad Pettinger** [00:29:41] Okay, so with that does anybody have anything? Looking for a hand, I guess. Looking for a motion, dare I say. John Ugoretz.

**John Ugoretz** [00:00:00] Thank you Mr. Vice Chair. No motion yet, however I think, as I expressed before the break, I'm very concerned that the Council's response to this Executive Order would in some way increase Council workload and you'll be hearing more from California about workload as we move through the day. However, in particular with regard to this response, I do think that we should focus on actions that do not change, increase or otherwise alter the work that the Council is already doing that we do on a regular basis and that we will continue to do to support our domestic fisheries, and in that vein I've gone through the list and I only see a small handful of items that I would recommend forwarding to NMFS in response to the Executive Order.

**Brad Pettinger** [00:01:01] Okay. You want to share those to get things going?

**John Ugoretz** [00:01:10] Sure and I believe an Excel list has been created to try and help track things. I don't know if we can display that but it just in trying to keep things straight I only see three items that I would recommend forwarding to NMFS, that would be the item regarding changes to the rockfish conservation area boundaries, the item referring to relief from burdensome Coast Guard regulations and the item regarding U.S. Fish and Wildlife Service restrictions on market squid and potentially other species. On the recent Excel file I was looking at, those were labeled items 8 to 29 and 30.

**Brad Pettinger** [00:02:09] Okay. Thank you. Anymore John before I move down to Pete or do you want to speak to that or....

**John Ugoretz** [00:02:14] I lowered my hand.

**Brad Pettinger** [00:02:14] Okay Jim. Jim Seger you have your hand up.

**Jim Seger** [00:02:28] Thank you Mr. Vice Chair. I just wondered if you wanted the list displayed or not, I'm ready to go if you do.

**Brad Pettinger** [00:02:33] I think It would probably add value to the discussion. Sure.

**Jim Seger** [00:02:35] You see that now?

**Brad Pettinger** [00:02:42] Yes. Okay thank you. Okay Phil. Phil Anderson please.

**Phil Anderson** [00:02:54] Thanks. Thanks Mr. Vice Chair and I find myself in agreement with John's opening remarks here in terms of not wanting to add anything to or put anything on this list that otherwise adds to the Council's workload. I did have a question John. There are, of course, a number of things on this list that are, I'll say in the queue, that we'll discuss further under workload planning and I'll just use the mothership utilization topics that we identified a day or two ago as an example, and so in you're giving us your thoughts there on the ones that you thought we should keep on our list. You included the begin, the opening of the non-trawl rockfish conservation areas and I'm just wondering why you picked that particular one out, you know, and excluded, you know, one or more others that may meet the objectives of the Executive Order that are currently on the, in the queue if you will, for the Council to consider?

**Brad Pettinger** [00:04:45] John.

**John Ugoretz** [00:04:45] Thanks Phil for the question and Mr. Vice Chair, I'm, we may need to seat hop for a second here if Marci's available to better answer that one. I think the response is that there have been recommendations and discussions on that previously, and that conceivably NMFS could move forward with regulations without additional Council discussion but I, you know, groundfish is not my area so I'm kind of stuck here. I don't know if Marci's online.

**Brad Pettinger** [00:05:25] Marci are you there?

**Marci Yaremko** [00:05:30] Yes, I'm here. Thank you, Mr. Vice Chair. I'm very sorry I missed Mr. Anderson's question. We're sidebar-ing on the future agenda item and I didn't hear it. I apologize.

**Brad Pettinger** [00:05:44] Phil.

**Phil Anderson** [00:05:45] Yeah, no problem Marci. I totally, I appreciate you working on the other stuff, too, and getting us ready. So, I said that I was largely in agreement with kind of the principles that John laid out here a few moments ago about not wanting to put things on this list that would add things to the Council's workload.

**Marci Yaremko** [00:06:08] Yes.

**Phil Anderson** [00:06:08] And but one of the items that he did identify was the item dealing with begin opening the non-trawl rockfish conservation areas, and while I don't have an issue with that being on the list, there may be one or two other things that are what I'm calling are in the Council queue like mothership utilization items that were not suggested to be on the list, so I'm just, I was trying to understand the differentiating between that particular action, which is important, the non-trawl Rockfish Conservation Areas, and I know is very important to California, from, you know, one or two of the other things that we are working on that in my mind meet the intent of the Executive Order.

**Brad Pettinger** [00:07:09] Marci.

**Marci Yaremko** [00:07:09] Sure. Thank you, Mr. Vice Chair. Thank you, Phil, for raising the point. I agree with your assessment. I understood that the short list that Mr. Ugoretz was putting together was focused on comments we could make surrounding activities that we don't primarily conduct ourselves and recognizing that absolutely the non-trawl RCA discussion is absolutely in the Council's wheelhouse and it is slated on our Year-at-a-Glance. I would agree that, like some of these other items on the groundfish list, it wouldn't be long.

**Phil Anderson** [00:08:11] Okay thanks for that response Marci.

**Brad Pettinger** [00:08:14] Okay. Further discussion, additions to that list potentially? Pete.

**Pete Hassemer** [00:08:28] Thanks Mr. Vice Chair. Maybe just a follow-up to that discussion and just my feeling. It's hard for me to picture why we wouldn't include some of our top priorities on this list. I understand the workload issue, the scheduling, the timelines and those things and I heard what John said with respect to which things we could actually do but the part about the unified regulatory agenda and how that fits into the decision making and selection is foreign to me. I'll admit it at this time, but this is not to skew it to be groundfish specific, but these things dominate a lot of our conversations. The mothership, the non-trawl RCA, the Emley-Platt, we have one other in there in our priorities but it seems like we should promote our priorities, the mothership utilization, we made a decision to adopt the purpose and need for public review which signals our intent to enter into the FMP amendment process. It's not out of the question yet that the non-trawl RCA could get to the same status on our March or April Council meetings, which signals that we've initiated work on there. We had the discussion about completing the work and there's nothing in the Executive Order that I see that gets at completing it, and again not knowing the aspect of a unified regulatory agenda, but there is a report in one year on what the Council has done to implement that action or to initiate it so if there's some kind of scorecard at the end if the three items John mentioned were further down on the list, let's say they were priorities four, five, six or eight, nine, ten or something like that and we did complete those or start work on them in a year, but we're not able, we haven't been able to make much progress on those top priorities, which are our top priorities and consistent with the purpose of the Executive Order, do we end up with a black eye there? What's the penalty for the order in which the priorities are addressed? Maybe that's more of a rhetorical question so I would argue that there's reason to include some of our highest priorities on here simply because of their consistency with the Executive Order, how they are poised, and the importance of this and the probability of moving forward with them understanding there's workload constraints... so thanks. I don't think there's a question in there just an opinion that we should include our highest priorities.

**Brad Pettinger** [00:12:02] Thank you Pete. Ryan Wulff.

**Ryan Wulff** [00:12:04] Thank you Mr. Chair and kind of following along those comments, you know, should they, and I haven't stated this, this is more my opinion of how this will be carried out. I do think if there are high priority actions put forward that are already part of just the existing Council plate, if you're on this list, regardless of adding or updating a unified agenda, NMFS will have to continue to revisit this within the Department of Commerce so for all of our work that we have to do for clearance, review and the processing, et cetera to the fact that you have already stated certain high priority items, I do think that may facilitate, I can't speak for certain, but may facilitate various internal NMFS processes when it comes to implementing them post Council action. That's number one. And then number two, to help facilitate the rest of the discussion and a potential motion, if there are recommendations that are for other agencies, I would recommend that those are made from the Council to those federal agencies, either pursuant to a specific section or just in general. There's overarching policy, section two, which says this is not a policy of the federal government. There's no reason why you couldn't submit a recommendation directly to the Fish and Wildlife Service, for example, or to the United States Coast Guard. You can send them to us under this, but just to be clear, we won't be putting it forward under that section as outlined. We would just be forwarding to those other agencies. Thank you.

**Brad Pettinger** [00:13:46] Bob Dooley.

**Bob Dooley** [00:13:49] Yes, thank you Mr. Vice Chair, and I appreciate all the work that's been done

here with what Jim has done in trying to help us out with this. I kind of think we're maybe looking at, in my opinion, looking at this in the wrong direction. I think this particular issue, the way I see it, and please correct me if I'm wrong, is that we need to prioritize or we need to submit a list to fulfill this Executive Order, and with that list comes an obligation to initiate this by April, the April meeting, and I don't see this as putting things that maybe might not be able to be initiated by that and we are obligated to work on prior to, unless we want to make that decision now, but this is more of a, I think we should be looking at things we're going to do or in the pipeline, just to comply with this Executive Order and that we could actually live up to. I appreciate Ryan's statement about having to continually check in with Department of Commerce. This, I see this different than our workload planning and future workload and agenda planning. I see this as a commitment and I think that we should make sure we can do that, and we've heard a lot about our bandwidth and our staff and NMFS's staff to be able to live up to some of these things, and I realize that this is just an initiation, but and also understanding that our agenda best laid plans come apart. We saw that this time with the emergency rule and saw it earlier and I mean, there's always something there that we don't anticipate. So I think we should do this in a way to actually not try to push forward our Council priorities, but rather satisfy the terms of this Executive Order, and I think that that's important in understanding that we may be in a different situation in a few months where this doesn't matter either, so after the election, who knows what's going to happen and what happens with this order? So, I would rather us focus really on the business of the Council and do this to the point where it satisfies the order but keeps us in a place where we have flexibility in our agenda as well. Thank you.

**Brad Pettinger** [00:16:24] Thank you Bob. Phil Anderson.

**Phil Anderson** [00:16:27] Thanks. Well, I was going a different direction than Bob. First of all I think everybody recognizes when you get into prioritizing things and trying to decide what to put on a list and whatnot, you can, and we have as many things as we have in front of us, we can spend the rest of the day doing this and probably some of tomorrow too, if we wanted to and I don't want to do that. I don't, so my suggestion is that we pick off the two or three things that aren't associated with Council activity... the Coast Guard one, the U.S. Fish and Wildlife Service one on market squid. I would like to throw in the survey funding item number 11, it goes into a, I can't remember which bucket out of the three that goes, I think it goes into the third bucket, but I'd like to continue to emphasizing to NMFS the importance of them prioritizing their resources to do that, and then I think we ought to pick off two, three, four things that we know we are engaged in that fit the intent of the Executive Order, like the, the non-trawl areas that, non-trawl RCA pieces, the mothership utilization piece, pick a couple more if needed and call it good.

**Brad Pettinger** [00:17:58] Marc Gorelnik.

**Marc Gorelnik** [00:18:01] I think I largely agree with what Phil Anderson said. Based on statements from the administration I think, and I could be wrong here, but I think the focus here is primarily on either eliminating or streamlining regulations. A lot of what's on our list here, and I think the squid does fall into that category, but most of what's on this list are things that we want to do to increase production. It's new work. It's not really changing regulations, so I think consistent with what Phil has said just identify a few things and move on. I think that probably put.....(garble)....into this and more time into this than the administration would likely give to it, and as Mr. Dooley has suggested, we have an election coming up in a few weeks and that may change things entirely. Let's just identify a few things. I agree with what John Ugoretz has said, we should really focus on at least get on the list those things that don't require much in the way of Council time, put on some things we're already doing so they're not additional work, and then move on with our agenda.

**Brad Pettinger** [00:19:28] Thank you Marc. John Ugoretz.



**John Ugoretz** [00:19:34] Thank you Mr. Vice Chair, and yeah, I agree we should not be spending more time on this than necessary. I'm fine with including a few of the items that have already been identified as a Council priority that we are already engaged in and plan to continue engaging in. I think Mr. Anderson provided some good examples and I would cut it off and move forward.

**Brad Pettinger** [00:20:09] Okay. Thank you, John. Let's see Heather. Heather Hall.

**Heather Hall** [00:20:18] Thank you. Yes, I like the way the conversation is going, and I don't have anything that's going to throw it off track. I feel like we're all getting to a very similar place and I was just going to speak to the idea of using the future workload planning documents that we have to help us identify what those priorities are, and I only wanted to speak to not to just say that before we put anything on the agenda, whether it's for November or even March or April on the Year-at-a-Glance, we do an awful lot of discussion with our stakeholders about workload and priorities, so I do think it's a reasonable document to use to pick out those few that we want to put forward I think it's a great place to start. Thank you.

**Brad Pettinger** [00:21:12] Thank you Heather. Marc, I see your hand is still up. Were you done?

**Marc Gorelnik** [00:21:15] My bad.

**Brad Pettinger** [00:21:19] Okay. Scott McGrew. Scott.

**Scott McGrew** [00:21:27] Thanks Mr. Chairman. I just wanted to point out just briefly on the issue regarding life rafts is that the Coast Guard's requirements for life rafts on commercial fishing vessels mirror those that are required on all commercial vessels, including foreign vessels calling on the United States, and they mirror the international requirements in the Safety of Life at Sea Standard so while you can certainly prioritize it on your list I wouldn't support it, the change, and I don't see it getting much traction being that it mirrors international regulations, and I do disagree with the SAS's statement that there's not any benefit to the annual repacking, so I'll just leave it at that. Obviously, we can put it in there, if that's what we choose to do, but I don't think that that's the direction that will likely go.

**Brad Pettinger** [00:22:29] Thank you Scott. Okay. David Teuscher.

**David Teuscher** [00:22:36] Thank you Mr. Vice Chair. I just wanted to make a quick statement about the market squid issue and believe that it does meet the intent of the Executive Order and support having it on the list and believe that it won't add a lot to the Council agenda.

**Brad Pettinger** [00:23:00] Okay, thank you David. Marci.

**Marci Yaremko** [00:23:05] Yes, thank you Mr. Vice Chair. One thing that strikes me here is that clearly the advisory bodies all interpreted this assignment slightly differently and I'm guessing that kind of came out of their own discussions and discussions following Council staff's presentation. I raise that only because I think some groups did discuss kind of broader issues beyond our immediate workload and then some did not and I guess maybe I would ask if Chuck Tracy can maybe remind us? I think I recall us being in a pretty similar place with a discussion we had a few years back on research and data needs where we found ourselves with a huge set of recommendations of priority needs and our own challenge trying to figure out how to move forward with the copious amount of advice and I don't know, maybe, Chuck, if you can help remind me how we maneuvered our way through that? I'm just wondering if that might be useful for us to think about. Thank you.

**Brad Pettinger** [00:24:35] Chuck.

**Chuck Tracy** [00:24:35] Thank you Mr. Vice Chair, I am not real hopeful about my answer addressing the need that you identify Marci, but yeah, so at the last research and data needs process we did our usual run-through with all the advisory bodies headed up by the SSC subcommittees to identify issues and topics that needed to be addressed, review the old ones, set them in a certain priority order and put them in a 280 page document. At the CCC meeting we had quite a bit of discussion about research and data needs and among the observations were that we were the only ones with the 280 page document and most people had a much more streamlined process and, in particular, the North Pacific had engaged Pacific States to develop a database to keep track of those things to enter them in, make sorting easier, make prioritization easier and access much more streamlined and available to people that needed it, like the Science Centers and researchers and those sorts of folks so we embarked on a contract with Pacific States that will essentially add us to that database, so they have started that process. They've actually moved quite a ways down the road on that process. We'll be getting an update if the Council keeps it on the agenda in November, again to basically put everything we've got in our document into the database, and then we will be refining that and having the Council assessing any other advisory bodies weighing in on a prioritization process for that once we get it established. So that's how we got out of, that's how we, well we're not out of it yet but that's how we attempted to address that issue with research and data needs.

**Marci Yaremko** [00:26:55] Thank you Chuck. You're right. I appreciate the recap, but I guess that's not going to help us move forward here today. I was hopeful but not to be. Thank you so much though.

**Brad Pettinger** [00:27:08] Okay. I saw Maggie had her hand up earlier, but she took it down. Maggie.

**Maggie Sommer** [00:27:15] Thanks Vice Chair. I think that we may have interest also in discussing the aquaculture aspect of this but perhaps we want to do that separately in potential comments on the aquaculture elements of the Executive Order.

**Brad Pettinger** [00:27:36] Okay. Anybody else? Okay well Phil addressed some issues that should be the list I believe that the RCA which is consistent....oh, Phil you there?

**Phil Anderson** [00:27:52] I am. I didn't mean to interrupt you're, if you're on a roll there. I would support the items that Mr. Ugoretz proposed with the exception of the one dealing with the United States Coast Guard and the annual repacking of life rafts, that's not to say that I think they should be repacked every year when the manufacturers say two years but we'll leave that there, and the U.S. Fish and Wildlife classification for squid, the non-trawl RCA piece and the mothership utilization piece, and wherever the right spot is for the survey funding. And it's all, it's linkages to our ability to offer science-based access to the various resources that depend on that survey, and I would put that out there as rather than make a motion, I would put that out there as our Council guidance to staff to put together as a response to the Executive Order notwithstanding the additional discussion on aquaculture.

**Brad Pettinger** [00:29:26] Okay wonderful. Maggie.

**Brad Pettinger** [00:00:00] Okay. Phil, were you done?

**Phil Anderson** [00:00:02] Yes.

**Brad Pettinger** [00:00:03] Okay, your hands still up. Maggie.

**Maggie Sommer** [00:00:07] Thanks Vice Chair. It helps if I unmute. I think I can support Phil's recommendation for guidance but with just a request for a reminder of which items John Ugoretz suggested which would be going potentially on a list?

**Brad Pettinger** [00:00:24] Phil.

**Phil Anderson** [00:00:27] Well what I heard was market squid. He suggested the Coast Guard but based on Lieutenant Commander McGrew's comments I'm proposing we take that off. So the U.S. Fish and Wildlife Service piece associated with market squid and then the other three were the mothership utilization pieces that he had the non-trawl RCA removals or whatever that non-trawl area management, which is number eight I think, and then the mothership utilization, just those pieces and then with the survey funding for the reasons that we all know why that survey funding is important to us being able to provide access to the available resource to our fishing communities.

**Maggie Sommer** [00:01:26] Thank you Phil.

**Phil Anderson** [00:01:27] And if I missed something you probably should ask John.

**Brad Pettinger** [00:01:32] Heather Hall.

**Heather Hall** [00:01:34] Thank you, and I support those as well and just wondered if this would be an opportunity to also include electronic monitoring funding or make sure that that's highlighted as a priority, something we could add here.

**Brad Pettinger** [00:01:55] Okay, and then John Ugoretz.

**John Ugoretz** [00:02:02] Yeah, thanks Mr. Vice Chair. I just wanted to voice my agreement with Mr. Anderson's proposal and concurring that pursuant to the Coast Guard recommendation we should not include that one.

**Brad Pettinger** [00:02:18] Okay. Bob Dooley.

**Bob Dooley** [00:02:22] Yes, thank you Mr. Vice Chair. I just wanted to respond to Phil's comments that we weren't necessarily in the same direction and I think he hit exactly where I would, was trying to describe but not necessarily as eloquently as Phil can do, so I would agree with his suggestion.

**Brad Pettinger** [00:02:45] Okay.

**Chuck Tracy** [00:02:45] Mr. Vice Chair. This is Chuck.

**Brad Pettinger** [00:02:49] Yes.

**Chuck Tracy** [00:02:49] So I think there's some good discussion here, some good ideas. I guess I would note that, you know I think things that we're already doing also count towards this and so to the extent that, for example, you know, that we are doing something like gear switching, you know that is something that is at least right now on the Year-at-a-Glance and I think some of those types of things could be interpreted as addressing the objectives of the Executive Order, and I guess I would suggest that allowing inclusion of those sorts of things in our response to National Marine Fisheries Service might be appropriate, so that's, maybe that's my interpretation. Maybe I would just check with Ryan to see if that comports with his understanding as well.

**Brad Pettinger** [00:03:56] Ryan.

**Ryan Wulff** [00:03:56] Yep, that comports with my understanding.

**Brad Pettinger** [00:04:01] There you go. Okay thanks Chuck. John.

**John Ugoretz** [00:04:05] Yeah, thanks Mr. Vice Chair, and while that may comport with the understanding from NMFS, I don't necessarily feel it's to our advantage to include everything we might have on the Year-at-a-Glance in this response. There is no mandate for the Council to include a certain number of things or everything we do in this response. We are already sort of going beyond the nature of what's being asked, and I worry that if we include things that are on the Year-at-a-Glance in this response then they become prioritized for the Council and people will point back to this action in saying so, so I would stick with what Phil said and not add additional items.

**Chuck Tracy** [00:04:49] Fair enough.

**Brad Pettinger** [00:04:53] Okay. Any other discussion on this item? We did, Maggie did mention the aquaculture aspect, we probably should touch on that. Thoughts, beyond what we've already heard? Jim Seger. Jim.

**Jim Seger** [00:05:11] There we go. Just actually if we're moving on I just want to go through the list and make sure that I have captured the intent here. Was that appropriate at this time?

**Brad Pettinger** [00:05:21] Sure.

**Jim Seger** [00:05:22] Okay, so we don't have anything from the salmon part. We have the, we're removing and not the CPS, not ecosystem up here, or these are the MSA stuff, so first thing here is the non-trawl area management and so we will include that, and then we're going to include the mothership sector utilization. We're going to put the survey funding in the letter as kind of this third bucket issue. Then moving down is the non-trawl area management again, and next the mothership sector utilization again from the GAP report, and then moving down we have the next thing we took, you took off the Coast Guard life raft and we have the U.S. Fish and Wildlife Service, plus there was the comment on adding EM funding, and I'm not recalling that that's in the current list so I think that would be a third bucket item again, the comment from Heather Hall.

**Brad Pettinger** [00:06:25] Okay. I think that's a pretty good roundup.

**Jim Seger** [00:06:30] Okay great.

**Brad Pettinger** [00:06:31] Very good. Did somebody want to speak to or speak on the aquaculture aspect? Maggie.

**Maggie Sommer** [00:06:41] Thanks Vice Chair. I imagine several of us might, but I'll get it started just with a reminder that the Habitat Committee recommended that we request NOAA conduct an EFH consultation on the programmatic EIS early in the process. I'd also offer a comment and I think we heard this and my apologies I have forgotten if it was in public testimony or one of the advisory body reports with an opinion that a programmatic EIS nationwide is not appropriate. Certainly, the West and Gulf and East Coast are unique. It would be a mostly new industry out here or new industries for seaweed and finfish mariculture, aquaculture, and it really does not seem to be an appropriate fit so we, I certainly recognize that it may already be a decision that's been made, but we might consider whether that's a comment we think worth making at all, but certainly I think a more straightforward recommendation is the Habitat Committee's for an EFH review early.

**Brad Pettinger** [00:08:00] Thank you Maggie. Anyone else on that? Marci.

**Marci Yaremko** [00:08:09] Yes, thank you Mr. Vice Chair. Appreciate the discussion's raised on this topic in a number of the advisory body statements, notably HMSAS. Just want to also indicate, you know, the State of California on the sidelines is working on its own California Aquaculture Action Plan, which is under development and it's important that the AOA siting process and the developments in federal waters for finfish aquaculture, the two processes be aware of each other and communicate and coordinate and I know there's lots of reference to that in the NMFS report about the intent to work with state partners. I guess the only overarching remark I have is not, you know, we're interested in going slow and doing it right and making sure that we have the time to properly invest and engage in deciding process and the marine spatial planning exercises that are underway. Looking at the EO and the timelines involved with regard to aquaculture and the progression of steps relating to the AOA proposed for Southern California, it's a very ambitious timeline and I guess, you know, with something so important to our EEZ resources, I would just I guess recommend that we make sure that things are done thoughtfully and that the consultations and reviews are not short changed. So, you know, again on the state-side finfish is not the priority. That's something that's going to need to be, I think, looked at carefully as the federal waters projects proceed. I appreciate all the work that we have done to date in our Council arena to discuss proposals that are on the, I guess, nearer term horizon that are not part of the AOA process, I'm talking specifically about Rose Canyon and which now is Pacific Ocean Aqua Farms and want to thank the Habitat Committee for their continued work tracking this and raising the flag when we need to engage and comment further on that project as it moves further along in the queue, so I think that is just about, you know reiterate the comments made earlier under the CDFW report on this item. I'd say that completes my remarks for now. Thank you.

**Brad Pettinger** [00:11:33] Thank you Marci. Butch Smith.

**Butch Smith** [00:11:36] Yes, Mr. Vice Chair. I just want to convey to you if you've ever been in the fog without any electronics and in the dark I must admit that's where I am right now, so I'm on this topic so please excuse me if I digress this conversation, but I would be a little remiss if I didn't come to the table for the salmon folks and one thing that I see on the list, but, you know many of them were all good, is the funding for creel sampling. I know our State is obligated because of treaties and treaty obligations and whatnot to have a, have accounting on salmon, which is absolutely impeccable, like all states, but with our states losing funding we have relied more on federal types of funding so, you know, if I'm totally screwball on this one I apologize, but I would sure like to see the funding for creel samples on the ocean, for the salmon, as well as other fisheries, but salmon, that came from the SAS and I think it's an important thing to have on the list from my perspective and I will apologize ahead of time if I misspoke here. Thank you, Mr. Chairman.

**Brad Pettinger** [00:13:15] You're fine Butch, you're fine so thank you for that. Maggie.

**Maggie Sommer** [00:13:20] Thanks Vice Chair and thank you, Butch, for those comments. I agree that is certainly an issue for the State of Oregon as well. I know we had some, I had some input from Chris Kern that in addition to creel sampling, certainly additional funding for population surveys, escapement estimates, et cetera, would be really very valuable to our ability to manage those stocks. So maybe it would be appropriate to add that along with the comments on groundfish trawl survey funding, the importance of the salmon creel funding as well.

**Brad Pettinger** [00:14:08] Thank you Maggie. Phil.

**Phil Anderson** [00:14:11] Yeah thanks. I would support that, that the money used to come through a thing called the Anadromous Fish Grants for creel surveys in Washington and Oregon, I'm not sure about California, and those went away oh probably eight, seven or eight years ago. Since then we've been identifying funds through the Pacific Salmon Commission that has gone from there directly to the

States for creel surveys and biological sampling so that's kind of where the funding is coming now and we do have a, the funding that comes to the Pacific Salmon Commission through National Marine Fisheries Service comes under the salmon management line item, and that's where we've been securing the funds for creel surveys and biological sampling, so just a little bit of background. I'm not speaking in opposition to putting this on the list, but just letting you know that NMFS through the salmon management line item and that includes the Pacific Salmon Commission, obviously those funds are, come through the legislative budget process, so thanks.

**Brad Pettinger** [00:15:27] Okay, Phil, thank you and if anybody has a contrary viewpoint they could raise their hand, but if not, we'll leave it in there. Back to aquaculture. Do we need any more of that outside of the including the input from the Habitat Committee, which I believe is what Marci had talked about including. Ryan.

**Ryan Wulff** [00:15:57] Thanks Mr. Vice Chair. Just a flag, just something at the end once before you leave aquaculture. I don't want to prevent good additional discussion though.

**Brad Pettinger** [00:16:04] Okay. Chuck.

**Chuck Tracy** [00:16:06] Well, I've got a question for Ryan anyway so he could just add it to his list of things to talk about here. Just wanted to see if there's any established plans to engage with the Council on consultation on the aquaculture opportunity areas and, if so, how? You know when I looked at section 7 there, I think in one of the subparagraphs it did talk about in identifying the geographic areas, you know there is talk about solicit, consider public opinion on a commercial recreational fishing EFH under the Magnuson Act, so and I think there's somewhere else in there that there's a notation I guess in section 7, appropriate regional fishery management councils will be consulted as well. So just wondering if there's anything specific or any plans for the Council that we need to be aware of just in terms of planning our agendas and those sorts of things. I know that under the NMFS report, there was some talk about perhaps something like an evening session, in the good old days we used to have those, but anyway just wanted to be sure that we were just informed of NMFS need to engage with the councils and to make sure that we're on, we get on your radar screen and that you are on ours.

**Brad Pettinger** [00:17:56] Ryan.

**Ryan Wulff** [00:17:57] Yes, thank you and thanks Chuck for teeing up my comments so nicely. Yeah so there's a couple of opportunities, right? We did mention those. There will be a formal, like I noted and what's it, the NMFS report? That seems like ages ago, but there will be another federal register notice, another formal notice and comments should be coming out on the AOA's, as well as the future AO8 that have to be done, like I noted, so there will be, and then may have listening sessions and other things as well involved with it. I don't have the complete information yet. We were hoping maybe this week it might be, soon as next week, it might take a few weeks, but it should be coming out in the near term, so that will be one. In addition, we have individual opportunities as they're related to permits or actual specific aquaculture proposals like the Pacific Ocean Aqua Farms one that we've discussed. I think it was in the HMSAS report they mentioned if there is entities going for permits to have them present for the Council similar to what the Council had from Ventura Shellfish recently. We can easily arrange that and can discuss that in workload planning or in whatever capacity would be helpful on that one specific or if we do have future, very specific ones that would be entering the permitting process, and then broader back to your report on the AOA's. Yes, we talked about an evening session last Friday. I think we all learned from this week, as you probably need a little appetite from anyone to go into an evening session after these days, and in addition I think it would be most relevant to have our lead from the National Center for Coastal Ocean Science who is based on the East Coast so also maybe not an evening session, but would be very open to whatever the Council's prerogative is, either some sort of

intersessional webinar or event or just having them brief the advisory bodies individually or come back with a more formal briefing for the Council, I mean, well I know you've got a full agenda so we would be flexible and be able to put together any of those in whatever fashion folks seem, thought would be most efficient and effective.

**Brad Pettinger** [00:20:21] Thank you Ryan. Okay. Looking at no hands. Jim do we have enough on the aquaculture from what we've heard to finish this up?

**Jim Seger** [00:20:37] Thank you Mr. Vice Chairman. Let me, I made a few notes here, see if they will hop down, well I've got a little formatting thing going there, but I've got this, don't wordsmith this, this is just basic ideas that we want to include a recommendation for an EFH consultation on programmatic EIS as early as possible in the process, I think that's what it supposed to say. It also notes early in the process, okay.

**Brad Pettinger** [00:21:06] Okay.

**Jim Seger** [00:21:06] I'll also note that nationwide EIS might not be appropriate because of regional differences. Aquaculture opportunity areas proposed for Southern California is a very ambitious timeline. The process needs to....(garbled)....thoughtfully and consultations or reviews should not be short changed. Then I've got to note that the State of California's working on its own aquaculture plan. There should be communication and coordination between the processes and then on the last discussion point about the comment periods, I wondered if you wanted to include something to the effect that they requested any comment period on aquaculture opportunity areas or programmatic EIS, et cetera that are intent to solicit comments from the Council include dates during which there is a scheduled meeting of the Pacific Council.

**Brad Pettinger** [00:22:05] Well it seems practical. I see Louis has his hand up and then followed by Marci. Louis.

**Louis Zimm** [00:22:14] Thank you Mr. Vice.....thank you Mr. Vice Chair. I just want to emphasize that this AOA campaign or whatever you want to call it that's going on has kind of already left the station and I know that a few of us in the fisheries were already approached by NOAA Ocean Services to give comment and to give them sources to find out information, so I'm not sure how much the Council can influence the pace of what's going on here, but I really do appreciate Ryan bringing up that there will be another submittal from the feds, that perhaps is another next stage and yes, of course, it was mentioned in their work that the councils would be consulted with, along with other interested parties, so I don't want people to think that this process is going on that's due October 1st that weren't going to change much on ,but I will be looking at it carefully in the future and make sure we keep this on the top of our horizon. It's very important stuff. My personal opinion anyway. Thank you.

**Brad Pettinger** [00:23:38] Thank you Louis. Marci.

**Marci Yaremko** [00:23:41] Mr. Vice Chair. Thank you, Mr. Seger, for your recap. Just want to flag the CDFW report from the very beginning of this agenda item and our recommendation that NMFS itself review its own regulations regarding fisheries for incorporation into the data mining exercise that's going on with regard to marine spatial planning and the importance of those regulations and looking at fishery data for purposes of determining future sites, so that's very important. These are NMFS rules. NMFS is the appropriate agency to be providing that information to itself, so I just want to reiterate that and don't want to also lose sight of the need to, I think, move slowly. I know the EO says what it says on the timeline, but I've also heard that there's not a clear infusion of resources to support the effort, so, you know, it's difficult to imagine that the agency will be able to keep to the pace identified in the EO

without additional resources so I think that's something that should impact the speed at which this initiative progresses. Thank you.

**Brad Pettinger** [00:25:19] Thank you Marci. Bob.

**Bob Dooley** [00:25:23] Thank you Mr. Vice Chair. I just wanted to comment on Mr. Tracy's comments about the AOA and the National Ocean Service, I believe that's doing the research and the platform on this issue. I think it's really important to get the Council up to speed with this and what the intent is and how it's going if you dig a little deeper, and I think we mentioned it earlier in the week about a possible presentation by the lead of that and I would support that. I think it's, you know we heard that this is, yeah, there's a deadline but it's not closing the door. It's closing the door for this particular AOA in Southern California and how they proceed but the database and the work on that is a living, breathing document and I think we need to make sure, as Marci mentioned earlier, about all of the regulatory constraints that have been placed on our fishing efforts and how they're not representative in that. I think we may be able to actually add a complete different layer on that database so I think it's important for us to understand what they're doing, the context they're doing it in, and I would support some type of a presentation whenever we can fit that in and so I just wanted to, I appreciate Mr. Tracy's comments. Thank you.

**Brad Pettinger** [00:26:58] Okay. Well with that we've got some material here on the screen to move forward with unless someone has something to add to it. Jim, you want to finish this up for us and affirm that we're done?

**Jim Seger** [00:27:18] Yeah, I think we're good to go. We have the list of recommendations that I went over with you earlier and then some comments on the aquaculture opportunity areas and programmatic EIS et cetera that we will be incorporating into the letter and getting that out by the November 2nd deadline.

**Brad Pettinger** [00:27:36] Very good. Well that concludes this agenda item then and we thank you and thanks everybody for all their good work on this, and with that, I'm going to hand this gavel back to our Chairman, Chair Gorelnik.

**Chuck Tracy** [00:27:52] Just a, just a quick note that with the Council's indulgence, Council staff will be drafting this letter and sending it to National Marine Fisheries Service prior to the November Council meeting and so I guess I just want to be sure that we have that blessing from the Council to do that, or if you would prefer to see the product through a quick response process. I guess something we should have thought about earlier but.....

**Brad Pettinger** [00:28:26] Phil.

**Phil Anderson** [00:28:26] I support blessing Chuck and the Council staff to do that without further review by us.

**Brad Pettinger** [00:28:35] Okay. Anybody else on that? Very good. Thank you, Chuck. Okay so with that I'm going to hand the gavel off to our Chairman. Marc take it away.



### 3. Legislative Matters

**Marc Gorelnik** [00:00:00] So that takes us to Council action to consider the Legislative Committee report and recommendations. The report did not include any recommendations other than to stand by. So, let me see if there's any Council discussion. Mr. Zimm.

**Louis Zimm** [00:00:16] Well thank you Mr. Chair. I just wanted to comment that a similar bill came up in the state legislature involving the 30 percent set aside of lands or waters and was met with very strong, very, very strong resistance and comment from many of the ocean-related industries in California and failed to make it through its various committees and I expect you'll see the same thing on the national level. Thank you.

**Marc Gorelnik** [00:01:02] Thanks Louis. Are you referring to Assembly Bill 3030? I don't think that we're going to see, we will eventually see anything like that at the federal level. I think that there's a little more moderation there than there is in the California legislature.

**Louis Zimm** [00:01:24] Thank you. That's very reassuring.

**Marc Gorelnik** [00:01:27] Any other Council discussion on this agenda item? Jennifer, can you confirm that we've satisfied this agenda item?

**Jennifer Gilden** [00:01:37] Yes, I can. You have.

**Marc Gorelnik** [00:01:39] Thank you very much Jennifer.

#### 4. Fiscal Matters

**Marc Gorelnik** [00:00:00] Takes us to our Council action, which is to consider the report and recommendations, and as a reminder, the recommendations were to approve the audit report and to schedule a November Budget Committee meeting so let me go to Marci Yaremko and then Ryan Wulff.

**Marci Yaremko** [00:00:22] Yes. Thank you, Mr. Chair. I had a question on the report. I was hoping Patricia or Chuck might walk us through the content of slide 8 in the Executive Director's report. This is the preliminary proposed 2021 budget compared to the total operational 2020 budget for the state and the PFMC liaison contracts.

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

**Chuck Tracy** [00:01:08] Yes, I can do that. So, did you have a specific question or just do you just want me to walk through this in general?

**Marci Yaremko** [00:01:19] Thank you Mr. Chair. Thank you, Mr. Tracy.

**Marci Yaremko** [00:01:23] I appreciate you pulling the slide up. That's what I was most interested in and I guess my question is we have a preliminary proposed amount of 2021 for liaison contracts that reflect a reduction from the 2020 budget and I was just hoping maybe you might explain why that reduction is proposed for 2021?

**Chuck Tracy** [00:01:55] Yeah, thanks for the question Marci. So in 2020 what you see there is the combined 2020 budget and the no cost extension budget, so we put, we increased the 2020 liaison contract funding level and then we also put a considerable amount into the no cost extension budget to help the states address the no cost extension projects that we are going to be pursuing over the course of this year, so this was, it was kind of, you know, it's a one-time opportunity. When we come to the end of the, our five-year grants and start with next year grant, so we took advantage of that and it was increasing state funding to the liaison contracts was identified in our grant proposal, so we wanted to follow through that the best way we could, so that's what we did. So then when we go back to 2021, so this is still assuming that all of the no cost extension funds will be spent out by the end of 2020 so that increase in state liaison contract funding would not be available in 2021 but there again, there is a bump up relative to our, you know, our historical base level, if you will, based on 2019. I think it was a 15 percent increase for 2021 and throughout the rest of the five-year grant.

**Marc Gorelnik** [00:03:47] Marci does that answer your question?

**Marci Yaremko** [00:03:49] Yes. Thank you. Follow-up if I may?

**Marc Gorelnik** [00:03:50] Please.

**Marci Yaremko** [00:03:53] Thank you. I, procedurally I guess I'm unclear how I might do this, but I'm wondering how I would recommend consideration of modification to the preliminary proposed 2021 budget to restore the state liaison contract amounts to what they were in 2020. How would I propose that as an alternative?

**Chuck Tracy** [00:04:31] I see Ryan has his hand up but I, so I don't know if he's wants to weigh in on that? Apparently not. Smart man. So I think the way to do it is when it comes time to consider the Budget Committee recommendations there's typically a motion to accept the report and then there'll be an opportunity to say accept that and you could add, you could propose adding, you know, some funds

into the state liaison contract number which, of course, would raise the total budget of which is now currently proposed be 5.26 million dollars so it would go up by whatever amount you increase the state liaison contract.

**Marc Gorelnik** [00:05:36] Did that answer your question Marci?

**Marci Yaremko** [00:05:39] Well enough. Thank you.

**Marc Gorelnik** [00:05:41] All right. Ryan.

**Ryan Wulff** [00:05:47] Yes thank you Mr. Chair. I was not on the Council action or at least the list that have there. I was trying to get in just a brief management I guess update or on the report since there is some language that was just read out when we met last at the Budget Committee that it has some updates. So over the past 24 hours it seems we are now pretty confident that a continuing resolution will be put to a vote, at least in the House next week through December 11th and there is at least expectation of bipartisan support whether or not that actually ends up being the actual date, but sometime mid-December and so we most likely will not be shut down between this Council meeting and the next, hopefully, fingers crossed. Thanks.

**Marc Gorelnik** [00:06:40] Thank you Ryan. Further Council discussion? Would anyone like to offer a motion? It's late but I have patience. Pete Hassemer.

**Pete Hassemer** [00:07:07] Mr. Chair, I don't know if it's appropriate for the Chair of the Committee, but I'm proud of the report so I move that the Council, excuse me for one minute here, that the Council approve the recommendations of the Budget Committee, which includes the audit and, one second, and, so Sandra can get this. Let me start over. I move the Council approve the 2019, approve the Budget Committee recommendations as presented in Agenda Item C.4.a, Supplemental Budget Committee Report 1, September 2020, which includes the audit. Thank you.

**Marc Gorelnik** [00:08:10] All right Pete. Does the language there reflect, accurately reflect your motion?

**Pete Hassemer** [00:08:17] Yes.

**Marc Gorelnik** [00:08:17] And is there a second? Seconded by Bob Dooley. Please speak to your motion.

**Pete Hassemer** [00:08:25] Thank you. I think we've had plenty of discussion here. There was discussion about the amounts in the liaison contract for 2021 but I think that's still open for discussion. This is the staff proposed budget that the committee would look at developing a provisional budget in 2020 or 2021 at its November meeting. The November meeting was part of this recommendation, so I'll leave it there.

**Marc Gorelnik** [00:09:04] All right thank you. Questions for maker of the motion? Phil Anderson.

**Phil Anderson** [00:09:11] Thanks Mr. Chairman and Mr. Hassemer. I just wanted to ensure that in the parens, which includes the audit, you're referencing the 2019 audit results.

**Pete Hassemer** [00:09:25] Yes, that is correct. By reference to them looking back at different computers here. The Budget Committee recommendation is specific to the 2019 audit results.

**Phil Anderson** [00:09:41] Thank you.

**Marc Gorelnik** [00:09:44] Is there further questions or discussion? Marci Yaremko.

**Marci Yaremko** [00:09:50] Not yet. Sorry.

**Chuck Tracy** [00:09:55] Mr. Chairman.

**Marc Gorelnik** [00:09:56] Yes.

**Chuck Tracy** [00:09:56] I want to go back to near the end of the Budget Committee report and just touch bases on something that I'm not sure is, but I guess it doesn't reflect my recollection of exactly the Budget Committee discussion so I apologize for having to do this. I should have obviously figured this out way before now but and that is the Budget Committee membership. I thought I recall there being some other discussion about the Washington position and At-Large position. So, does anybody else recall anything other than what's reflected in the next to the last paragraph on page 2 of the Budget Committee report? I thought there was some discussion about having an agency fill the Washington seat and then the possibility of Mr. Anderson.

**Marc Gorelnik** [00:11:12] Well, let me address that, if I may.

**Chuck Tracy** [00:11:14] Yes. Thank you.

**Marc Gorelnik** [00:11:16] There was an appointee. Mr. Anderson was appointed to the Budget Committee for purposes of this meeting and so the Budget Committee report is accurate in that respect. When we come to our next agenda item or C.6 rather, membership appointments that will reflect changes in the composition of the Budget Committee on a going forward basis.

**Chuck Tracy** [00:11:40] Thank you. That makes sense.

**Marc Gorelnik** [00:11:47] All right. Let's go back to the motion at hand. Marci, your hand is up.

**Marci Yaremko** [00:11:54] Yes. Thank you, Mr. Chair. I'd like to amend the motion.

**Marc Gorelnik** [00:12:01] Please go ahead.

**Marci Yaremko** [00:12:08] Add from the language on the screen after the period, 'Ask staff to prepare a 2021 budget alternative that provides support for staff liaison contracts at 2020 funding levels'.

**Marc Gorelnik** [00:12:56] Going to let Sandra dot the I's and cross the T's there. So, Marci is that language accurate and complete?

**Marci Yaremko** [00:13:07] If I may, Mr. Chair may I change the word 'ask' to 'direct'?

**Marc Gorelnik** [00:13:11] You may.

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

**Marc Gorelnik** [00:13:17] All right. Take another look, are you, are we in good shape there?

**Marci Yaremko** [00:13:23] Yes, we are. Thanks.

**Marc Gorelnik** [00:13:25] All right. I will look for a second. Seconded by Corey Niles. Please speak to your motion to amend.

**Marci Yaremko** [00:13:35] Yeah, thank you Mr. Chair. Recognizing that we continue to be in the pandemic era and the Council is underspending its budget because of no travel and recognizing that we have the potential to extend the no cost extension into the future again potentially. It appears that there are additional Council budget resources that might once again provide additional liaison support in 2021 similar to the one time increase that was offered.....

**Marc Gorelnik** [00:14:26] Marci we lost you there.

**Marci Yaremko** [00:14:28] How about now?

**Brad Pettinger** [00:14:31] I had her on the entire time.

**Chuck Tracy** [00:14:34] Marc, I think we lost you.

**Marc Gorelnik** [00:14:36] (laughter) Okay I think it could be on my end here. I'm only paying for 100 megabyte per second connection.

**Marci Yaremko** [00:14:47] I'm worth it. I promise! Yeah, so you know there are available resources in the Council budget based on the underspending. Additionally, it appears there's some continued flexibility in funding the no cost pension that's already been extended potentially into the future. Notably that no cost extension budget, as reported in the Budget Committee report, is only spent at levels of 24 percent so there are options with how we spend the rest of that out that are proposed in the 2021 budget. Likewise, the 2020 budget we are coming in at 43 percent and it is already mid-September so again, I would view this proposal to consider again a one-time increase to these liaison contract amounts, recognizing that the amount you see in that slide 8 in terms of the liaison support do not even come close to covering the investments that these state agencies make to the Council process in terms of state staff resources and participation in the Council process, so we really do appreciate the increase that was offered in 2019 and for 2020 and I would really appreciate consideration of an alternative to do that again for 2021.

**Marc Gorelnik** [00:16:33] Thank you Marci. Are there questions for Marci? Corey Niles.

**Corey Niles** [00:16:40] Not a question Mr. Chair but a comment but I can hold off there.

**Marc Gorelnik** [00:16:46] Well, I just want to see if there are any questions from the floor for the maker and if they're not, then discussion on the motion? Corey.

**Corey Niles** [00:16:57] Yeah, just briefly I'll speak in support and thanks, Marci, and first of all, thanks to Pete and staff on the Budget Committee and to NMFS. It's very transparent. There's so many moving pieces. It's been a while since I've paid attention so I'm still not following, so I really appreciate just having this alternative for us to think about for the next step so, again, thanks for the excellent work and thank you, Marci, for your expertise in prompting us to have another look next time. Thank you.

**Marc Gorelnik** [00:17:34] All right. Maggie.

**Maggie Sommer** [00:17:37] Thank you Mr. Chair, and thank you for the motion Marci. ODFW agrees with your comments.

**Marc Gorelnik** [00:17:44] All right. Mr. Anderson.

**Phil Anderson** [00:17:49] Thanks Mr. Chair. Just a question for the Executive Director. Provided this amendment passes along with the main motion, will you be developing a budget proposal that stays within the total of the preliminary proposed 2021 budget? I thought I heard in some previous comments that you just made that you would be adding to the total budget in order to accommodate this request. Can you enlighten me on that?

**Chuck Tracy** [00:18:29] Thank you Mr. Anderson. So absent any direction to change any other aspects of the proposed provisional budget, I guess the answer is no. I will say that we will be updating that number based on, you know, the outcome of this meeting and our expenses to date and those sorts of things. That number is expected to move a little bit either regardless but again, unless we hear something like, well we don't plan on attending some RFMO or some other assumption that goes into the budget, then I guess the answer is we would just be adding to that total, post 2021 line.

**Phil Anderson** [00:19:36] Thank you.

**Marc Gorelnik** [00:19:42] Further discussion on the amendment? I'm not seeing, and I will call the question. All those in favor of the Yaremko amendment say 'aye'.

**Council** [00:19:54] Aye.

**Marc Gorelnik** [00:19:55] Opposed no? Abstentions?

**Louis Zimm** [00:20:04] Zimm abstains.

**Marc Gorelnik** [00:20:06] Who was that?

**Chuck Tracy** [00:20:09] Louis Zimm.

**Marc Gorelnik** [00:20:13] Louis Zimm Abstained. All right. The motion passes. So, we're now back to the main motion as amended. Is there discussion? Not seeing any I will call the question. All those in favor of the main motion as amended say 'aye'.

**Council** [00:20:30] Aye.

**Marc Gorelnik** [00:20:30] Opposed no? Abstentions? Okay the amended motion passes unanimously. Let me turn to Patricia and or Pete and see if there's any further business or let's actually first let me go to the Council and see if there are any Council members with additional business under this agenda item? Right now, I'll turn to Patricia and Pete to see if there's anything further to be done under this agenda item?

**Patricia Crouse** [00:21:13] Thank you Chair Gorelnik. I believe we are done, and Council staff will look forward to bringing updated budgets to the November meeting.

**Marc Gorelnik** [00:21:24] All right. Thank you very much Patricia. That completes Agenda Item C.4.

## 5. Approval of Council Meeting Record

**Marc Gorelnik** [00:00:00] Is there any, confirm whether or not there's any public comment?

**Chuck Tracy** [00:00:05] No public comment.

**Marc Gorelnik** [00:00:06] All right. Pete Hassemer. Pete you're muted.

**Pete Hassemer** [00:00:15] Okay. I would be ready to make a motion, but I don't want to cut off any discussion that might occur on this.

**Marc Gorelnik** [00:00:24] Well I'm skeptical that there'll be any discussion, but let's just give folks one last chance to raise their hand, and not seeing any hands. Pete, I'd ask you to go ahead.

**Pete Hassemer** [00:00:33] All right thank you. Well I was telepathically sending something to Sandra, but in case it doesn't get there. There it is already. Faster than e-mail. I move the Council approve the June 2020 meeting record as shown in C.5, Attachment 1, Draft Council Meeting Record 255th Session of the Pacific Fishery Management Council, June 10 through 12 and 15 through 19 of 2020.

**Marc Gorelnik** [00:01:02] Thank you for the motion Pete. Is the language on the screen accurate and complete?

**Pete Hassemer** [00:01:08] Yes.

**Marc Gorelnik** [00:01:09] And I see Virgil Moore has his hand up. I assume to second. Please speak to your motion as necessary.

**Pete Hassemer** [00:01:17] I don't think it's necessary to speak to it. It is complete.

**Marc Gorelnik** [00:01:21] All right. Any discussion on the motion? Butch Smith.

**Butch Smith** [00:01:27] I just want to inform. I will be abstaining because I was not a Council member at this meeting so I will be recording an abstention to the vote.

**Marc Gorelnik** [00:01:38] All right. Very good Butch. All right not seeing any other hands, so I'll call the question. All those in favor say 'Aye'.

**Council** [00:01:44] Aye.

**Marc Gorelnik** [00:01:45] Opposed no? Abstentions? We have Butch. Any other abstentions? All right the motion carries, and I think that completes our business here on C.5.

## 6. Membership Appointments and Council Operating Procedures

**Marc Gorelnik** [00:00:00] So thank you Steve and thanks to everyone for the public comment. That concludes that portion of the agenda item and brings us to Council action, which we see on the screen there. Why don't we take these in order, or actually before we do that, let me just see if there are any general comments around the table about the report or any of the public comments. John Ugoretz.

**John Ugoretz** [00:00:40] Thank you Mr. Chair. I just did want to sort of starting with what we heard last from public comment, talk about the concept of an offshore federal activities advisory group or whatever we want to call it. I definitely support the idea and concept. I think I would need to see a more fleshed out proposal that, as Mr. Conroy described, explains the operating procedures and the membership and other things that we had questions about before I acted on it but I would be happy for someone to bring that to us either from the outside or the inside as a proposal to consider later.

**Marc Gorelnik** [00:01:26] Yeah, I agree, I think it is an interesting proposal but obviously not something we can act on here but, you know, perhaps it's the will of the Council to agendize this so we can have a scheduled time to discuss it and to give both our advisory bodies and the public an opportunity to weigh in on that. Does that seem like an appropriate way to deal with the suggested ad hoc and or standing committee that was suggested through public comment? Anyone.... John.

**John Ugoretz** [00:02:10] Well as you're soon to hear, I'm loathe to add to agendas at this point. I think if there is an item in a meeting upcoming where we are already talking about offshore energy or aquaculture that we could include it within that. I would not want to make a standalone new item for this.

**Marc Gorelnik** [00:02:34] Fair enough, fair enough, we would just need to make sure there was adequate notice that that would be discussed within that agenda item. Is that reasonable to everyone? Anyone disagree? Okay I guess we'll..... Marci Yaremko.

**Marci Yaremko** [00:02:55] Thank you Mr. Chair. I guess I'd like to take Mike Conroy up on his offer to provide a proposal to us that we might consider. I can't recall, I know there was some discussion about a marine spatial planning item on an agenda some time. I don't have the November agenda in front of me but that is the time to consider the proposal but I think the earlier we see it the more time we have to think about it. I don't know if a full report is potentially the right vehicle or an open comment, I don't know but I, you know, I think what's important is that we start discussing the idea and think about the membership and composition. I know that in terms of agency personnel that is what is recommended, you know, at least from CDFW's perspective, we'll be needing to do some shopping around of that idea because we don't have access to all of the appropriate staff resources that we might need for a new committee, regardless of whether it's a standing or an ad hoc, so I think we'd need to think about it and the sooner we see something to think about, the better.

**Marc Gorelnik** [00:04:30] All right. Thanks for that Marci. I'm looking at our current....Chuck or Louis, why don't you go and then Chuck.

**Louis Zimm** [00:04:40] Thank you Mr. Chair and I want to thank Marci for that proposal to that she would like to see an info report or possibly a public comment. I have already been working on this aquaculture thing for a number of years and also Mike Conroy, I've worked with him so I could volunteer, oh no here I go, to work with Mike to prepare something. Thank you.

**Marc Gorelnik** [00:05:18] Chuck.



**Chuck Tracy** [00:05:18] Thank you Mr. Chair. So, I think there is some options, I guess, or some procedures we should think about here. We do have appointments and Council Operating Procedures on every Council agenda. So if there is direction from the Council to somebody or some group that the Council has authority over or to bring something to the Council at a future date that would lay out the, you know, something like a purpose and a need and terms of reference, composition, those sorts of things and the Council could consider it under that agenda item and we would just include that, and we would want that and the brief, advance briefing materials and it may be something that would be another, might it be a two-step process from there. Wants to, you know, consider the terms of reference, send it out for public review and it adopted at a future meeting. So that would be one, I guess that's kind of how I would picture this normally occurring. We do have a marine planning update every March so to the extent that there's some utility in coordinating with that in terms of just people being sort of there that are in the, in that they care about those sorts of things, that there might be some advantage there but that would just be a, you know, I guess I wouldn't think that it would be something that would necessarily come up under marine planning, but maybe it could so I guess those are a couple of options. I mean, obviously, there's going to be some budget implications, I would have to get an idea of that. And while we do have an ad hoc committees like the Ecosystem Workgroup that are long term, I think there was a reason for not switching that to a standing committee and we saw that in terms of adding membership recently to address a specific issue, which was the Climate and Communities Initiative and the FEP revision, but that said, we do have operating procedures and I think it's appropriate that we follow them. We have them for a reason and so if it's not going to be something that the Council's going to consider a limited duration targeted project, then I think they ought to consider it under a permanent committee.

**Marc Gorelnik** [00:08:24] Thanks Chuck. Well, I think the suggestion to have, I wouldn't single out any particular public commenter, but I think that that seemed like they were mostly singing from the same hymnal so I think it would be appropriate to have some work done by that group or anyone else and present something to us in November. Obviously, we're going to come to the COP 9 here in a second and that talks about a three meeting process to set something up but if we bring this within that process then we're not going to have, and if we go standing committee, it may be some delay there so we'll have a more detailed discussion about this in November. I don't want to belabor the subject here, but I think that's a reasonable way, at least at this point, so we can move on to other matters on our agenda. So anything else on that topic? Okay so let's go....

**Chuck Tracy** [00:09:37] Well I guess I haven't heard, you know, an assignment to somebody to bring some set of products back.

**Marc Gorelnik** [00:09:46] Well I, what I would like to see, and I don't think I can assign the public to do anything or the Council can assign the public to do anything, but I think we've received these suggestions from members of the public, at least through the public comment, although I think many of them have their roles in the Council family to bring something to, I think it was suggested to bring it up under membership and appointments at the November meeting. So I guess we were sort of deferring to those who bring this suggestion to bring us some work product for us to consider. I'm not sure that we're, do you feel we need to assign Council staff to this? Bob Dooley.

**Chuck Tracy** [00:10:40] I'm sorry. Go ahead Bob.

**Bob Dooley** [00:10:45] Thank you Mr. Chairman. You know I recall the way that we assigned some member, subcommittee, not a committee really, but a subpart of the GAP to scope mothership and to scope non-trawl RCA and that gave at least a format for people to understand where this is being talked about and it wasn't an official thing, it was just to get the scoping done. I think it helped us a lot in the end. So I wonder if there's some like, something like that. Maybe there's a place to maybe assign Mike

through the committee he's on to, and that would give people at least a, you know for an informal formation of something, to put some, to scope out what this might look like and give us something to look at and to actually add or subtract from, so that's just a thought. I know I'm not probably saying it correctly but that's the best I can do so thank you.

**Marc Gorelnik** [00:12:00] Chuck and then Phil, or unless you want Phil to go first.

**Chuck Tracy** [00:12:04] I'll let Phil go first.

**Marc Gorelnik** [00:12:06] Phil.

**Phil Anderson** [00:12:08] Thanks Mr. Chairman. I'm looking at the chats that are going on between some of the folks that brought the idea forward under this agenda item. I don't, I'm with you, I don't think we should be assigning or trying to assign. We have an indication from the people who have advocated moving forward with the formation of this kind of group. We have the primary folks that testified before us saying that they are willing to work together and bring something back. I think we should leave it at that and I'm confident that they will bring something back for us to look at and how we deal with it and take it from there is then part of the Council process. Thanks.

**Marc Gorelnik** [00:13:03] Chuck. Unless you want to yield to Corey?

**Chuck Tracy** [00:13:08] I'm fine with Phil's suggestion.

**Marc Gorelnik** [00:13:10] Okay. Corey.

**Corey Niles** [00:13:13] Yeah thanks and thanks Phil for the suggestion and 30 seconds here. Yeah, I think this is going to be these, having thought about it in the context of Washington, these projects are going to be inherently local so just, I would also just throw that thought out there for folks to think about but yeah, I'm of a similar mind as Phil.

**Marc Gorelnik** [00:13:38] All right, can we leave it there on that topic? I'm not seeing any hands so let's go to COP 9. A red line version has been provided as an attachment that provides for a three-meeting process. As Mike said during the overview this was an issue that was raised in our last round of appointments where we didn't have, the advisory bodies did not feel they had adequate time to address decisions made by the Council in terms of composition, so let me open the floor and see what kind of discussion we may have or a motion. Maggie Sommer.

**Maggie Sommer** [00:14:40] Thank you Vice Chair. I am in favor of the proposed change and am prepared to offer a motion.

**Marc Gorelnik** [00:14:50] All right Maggie. I'm not seeing any other hands so please offer your motion.

**Maggie Sommer** [00:14:59] Thanks. At Sandra's readiness, I move the Council appoint, pardon me, the Council adopt the proposed changes to COP 9 as shown in agenda item C.6, Attachment 1, September 2020.

**Marc Gorelnik** [00:15:37] All right Maggie. Is the language there accurate and complete?

**Maggie Sommer** [00:15:41] Yes, it is. Thanks.

**Marc Gorelnik** [00:15:43] All right. Brad raised his hand before the motion was even complete. Were you doing that in order to second the motion Brad?

**Brad Pettinger** [00:15:49] Yes.

**Marc Gorelnik** [00:15:49] Okay. Seconded by Brad Pettinger. Please speak to your motion.

**Maggie Sommer** [00:15:59] Thank you Chair Gorelnik. As Mike Burner reminded us in introducing this agenda item, every three years the Council reviews the composition of our advisory bodies and solicits nominations to fill the positions for the next term. We did have some discussion and a recommendation to use a three meeting process in June, September and November, rather than the current two meeting process to allow for more input into the composition of advisory bodies and I think that's valuable. I think our discussions today have illustrated that to some degree and I appreciate the staff's efforts to put together the markup version of the COP in attachment 1 and I'm proposing we adopt it.

**Marc Gorelnik** [00:16:47] All right thank you Maggie. Are there any questions for the maker of the motion or discussion on the motion? Not seeing any I'll call the question. All those in favor, say 'aye'.

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

**Marc Gorelnik** [00:17:04] Opposed no? Abstentions? The motion passes unanimously. Thank you very much Maggie for the motion. Coming back to the Council action before we get to the appointments, membership issues, are there any other changes or additions that the Council wishes to discuss at this time? And I'm not seeing any hands, so we'll move on to the, consider any appointment and membership issues. As Mike Burner said, there are a number of vacancies that we need to fill, some of which were discussed in closed session, so before we go forward with motions, let me see if there's any discussion on this Council action? Not expecting any but I'm sort of programmed to ask that question. Mr. Burner.

**Mike Burner** [00:18:13] Yes sir.

**Marc Gorelnik** [00:18:14] Did you have anything to add there?

**Mike Burner** [00:18:17] No. Sorry.

**Marc Gorelnik** [00:18:18] Okay, so let's do this one by one. We have a vacancy on the Ecosystem Advisory Subpanel so, Mr. Anderson.

**Phil Anderson** [00:18:32] Thank you very much Mr. Chairman. I move the Council appoint Dr. Phil Levin to the vacant Washington position on the Ecosystem Advisory Subpanel formerly held by Mr. Paul Dye.

**Marc Gorelnik** [00:18:47] Thank you Phil. Is the language there on the screen accurate?

**Phil Anderson** [00:18:51] Yes, it is.

**Marc Gorelnik** [00:18:51] And I'm looking for a second? Seconded by Corey Niles. Please speak to your motion as necessary.

**Phil Anderson** [00:18:59] Thanks very much Mr. Chairman. The Council is indeed privileged to have such a valuable person interested in participating on the Ecosystem Advisory Subpanel and I'm excited

to put his name forward for Council consideration. Thanks.

**Marc Gorelnik** [00:19:16] All right. Any discussion? Not seeing any hands. I'll call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:19:24] Opposed no? Abstentions? The motion passes unanimously. Welcome Dr. Phil Levin. Next, we have a position to fill on the Habitat Committee. Marci, do you have a motion?

**Marci Yaremko** [00:19:46] Yes, I do Mr. Chair. I move the Council appoint Mr. Glen Spain to the vacant commercial fishery position on the Habitat Committee formerly held by Mr. Noah Oppenheim.

**Marc Gorelnik** [00:20:02] All right, and the language on the screen is accurate and complete?

**Marci Yaremko** [00:20:06] Yes, it is.

**Marc Gorelnik** [00:20:07] And seconded by Bob Dooley. Please speak to your motion.

**Marci Yaremko** [00:20:11] Thank you Mr. Chair. Mr. Spain has spent quite a long time on the board of PCFFA and is very familiar with commercial fishery issues and very knowledgeable about inriver habitat and has lots of expertise in the legal arena on that topic. I believe he will be a great asset to the Habitat Committee. Thank you.

**Marc Gorelnik** [00:20:39] Thank you Marci. Any discussion on the motion? Okay all those in favor say 'aye'.

**Council** [00:20:45] Aye.

**Marc Gorelnik** [00:20:46] Opposed no? Abstentions? Motion passes unanimously. Welcome Glen. We'll next move to a NMFS position on the HMS Management Team. Ryan Wulff.

**Ryan Wulff** [00:21:09] Thank you Mr. Chair. I have a motion.

**Marc Gorelnik** [00:21:11] Please.

**Ryan Wulff** [00:21:11] I move the Council appoint Miss Amber Rhodes to the National Marine Fisheries Service West Coast Region position on the Highly Migratory Species Management Team formerly held by Mr. Lyle Enriquez.

**Marc Gorelnik** [00:21:30] Okay is the language on the screen accurate and complete?

**Ryan Wulff** [00:21:32] Yes, it is.

**Marc Gorelnik** [00:21:33] Looks like we have a second from Louis Zimm. Please speak to your motion.

**Ryan Wulff** [00:21:39] Thank you Mr. Chair. Miss Rhodes has been working on fisheries management issues in the region for over a decade and on highly migratory species issues in particular since 2013. She's been involved in both international and domestic aspects of HMS management, and throughout her time she has participated in numerous Council meetings, worked on several regulatory packages

including FMP amendments, as well as coordinating with the Science Center on HMS stock status determinations and I think she has a broad and valuable expertise and I'm confident she will effectively contribute to the management team.

**Marc Gorelnik** [00:22:21] All right. Thanks for that. Louis do you have questions on the motion or discussion? Okay any discussion on this motion? Okay I'll call the question. All those in favor say 'aye'.

**Council** [00:22:38] Aye.

**Marc Gorelnik** [00:22:38] Opposed no? Abstentions? Motion passes unanimously. Welcome Amber Rhodes. Now, with the ascension of Mr. Butch Smith to the Council table, to the adults table, we have a vacancy on the SAS. Do we have a motion there? Phil Anderson.

**Phil Anderson** [00:23:09] Thank you Mr. Chairman. I move the Council appoint Mr. Michael Sawin to the Washington charter boat operator position on the Salmon Advisory Subpanel formerly held by Mr. Butch Smith.

**Marc Gorelnik** [00:23:22] Mr. Anderson is that language accurate and complete?

**Phil Anderson** [00:23:25] Yes, it is.

**Marc Gorelnik** [00:23:26] And I see Butch has his hand up to second. Please speak to your motion as necessary.

**Phil Anderson** [00:23:33] Thanks very much Mr. Chairman. It's my pleasure to bring Michael's name forward. Michael started as a deckhand working on a number of charter boats in Westport. He's now a captain and co-owns the vessel that he runs with his father and I think he'll bring a lot of value to the SAS and I am happy to bring his name forward. Thanks.

**Marc Gorelnik** [00:23:57] Thank you Phil. Any discussion on the motion? Okay all those....Pete did you have something?

**Pete Hassemer** [00:24:09] Just getting ready to vote.

**Marc Gorelnik** [00:24:11] All right. On the count of three. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:24:19] Opposed no? Abstentions? Motion passes unanimously. Welcome Michael. And I think we have one other vacant position we're hoping to deal with here. That is a vacant ODFW position on the SSC. Maggie Sommer.

**Maggie Sommer** [00:24:40] Thank you Chair. I move the Council appoint Dr. Fabio Caltabellotta to the vacant Oregon Department of Fish and Wildlife position on the Scientific and Statistical Committee formerly held by Dr. David Sampson.

**Marc Gorelnik** [00:24:53] Thank you Maggie. Is the language on the screen accurate and complete?

**Maggie Sommer** [00:24:58] Yes.

**Marc Gorelnik** [00:24:59] I'm looking for a second? Seconded by Virgil Moore. Please speak to your

motion.

**Maggie Sommer** [00:25:06] Thank you. Dr. Caltabellotta is currently a post-doctoral research associate with Oregon State University. He has a background in fisheries science, quantitative ecology and marine biology and particular expertise in management strategy evaluation and in fish age and growth. I'm confident in his ability to contribute to the SSC, the Council and ODFW and am pleased to be able to offer this motion for his appointment.

**Marc Gorelnik** [00:25:35] Thank you very much. Any questions or discussion on this motion? Not seeing any I'll call the question. All those in favor say 'Aye'.

**Council** [00:25:48] Aye.

**Marc Gorelnik** [00:25:48] Opposed no? Abstentions? Motion passes unanimously. Welcome Dr. Caltabellotta, and I hope I got the pronunciation correct. All right. Are there any other motions, any other discussion on appointments and membership issues? Corey Niles.

**Corey Niles** [00:26:19] Thanks Mr. Chair. I don't want this to take any more than a couple of minutes given the hour but I just wanted to connect back to discussions had under the groundfish humpback whale consultation item and thoughts on membership of the Groundfish Endangered Species Workgroup and question for Mr. Burner maybe is I think that group might be scheduled to meet next spring possibly and could staff look into maybe having that posed in November and just flagging those conversations we had and don't want to take up time today.

**Marc Gorelnik** [00:27:05] Well thanks for bringing that up Corey. Mike, is that something we can incorporate for our next meeting?

**Mike Burner** [00:27:10] I don't see why not. The Council Operating Procedure for that group includes a placeholder for some industry representation at the Council's discretion so I don't think it would take a COP change at all. We could definitely take that up in November if some Council members start thinking about that representation that would be appropriate to do then. Mr. Niles is correct that group will meet next year, the early part of next year and I believe they're scheduled to report to the Council in April in advance of this kickoff for the next spex cycle so that sounds appropriate to me. Thank you.

**Marc Gorelnik** [00:27:40] Marci Yaremko.

**Marci Yaremko** [00:27:41] Thank you Mr. Chair. Thank you Mr. Burner. In the course of you looking into this, I'm hoping maybe you can also include a reference to the prior minutes where we've had an extensive discussion on this exact point in the past and I would just like to be pointed to where that is in our meeting record. Thank you.

**Mike Burner** [00:28:05] Okay.

**Marc Gorelnik** [00:28:05] All right. Thanks for taking care of that Mike. Any further discussion or motions on agenda item C.6? Mike Burner how are we doing here?

**Mike Burner** [00:28:20] Excuse me, you're doing very well. You've made nominations for five of the positions we needed to take care of here for our advisory groups. I would just also note that we have an upcoming vacancy on the CPSAS Advisory Subpanel and I didn't hear anyone speak against opening that up for nominations so we'll do that shortly after this meeting and see if we can get some nominations in time for the November meeting so that you could fill that vacancy, and we will make those changes

to COP 9. I appreciate that business that will set us up well for 2021 when we look to review our advisory bodies and fill that next term. So, thank you very much that's all I had for this agenda item.

**Marc Gorelnik** [00:29:00] All right thanks Mike, and I appreciate, the sitsum was written before we made some changes in membership on the Budget Committee and the Legislative Committee, but just to be clear, while Phil was appointed to the Budget Committee for purpose of the September meeting, he's now been appointed to the Legislative Committee and Corey Niles has been appointed to the Budget Committee. All right that completes this agenda item.

## 7. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] That completes public comment which brings us to our Council action here, which is to, well our action here isn't those, it's to consider the November agenda and future meeting planning so I think at this point Chuck, I'll turn the floor over to you if that's okay.

**Chuck Tracy** [00:00:32] Thank you Mr. Chair. So I think my plan here is to just briefly as I can just note the changes that have occurred between Attachments 1 and 3 and 2 and 4 over the course of the week so you can see what's changed, and then, you know, I know we haven't had a....we didn't really get a chance to or didn't ask the agencies, you know, if they had any comments, so I think it would kind of like to open it up to see if there's any, you know, comments that perhaps from National Marine Fisheries Service or the other management entities real quickly, and then just kind of work through starting with November and see what we can do there and then move on to the Year-at-a-Glance. So what we've got for Year-at-a-Glance that really the changes.....so for November you'll see the impact analysis, methodology review and final topic selection under groundfish has been deleted. Further down the line we did add in the stock assessment approval for June and September, so that's it for groundfish. No changes to CPS. For HMS we deleted in November the EFP final approval and then for harvest spex we changed the action there to look at the status determination criteria, recommendations and then we added a third agenda item in March for that, for the biennial spex final approval, and then likewise added EFH phase 2 scope of work in March. So there's no other changes in the Year-at-a-Glance. For salmon we just added the reintroduction above Grand Coulee draft letter agenda item for March as a shaded item. For ecosystem we added the FEP five-year review of Chapter 5 in March, and those are the only changes I believe for the Year-at-a-Glance. Maybe I'll just pause there and see if there's any comments or if I've missed anything and I'm not seeing any hands up, so I'll move then on to November. I mostly covered that again. HMS EFP's has been deleted. Impact analysis, methodology review for groundfish has been deleted and fixed gear program review has been added. Let's see. I guess I would note that the, we're getting seven, seven to eight hours per day with five-and-a-half or five-and-a-quarter on day last, so that's pretty close to five-and-a-half day program. I guess I would encourage the Council members to think about how they if they want to if that's their desired target. We did have a lot of good input from advisory bodies. I prepared a list of things that deal with agenda items in particular but I think I will run through those maybe after we see if there's any updates from the management entities so I, so I'll pause there and see if there's any questions about the November Quick Reference. If not, then I'll open it up to management entities before kind of tackling the November Quick Reference in depth. Phil Anderson.

**Phil Anderson** [00:05:01] Thanks Chuck and forgive me, I, just forgive me for this question. The items that are shaded, can you tell me, can you remind me again what, if they're shaded that means they're under discussion. Tell me what that means.

**Chuck Tracy** [00:05:23] So shaded items are items the Council has not yet confirmed that they want for sure on the agenda. So they could be moved forward or back so in the Year-at-a-Glance, for example, you know, things that are in April.....

**Phil Anderson** [00:05:36] Gotcha. Thank you. One other question. After three of these virtual meetings, I think we've learned that things take longer than we may have otherwise thought and it has driven us into having work days that are longer than, shall we say ideal, and I'm wondering if the time estimates for those items that are on this November agenda, if you've given any thought or made adjustments to those in any way, given the experience that we've had not only this week, but in the first, the April and the June meeting as well. Thanks.

**Chuck Tracy** [00:06:32] Thanks Mr. Anderson. Yes we have and, you know we, our first, our April



and June meetings we kind of targeted five-or-six-hour days and we went over some, but although we went under for some, I think we were trying to make up for some lost opportunities. You know, we put off some of the, some of these items in April and June and we were concerned about that. We talked about having maybe another interim Council meeting, et cetera, so we put some of those items back on for this meeting and some of those are, you know, the less routine items and I think generate a little more interest and public comment and we certainly have noticed that we get more public comment when we're in a virtual world than we do when we're live and in person, because it's harder for people to travel, so, but I guess to answer your question, yes we have, you know the gear switching and sablefish area management I think we had originally had four hours in Attachment 2. We initially bumped that up to five, but that then decided that no, probably six is probably more appropriate. So we did, we had two hours of public comment for that. We have made some, we have made some adjustments to some of the others. I don't know if I've got my notes right in front of me, but yes, we have started to take that into consideration.

**Phil Anderson** [00:08:07] Thank you.

**Chuck Tracy** [00:08:12] Anybody else? National Marine Fisheries Service? State agencies? Anything to think about? Mr. Wulff.

**Ryan Wulff** [00:08:23] Yeah thank you Chuck. I do have some initial remarks I'd like to make, both overarching as well as on November agenda if that's okay now.

**Chuck Tracy** [00:08:32] Yeah.

**Ryan Wulff** [00:08:37] So a couple of points. I fully agree with the comments that were just made by Phil, and I think we need to be very cognizant of that. I do appreciate that both in this November agenda as well as this meeting, our previous requests to kind of consolidate meeting times for the FMP's when possible. I mean I know we split up gear switching initially but, you know, for a reason, but in general, keeping all the HMS items together on a single day or salmon or things like that when where possible. I think it's very helpful as opposed to spreading it out multiple days, kind of keeping us tethered to the Council meeting and how agendas go and I think that's goes also similarly for the management teams, you know in general. I'll just reiterate what I said in June, what the unpredictability that we're seeing with these virtual meetings is, is a further stress and burden and challenge for staff, both those that are engaged to the Council as well as on the advisory bodies, so to the extent there could be some more advanced meetings with those bodies or with flexibility to reconvene in Council, I would welcome looking at that. I would also welcome, kind of to Phil's point, looking at whether we want to schedule less than seven to eight-hour days. I appreciate also some of the comments we got in public testimony, as well as the Chairs use of a reduced public comment time. I think we do see more public comment in virtual meetings. I think that's something we should look at going forward. I like the three- and six-minute limit that's consistent actually with some other Council's. I think we tried at times also to get advisory bodies to summarize versus read reports. I think that could continue to be encouraged. So those are some of my overarching comments. With regards to November in specific, I have had some conversation with both the Science Centers as well as our staff and I do think while I understand when we were doing essential agenda items open, why, only why we consolidated the NMFS report into one item? Both the region and the center would actually prefer to go back to having a NMFS report under the FMP specifics and we can work with Council staff in the follow-up after this meeting. I'm not certain we would need one for salmon yet for November, but we will have separate groundfish and HMS items, the former being more lengthy and I think that would be more appropriate, I think I will be more helpful considering the broad, lengthy item and how it went this meeting, although I understand we were the ones that advocated for that previously. Going to highly migratory species, I did want to know, we did discuss, I didn't see this in the SSC report, but we did talk about it under the biennial management cycle,

the potential to add to the SSC's agenda in November any SSC proxy review from the IATTC assessments, so I welcome working with them on that. We'd also like to keep the hard caps issue on the November agenda. Council has requested NMFS provide information on the costs and regulations and the ways to reduce those costs and whether fewer fishermen decide to participate in that fishery does not change the information we would be providing to the Council, and so that and for other reasons, which folks want me to expand on, I can we would like to keep that on November. However we do support the MT's recommendation to move the Swordfish Monitoring Management Plan to March for a couple reasons; number one, there is a, there was a long list, well there was three big items that were charged by the Council to the MT to wrap into that discussion at the last November meeting and COVID as well as international meeting schedules moving into the October and November timeframe that were unanticipated, has increased our workload beyond what we've anticipated, so that's why we would recommend that change. And then just to note, we raised this, I think under spex as well for HMS, you have on your November agenda item as final action, that's, that's not our understanding. We have a three-meeting cycle in the FMP, which is September, November and March, so November should be preliminary and there should be a March final action for HMS biennial management cycle. For groundfish I don't think I need to underscore any more than we already have how much workload challenges that we have and to be mindful about the number and timing of the actions as you get into your discussion, not only will we definitely not have a new groundfish branch chief by November, but again, stress the pandemic related situations that we have for staff and we are operating at less than a hundred percent capacity on multiple fronts, so to be clear, between this meeting and November, we will be focused on addressing first the emergency rule recommendation and then inseason. And as a reminder we're also in the process of finishing the 2021-22 spex and finalizing the humpback biological opinion in order to secure necessary ESA coverage for those, for that specifications package starting in January 2021. We have had some internal discussions, if it's helpful, regarding the primary sablefish program catch share review. NMFS in consultation with NOAA General Counsel have determined that the current briefing book report put together by Dr. Jim Seger under Agenda Item D.2 is enough for at least us to consider this review initiated relative to the MSA time clock, so we wouldn't necessarily need a formal November agenda item, but of course would suggest the Council revisit this when it comes to the YAG discussion, Year-at-a-Glance discussions. And we will not be engaging, if it wasn't clear earlier, on further development of actions related to trawl sector utilization issues, the SaMTAAC or gear switching or the whiting mothership utilization leading up to the November meeting and at the November meeting, so we cannot support any kind of substantive Council agenda items on those but we can come back in November and let you know the timing in which we can reengage on these issues and other priority Council actions. I will add a slight caveat regarding gear switching and SaMTAAC, I mean we could participate in a November discussion if there's a desire just to review the existing analysis, i.e. no new analyses or briefing book materials and then discuss whether more information is needed for future decision making. For electronic monitoring there's two hours on there. I do think that's possible before we did the delay, it's really up to the Council. I do think a number of the items that we would present on that we could fold into the groundfish NMFS report. We could also schedule one or more GEMPAC meetings over the winter and then potentially revisit this for a March agenda item, we might have draft guidelines and manuals for review and discuss that on the Year-at-a-Glance. For halibut I think there was a discussion on yelloweye bycatch. We will be working with Northwest Fisheries Science Center staff to produce a document, diving into yelloweye impacts on the non-tribal directed commercial fishery and related to that discussion but I don't think that needs to be a separate agenda item that could be folded into Agenda Item F.3, but that might affect the overall time allotted to that agenda item. And I guess that's it, really on CPS there was mention of the litigation, that's correct, there is a court order that requires a proposed and final rule by December 31st. We are still trying to determine a timeline for that. Obviously in order to make that you'd have a proposed rule sometime in probably early November at best. Court may grant additional time. We are not certain when that decision might occur. We also don't know if not to determine whether we'd appeal or move for a stay, so I don't have any additional information other than that just to remind the Council that that's just the current

status of that situation. And I think that's quite a lengthy report, so I'll stop there but I'm happy to expand on any of those or take questions or dig deeper as folks want to.

**Chuck Tracy** [00:18:02] Thank you Ryan. It looks like you've got quite a following, so I'm going to get in line first since I've got the mic and I just want.....a couple of questions I had was if you wanted to touch bases on the Regional Tech Plan review? Agenda Item C.3, what the status of that was? Otherwise, I think you pretty well touched on my questions for you.

**Ryan Wulff** [00:18:27] Yes, so yes, I didn't say, again that's up to the, if the Council does want to weigh in on that we have to transmit that to headquarters I believe in February, so November would be the only time to do that.

**Chuck Tracy** [00:18:43] Thank you. Okay well let's go join your fan club. John Ugoretz.

**John Ugoretz** [00:18:51] Thank you Mr. Tracy, and thanks Ryan. I wanted to talk about the Swordfish Monitoring and Management Plan, which I think Mr. Wulff said that he would be not opposed to moving that. I want to and need to express my real concern for the continued over scheduling of Council and advisory board meeting agendas since COVID began. The same concern has been noted in several of the statements we've just heard and while it's possible to conduct significant amounts of business during a normal in-person Council meeting, California and the other states on the Council are burdened not only by what's normal, but with additional work completely outside the norm. This is amplified by the fact that we're working remotely, unable to engage with our staff in normal manners and more importantly, we're plagued by both the pandemic and unprecedented wildfires that have led to evacuations, loss of homes and life, and difficulties in conducting even the most basic fieldwork where at the same time implementing programs to provide needed relief to our fisheries through the Cares Act, which comes with additional significant workload and in California we've had staff reassigned to contact tracing to help stop prevent further increases in the COVID infection rate. All of these additional factors should be taken into consideration when planning workload and in developing agendas that realistically reflect a reduced capacity within the Council, its members, its advisory bodies, and importantly, our constituencies to get things done. I've spoken many times regarding the Swordfish Monitoring and Management Plan. This plan was originally developed to guide the Council through several important decisions regarding the swordfish fishery. In reading the current draft plan, there is a clear focus on the drift gillnet fishery and ways to change and improve that fishery. The Council has now spent countless hours, days, and months discussing a variety of issues surrounding the drift gillnet fishery. We've implemented changes, discussed alternative methods, issued EFP's, received reports on bycatch and observers and have approved deep-set buoy gear, which NMFS is currently proceeding with making a reality. We also considered shallow-set long line outside of US EEZ and decided not to move forward with authorization. We can and will continue to manage swordfish without a specific plan based on this one species. Swordfish are managed through the HMS FMP and monitored through catch accounting, international assessments, and our own bycatch reports. An important consideration regarding the drift gillnet fishery, as Dr. Shester just mentioned, we've implemented a process to transition drift gillnet permittee's out of that fishery and as noted to date 44 fishermen, including 28 of the 32 permittee's who were active in the fishery have indicated an interest in participating. Through funding provided by the California Ocean Protection Council and non-state contributions coordinated by Oceana, we've been able to notify 24 of these 44 participants that they can proceed and those individuals are actively moving towards completing the process by relinquishing both their permits and nets. Given all of that, I recommend that we not only remove the Swordfish Monitoring and Management Plan from the November agenda, but that we recognize now that it has served its purpose and is no longer necessary to include in any future meetings. We have far more important work to conduct as you heard during public comment, and continuing with a plan that is redundant and unnecessary is not a prudent use of the Council's time, nor that of our advisory bodies. In closing, I

would point out that we have cast the HMS Management Team to conduct some analyses. I believe those analyses fit perfectly fine within the hard caps issue or the bi-spex issues that are already on the agenda.

**Chuck Tracy** [00:23:12] Thank you John. I'll just see if there's anybody that has questions for John. Not seeing anybody unmute themselves, so let's go to Maggie. Maggie Sommer

**Maggie Sommer** [00:23:29] Thanks very much. Ryan, a question on gear switching for you, if I may. Following up on some of the public comments suggesting that the time for more analysis is after the Council has selected a range of alternatives that frames the types of approaches to be considered. Does NMFS have a position at this time on whether more analysis is needed prior to adopting a range of alternatives?

**Chuck Tracy** [00:23:56] Ryan.

**Ryan Wulff** [00:24:02] Thank you. Thank you for your question. No, we don't have a position on that at this time and like I said, if the desire is to just review the existing analyses and then discuss whether more information is needed, that's something we can engage on. We do think good work has been done to date.

**Chuck Tracy** [00:24:25] Okay. Pete Hassemer.

**Pete Hassemer** [00:24:29] Thanks Executive Director Tracy. Ryan, I apologize if you covered this, I'm going through two documents and trying to highlight stuff and keep up and Mr. Ugoretz had just mentioned the Swordfish Management and Monitoring Report, on the November agenda G.5, drift gillnet fishery hard caps, relative to some advisory body comment, we heard about the, that not being necessary, maybe just what's NMFS position on that relative to what's happening within that California Buy-op Program and the direction of the program. Is it a priority for us to talk about that in November or can we defer that? And again, I apologize if you covered that already.

**Ryan Wulff** [00:25:24] Thank you for the question. On hard caps, yeah, I touched on it a little bit but I'm happy to expand. NMFS supports having that on the November agenda. The Council has requested us to provide information on the costs of regulations and the ways to reduce those costs and again, whether fewer fishermen decide to participate in the fishery does not change the information NMFS will be providing because the regs stand to significantly and adversely impact every small entity who participates in the fishery, and a substantial small number, excuse me, a substantial number of small entities will continue to be negatively impacted, regardless of whether the number of fishery participants is twenty five or five, and because consultation with the Council on ways to revise the hard caps regulations cannot be completed by the court ordered date, we published the regs as is, and we're undergoing litigation on that currently, and we've already conceded to plaintiff's claims that the regulations are inconsistent with National Standard 7. So as stated during previous meetings, NMFS sees the potential for conservation benefits of regulations however Council consideration of revisions aimed at reducing costs is warranted, and we don't think that should be delayed as those regulations currently remain in effect and the timing and outcome of current litigation remains uncertain. And again, you mentioned the Swordfish Monitoring and Management Plan, we do strongly feel that that work is not done. You've heard in the revised HMSAS report that they wanted it on November. They obviously think that work is not complete and we only ask for a delay till March just because of the analyses that the Council unanimously requested the MT provide to the and future Swordfish Monitoring and Management Program agenda item at its November 2019 meeting.

**Pete Hassemer** [00:27:14] Thank you.

**Chuck Tracy** [00:27:16] Okay. Briana Brady.

**Briana Brady** [00:27:23] Thank you Chuck. I'd like to offer some comments for CPS agenda items if that's appropriate to do right now?

**Chuck Tracy** [00:27:30] Sure.

**Briana Brady** [00:27:30] Okay I offer these suggestions in light of the workload issues associated with COVID and then trying to find a balance in moving some of the CPS items forward. So, under November 2020 I suggest that we move the EFH items and take EFH off of November and add it to April 2021. And then in April that would mean we would have the EFP final, annual sardine spex and then EFH. For June it looks like we would still have the methodology final as a place holder and then the annual Pacific mackerel spex and then I think we could add CSNA framework for June. I think management categories would remain shaded until after our June meeting, June 2021 meeting and then just the general comment for workload in November. We could potentially remove the stock assessment prioritization from November if you really needed the time since sardine will likely be another update for a full assessment in 2022 and Pacific mackerel will be on an off year and then we would still have the anchovy research assessment had just been completed in 2021 so if you really need the time that's something to consider in the future. Thanks.

**Chuck Tracy** [00:29:07] Thanks Briana. So just quickly on the stock assessment prioritization you said we could remove it from November. Did you have a landing spot for it, did I miss that?

**Briana Brady** [00:29:18] Well, so its stock assessment prioritization for 2022 and I think everything I just laid out kind of answered the question, but no I don't know where it would land. It would probably just come up the next time we're supposed to talk about it after we complete all the other assessments that we have in line.

**Chuck Tracy** [00:29:39] Okay thank you. Brad Pettinger.

**Brad Pettinger** [00:00:00] Thank you Chuck. I would like to say that Geoff Shester's testimony actually got me kind of excited there by golly for the first time ever. I thought we'd pick up two hours for the DGN hard caps may be going away and then, and then Ryan put cold water on that. You know, I thought Lori Steele gave some very compelling testimony today and why we should have an RROA in November for the gear switching issue. I do think that the RROA on the table when discussions with the two groups, there'd be incentive to get together and actually have some meaningful conversations. I think lacking that, I don't think you're going to, that's not going to happen. It's the same, this issue is not going to go away. It's going to get worse just because we've got these big year classes of sablefish that we're seeing in Alaska, British Columbia and yes, off the West Coast. Those interactions are going to continue. If you don't do it in November, is March a possibility? It's a salmon meeting. If not March we're talking about April. It looks to me like that's seven months of wasted opportunity, a wasted time forward to get some analysis done. I don't know if going to take six hours. I don't why you jump from four to six. I guess we could make it six hours. Anyway, I'd just like to say that I know there's, you know time, you know 2020 is a harsh mistress, this COVID situation, there's just no fun here and I get it but you know this kicking that can down the road, you know it will be 10 years here in this of catch share program and the big issue we haven't resolved it yet and anyway, I'll just stop there.

**Chuck Tracy** [00:01:57] Thanks Brad. I'm just going to interject here a little bit. Again, you know, part of the reason we increased it was just because of the public comment situation. I did just get some word from Jim, Jim Seger, and he says that from his perspective, the main analysis needed for gear switching is the qualifying requirements in order to make sure that we have the right range there so that's his main

issue with the selection of a range of alternatives.

**Brad Pettinger** [00:02:41] Okay.

**Chuck Tracy** [00:02:44] Okay. Corey Niles.

**Corey Niles** [00:02:46] Thanks Chuck. I'm kind of lost where we were. I thought we were asking questions of Ryan. I would suggest we take up the SaMTAAC issue.....

**Chuck Tracy** [00:02:52] I think following up with Ryan is still we're at, still working our way through that.

**Corey Niles** [00:03:01] Okay and yeah, I don't want to get in the mess too much, and I just say I'll disagree with Ryan's take on the gillnet and hope we talk about that National Center because we never talked about it at the Council but Ryan could you, sorry, real quickly, recap what you said about EM and how you think the Council will respond to the anchovy litigation in November, if at all, and apologies for not catching it all.

**Ryan Wulff** [00:03:29] Yeah, no problem Corey. Thank you for the question. So EM, there's two things, like there's an electronic technologies update that's under admin. That's been extended because of COVID but our deadline is to get that to headquarters in February so that would be the Council's attempt to weigh in on that if they want to comment. On EM, again we could fold in a lot of update, EM program update since we've done the delay until 2022 into the groundfish NMFS report, and then more substantive discussions could, if the Council wants to get that time back or take that off the agenda, we could look at one or more GEMPAC meetings over the winter and then revisit it in an agenda item in March where we would have, you know, potential guidelines and manual review and getting ready for implementation in 2022. So that's what I said on EM and your other question was on? Sorry...

**Corey Niles** [00:04:28] Anchovy.

**Ryan Wulff** [00:04:28] So anchovy we have a court order, even, if my understanding regardless of the fact we haven't made a decision to appeal or stay, it's very likely that you still have to comply with the order in the interim so most likely, we're still working on timing so I can't be specific here, but it's very possible that we will have a proposed rule either out or getting close to be coming out as a result of that litigation around the time of the November meeting, so it's really up to the Council if they want to schedule something with that knowledge, but that's my only update. We're still waiting for word from the court if they will, if there will be any change in that timeline based on our responses.

**Corey Niles** [00:05:14] Okay. Thank you.

**Chuck Tracy** [00:05:17] Thanks. Ryan, I got maybe a couple of follow-ups on both of those items. So with the Electronic Monitoring update, I understand that a lot of that's just is an update, informational and so I asked Brett about that if there would be anything where the Council might need to take action. The only thing I think he mentioned was to discuss a video review rate for bottom trawl and discard mortality rates for halibut for unobserved trips, so do you, so what's your thoughts about that? Is that something that the Council could need to take action on and is, would that be important to do in November for any other time sensitive rulemaking?

**Ryan Wulff** [00:06:05] Yeah thanks Chuck. Sorry....

**Chuck Tracy** [00:06:06] Yeah go ahead.

**Ryan Wulff** [00:06:06] Thanks for the question. Yeah I mean, I understand that that's probably the one item, yeah, would be involve more of a Council action versus a NMFS report update again, so if the Council really wanted to do that, we wouldn't, we wouldn't oppose it. We'd be happy to be there and to participate in that discussion. However, I don't think it's a hundred percent necessary. I think you could also achieve those discussions with a GEMPAC meeting or meetings and then revisit in March. Add an agenda item for this.

**Chuck Tracy** [00:06:39] Okay thanks. And then on the anchovy litigation. So would the only role for the Council at this point be commenting on a proposed rule, so if the proposed rule wasn't out then we wouldn't need the agenda item, I guess is kind of where I'm going with this.

**Ryan Wulff** [00:06:58] I mean that was kind of my initial thinking, I mean, again, but it's really tough to give you a projected schedule at this point. There's too many, you know.

**Chuck Tracy** [00:07:06] Yeah, I'm not asking for a schedule. I'm just asking for, you know what it is the Council would need to weigh in on and if there's anything besides commenting on the proposed rule?

**Ryan Wulff** [00:07:19] Yeah, I guess probably not, because even if it's not out, we would be pretty far along and probably already in review and clearance et cetera so.

**Chuck Tracy** [00:07:30] Okay. Thank you. So Brad, you still have your hand up. Is that.....do you have a question or is that just leftover?

**Brad Pettinger** [00:07:42] Leftover and I apologize.

**Chuck Tracy** [00:07:43] Okay, then Marci.

**Marci Yaremko** [00:07:45] Thank you Mr. Tracy, I guess just in response to the very beginning of this discussion, the question Phil asked you about accounting for the virtual meeting time. Respectfully, I have a hard time seeing how the draft November agenda accounts at all for virtual in the time calculations. I'm looking at it like, for example, open comment slated for 30 minutes. I didn't set my watch on that item this last time, but I recall us having somewhere on the order of, I don't know over a dozen speakers I believe, but I just encourage you to go back and check the math and make sure that these estimates truly are virtual estimates and not including in-person meeting estimates. When I see four and five and six items on the day, it's really hard to imagine how we're going to get through some of those in, you know, seven hours and looking at this meeting I think, you know, we have quite a bit of data to inform us on what estimates are appropriate. I just want to read a sentence from the GMT report. I don't want the GMT report to be lost. One thing in particular, they stress the Council's current plan to take up a similar number of items over six days in November seems likely to continue the pattern of unrealistic expectations. The Council should either delete several agenda items or add additional days, but not agenda items to their schedule. So I just feel like this agenda looks much like a regular meeting agenda and so I just encourage you maybe go back and think about that a little bit and make sure the math is right. Want to talk about the suggestion from NMFS to remove the EM item and fold it into the NMFS report. That sounds like a fantastic idea. I did hear NMFS say they want NMFS report items, at least in groundfish and potentially elsewhere. The suggestion under the admin items that are grayscale or that are slated for that first time section there, potentially we could take any of those items that we're going to hear about up under a NMFS report or not but just encourage us thinking about how much we really can do here. Just want to reiterate comments I've made before about really supporting only mission critical items and in my mind there's a mission critical item that we need to plan for to take up in November that we have not talked much about this two weeks, and that's the yelloweye

situation and the scorecard and how we might need to look at that for 2021 management. I appreciate Ryan mentioning that NMFS will be bringing us some information. They recommend folding this into the discussion that's slated for F.3, which is the directed commercial fishery recommendations to the IPHC, if that's the most appropriate vehicle, you know, I leave that to others to decide, but I'm concerned about notice. When our GAP, we had a discussion in delegation I think it was this morning, maybe yesterday morning, folks just kind of bewildered that there is this new information and we've been here two weeks and not really talked about it so I feel like if NMFS can report back to us about potential management of the DC fishery in 2021 I'm very interested in that. I also feel like information we might receive under this report might lend us to considering inseason recommendations for 2021. I'm encouraged that the agenda does have two hours slated for inseason, which I think we will need because it's our last chance to adjust 2020 measures to meet our spex and accountability measures and it's also our first chance to adjust 2021 measures, to do that as well, so with the information that we might receive from NMFS, I expect that we could be considering inseason actions and or possibly action or recommendations on management for the DC fishery in 2021, so however the agenda item is characterized, potentially we call it just a directed commercial fishery recommendations agenda item and not say to the IPHC that would probably be fine, but however the information is presented to us or provided to us I think just keep in mind that it's going to be important in a number of agenda items, so I wouldn't want it to be available late in a meeting in a halibut item after we've already taken up several groundfish items that it might be relevant to, so I just want to reiterate some remarks on that, that I made earlier this week but I want to thank NMFS for agreeing to come back with a report for us. Regarding the workload and new management measures item, I just leave open the question right now, slated for an hour under I.1 was over seven hours this time so I just want to make sure that the scope of that item and its focal point is on getting an outcome that we need. I think we've done an awful lot of discussing about prioritization of the top three items and when to take them up and so I just question how much more discussion we need on that, especially since we'll have an agenda planning session come November. I think the GMT made some good recommendations to us about that item, though, that maybe that's the place where we receive potential emergency information though I would note we heard it under open comment this meeting and expect we might hear it there regardless of what the agenda looks like so, anyway just, I guess encourage Council staff to avoid redundancy and improve clarity where possible about where that kind of discussion should be expected to fall. On the sablefish MSE update, I didn't hear anything about this. I know it's slated for only an hour, so hard to evaluate the need and whether the time estimate is appropriate. And looking toward March regarding the Emley-Platt and the non-trawl RCA and I do hope that we can agendize those as a group pending more information from NMFS and hopefully some sidebar discussions about the path forward we would use to scope those items. So I'd say March, potentially April, but we need a little more information yet about how to complete the scoping and the analysis. So anyway, those are my thoughts on priorities. Thank you.

**Chuck Tracy** [00:16:39] Thanks Marci. I think I'll just hang on to my comments for a bit and go to Bob Dooley. Bob you just muted yourself.

**Bob Dooley** [00:16:56] I noticed that. Too many buttons. Sorry about that. I just got a couple of quick comments and I don't want to take a lot of time here. I really, really liked your comment on trying to set maybe parameters or something on the public comment and limit it. I don't know if that's something we can do but I, you know, focus it on the issue and try not to let it get off topic. I think this with the platform we're using and the way, you know, with this webinar-based system that we get more public comment, no doubt, and I think it would, that guidance that you were talking about would be really helpful and limiting the time to be appropriate for that. The EM issue, I think that, I think it would be okay not to have, just to have a check-in, maybe part of the NMFS report, but I do agree with Ryan's comment about maybe more GEMPAC's to, you know, whatever is appropriate there to get us prepared and up to speed on the guidelines and all of you know, the following documents and to make sure when we do get to March or whenever we do schedule it, that we have all the answers we need. And the other



issue I was going to address is I really liked, and they said it earlier, but I wanted to reiterate it now, I liked the fact that we had early advisory panel and management team meetings, committee meetings before the Council meeting. I like the fact that we had reports that were ready in advance so that we could read them and we talked about not, you know streamlining the presentations of reports, well part of that is having those reports the day before at least so we can catch up and be ready for them, and that the only reason I see of having them presented in totality is if we just get them dropped on us at the last minute and so I think that that's an important thing and to know sooner than later so that people can plan that week before and understand. And then finally, I'll just mention we've got several issues that, you know, that are fighting for agenda space and one of them is SaMTAAC and I think that SaMTAAC would benefit from a very focused identification of the range of alternatives and give us, you know, we don't need to hear the justification of what people expected the result to be but more do we have enough analysis? Are we on the right track and go, just move it forward and I think that's important. I think we need to do that and I agree with you know, we have mothership utilization, we have non-trawl RCA, those are all really important issues to, you know, to the industry and I think we need to make sure we can get those done but I understand our limitations but where we can move them forward in an expedient manner without taking a lot of agenda time, maybe this focused approach might get us there. So anyhow I'll stop there and thank you.

**Chuck Tracy** [00:20:40] Thanks Bob. Ryan.

**Ryan Wulff** [00:20:42] Thanks Chuck. Very quickly, I did accidentally skip over one thing in my notes and I just wanted to say that since Marci reminded me, you know, I have very similar comments regarding the workload and new management measure agenda item for November. I mean if the Council really wants it on that's fine, however we did have eight hours of that discussion and more under the Executive Order that touched on similar items. I'm not sure we'll be anywhere new in six to eight weeks per all my earlier comments so would be okay with that not being on this agenda, but would, of course, want it to remain on the YAG.

**Chuck Tracy** [00:21:20] Okay thanks. Phil.

**Phil Anderson** [00:21:23] I just, I'll try to make this quick. I agree with Marci on the estimate of 30 minutes for the open comment. The last few meetings we've had far more people comment under that agenda item and I think we need to account for that. I don't have a sense of where we are on C.4, 5 or 6 so to the extent we need any more discussion on those things or whether, for example, C.4 could be provided under an informational report. I'm not sure about the other two, whether they're candidates for that. I do think we need to move forward with the Area 2A fishery transition final preferred alternative to make sure we are in a place to put everything in place in the beginning in 2022. I'm going to put in a plug for moving forward with gear switching, with an identification of the ROA's. I am going to put a plug in that you not reduce it from six hours. That if it takes less than that we can have a, we can have a celebration but I don't think we should assume that it's going to be less than that and we ought to set that aside because I know that there will be varying opinions about whether to move forward with the alternatives that have been presented at SaMTAAC, and I suspect if one side comes in wanting something more favorable to them, the other side's going to come in and want something more favorable to them on the other end of the spectrum, so I think it's going to take a little bit to sort that out, but I think keeping moving forward, again just reiterating and repeating some of the other things that people have said about the length of time and the investment and that we've been trying to get to this issue resolved, I think warrants us moving that forward. So those are my thoughts. Thanks.

**Chuck Tracy** [00:23:34] Okay thanks Phil. Maggie.

**Maggie Sommer** [00:23:39] Well thanks Chuck. I have some to offer, but I didn't want to cut you off

if you were about to.....

**Chuck Tracy** [00:23:45] Nope you know I'm going to....I'll just bat clean up here.

**Maggie Sommer** [00:23:50] Okay. I, you know I will say in general I very much agree with the comments that Marci and others made about the timing. I am very concerned to see seven to eight-hour days on the November agenda and really would prefer to see some shorter days there, so as we make some adjustments and juggle some items, I'm hoping we can do that because our experience has been that we go long. Having said that, I have a new agenda item to propose for November and I'm happy that we're remote right now so nobody can throw rotten tomatoes at me, but it is a short one. I understand that we need to adopt the stock synthesis with catches and length methods or SSCL methods that we heard about under the groundfish stock assessment methodology review in November so they can be used in the 2021 data moderate assessments. I understand that some Northwest Science Center folks are planning on working on these assessments before, over the winter before January so I would suggest we consider a hopefully brief agenda item for that in November. I, you know, I'm looking at the groundfish inseason agenda item and the two-hour timing hoping that's adequate. I note the GMT suggested we might plan for more. I'm not making a concrete suggestion now that it be more, just putting a flag there along with the context that I think we are expecting the GMT capacity to be probably lower in November than it is at this meeting certainly given ODFW's own staffing, I'm not sure what that's going to be looking like in November, depends on the outcome of our current recruitment. Just a couple other issues. On the mothership utilization item, at this meeting we adopted a preliminary purpose and need for public review and we indicated which alternatives we are willing to consider within the scope but we didn't adopt a range of alternatives. I would propose asking some staff and I can offer a little bit of ODFW staff resources in the near term to expand on the analysis the GMT did for this meeting and then I think the Council's next step would be to consider the preliminary analysis and whether we are ready to adopt or fight for a final purpose and need or want to make any revisions to that and provide directions at that point for further analysis, so I think that it makes sense to me to look at that in March. On the non-trawl RCA and Emley-Platt, I think it makes sense to agendize them together as Marci said and certainly I think, like Marci, I want to, I want some room to be able to think about further information related to those and if there is some opportunity perhaps to move ahead more quickly with the Emley-Platt EFP into regulation then the non-trawl RCA, particularly with yelloweye rockfish bycatch concerns, I want, you know I will be thinking about that. And then the big one, gear switching. Boy, I have heard the multiple requests to schedule the adoption of a range of alternatives in November loud and clear and I, I agree that this process has been very drawn out. I think it is really negatively affecting those stakeholders who are related to the gear switching process, but also who have an interest in us turning our attention and our focus on other topics. It really seems to be a really big obstacle for us to get around. I agree that significantly more analysis does not seem necessary in order to determine an appropriate range of alternatives. I will say that the SaMTAAC committee put a lot of work into crafting a set of alternatives for the Council's consideration. I continue to think they are an adequate starting place for considering what to adopt as a range. It may be some of the detail that the committee developed with those and the complexity that is causing consternation and I would remind everybody that those details aren't yet set in stone, so I'll leave it there. I'm sure that won't be the last word on when we, which agenda, which month we are going to try to adopt a gear switching range of alternatives. Just putting a pitch for, I would love to be able to do it in November but at the same time, I recognize that conflicts with my own comments I think about the time available to us in November, as well as some of the comments we have heard from NMFS on their ability to engage up until the November meeting as well. Thank you.

**Chuck Tracy** [00:00:00] Thank you Maggie. Brad Pettinger.

**Brad Pettinger** [00:00:03] Yeah. Thank you Chuck. You know I think that where there's a will, there's

a way. I think maybe think outside the box but I've texted some folks here and I'm thinking that obviously the testimony, public testimony is a wild card here, and I would say that what if we..... I mean we've already heard from where people are coming from as far as public comment. I think that I'd like to see it keep on the agenda. I need to see the trawl industry I think limit their testimony to 30 minutes, either two or three people. No more testimony at 30 minutes. I would ask maybe the fixed gear folks to reciprocate with that and maybe have, and then maybe minimize the alternatives that might be thrown forward if there's any additional ones that come aboard. See I don't want to wait seven, eight months to get something on the table for analysis and I'm just trying to think some way to get there.

**Chuck Tracy** [00:01:16] Thanks Brad. I guess at the risk of moving things along, I guess if we could keep our discussion to what belongs on the agenda and not so much on how we're going to manage public comment I think that would help us get through here tonight. Corey Niles.

**Corey Niles** [00:01:36] Thanks Chuck and yeah, it's been a long week and two weeks for a lot of people, and I do enjoy when we step through this a lot more methodically than we have today. I could whip out fifteen thoughts right now but I don't want to I think and I'm not sure what people are saying about SaMTAAC at all, and I don't think we've seen anything that we're going to see in public testimony. Brad's idea was pretty creative there. So I don't, hearing what people said I don't know what people are saying about the scope, so hopefully (garble) that and give people some better idea of what we're looking for, but on what's on there, you probably heard us all, Chuck, and I think what we're going to do here is leave it to you to sort through all this stuff, but I think....I like Ryan's..... I'd look for folks to express a different view on the EM, but I thought Ryan's suggestion about having some GEMPAC meetings and moving EM to March sounded like a good one to me. Other folks have been focused more on EM, I thought that was a bad idea. I would, I just, sounds good to me but open to other views. I thought we heard a really great idea during the EO this morning from the CPAS and others about looking into the southern stock issue so I'm curious about how we could, if not November, if that methodology review was a place to get some more information from NMFS and others on how that might get started, I would be interested in that. I'm going to just support what Maggie said there about the getting the, I'm not going to get the name right, but the methodology approved for these length based assessments, that's going to be really important for our next stock assessment so I would really urge that one to be on and I'm going to stop there to avoid being redundant to what others have said.

**Chuck Tracy** [00:03:35] Thanks Corey. Brad, I'm assuming you still, you left your hand up by mistake and I'm going to call on Maggie and then I'm going to stop discussion and I'm going to summarize where we're at.

**Maggie Sommer** [00:03:48] Thanks Chuck. Very briefly and I am sorry. This is just in response to Brad's suggestion that public, limiting public comment on SaMTAAC and I have to express an objection to that and if that is factoring into anybody's decision on whether to schedule this item in November or not, I think that's important, but I am concerned about limiting the number of people and stakeholders that we are hearing from on the SaMTAAC issue. I think that has been a concern that it has been so far fairly limited to a small number and I would object to anything that might continue that.

**Chuck Tracy** [00:04:33] Okay thanks Maggie. All right so people have touched on pretty much all, all the things that I was interested in looking for places where we can save some time or where we need to add time. So I'm going to start on day one with Friday, November 13th. Open comment I think sounds like we need to add some time. We've got 30 minutes. So I think we need to add some time, at least an hour. Going through the administrative things we've heard that NMFS prefers to do the report by FMP so I'm suggesting we have two NMFS reports, one for groundfish, one for HMS. I'm going to suggest an hour for one, and a half-an-hour for the other. Hour for groundfish, half-an-hour for HMS. The CCC meeting report, I think we need to hear that and see if there's anything the Council needs to respond to

there. The regional tech plan, I am not sure that that is a valuable, I'm not sure that the topics there are that relevant to the Council's sort of immediate future. While I think it's interesting, I think we need to plan for that, for the use of, you know, improving our technology, I think that's important but I'm just not getting the feeling that the time is right for that, given our circumstances with virtual meetings and those sorts of things, so I'm going to suggest that we just allow NMFS to submit something, either an informational report or covered under their, under their NMFS report, one of their NMFS reports. The other three, the research data needs and updates, well let me...just one at a time...at some point the Council's going to need to get familiar with that database so they can help make a decision on how to prioritize things in that, because that's going to be a new process and I want the Council to be, I want these priorities to be the Council's priorities, so that while it's not time critical, I think it's not just an informational report, I think there needs to be some presentations and discussion about that so but it doesn't have to be in November. Standardized bycatch reporting, again this is something that we have to complete by the end of 2021, so we have to review our plans to see if they comply with the new procedural directive and if there are areas where they don't, then that would require amending our FMP's, so all four of our FMP's are potentially affected by that. So I don't want it, I don't want to wait too long on finding out what we have to, you know if we're going to have to do anything on that one so, you know if we take that up in March and then find out we've got to amend all four FMP's by November, that's going to be a tall order so I'm thinking about the need to keep that one there. The regional operating agreement, that's something that NMFS and Council staff have been working on. I would like to get that in front of the Council but frankly I just don't think there's enough meat on the bones to make it to November so I'm going to suggest we delete that one. For Monday November 16th, the salmon business I think is, I think is okay. The halibut I think is generally okay. On the 21 directed commercial fishery, F.3, we had an hour and 30 minutes there and I think.....so I guess I was kind of, my thoughts was that the yelloweye business would come up under this. This is where it was identified. This particular fishery was identified as a significant contributor to the take of, to the catch of Yelloweye and so I think since the Council is going to be deciding on what to recommend to IPHC for structure of the commercial fishery next year, I think that the Yelloweye impacts could be, you know, a significant factor in determining how they want to do that, which is why I think it was good that we've established a range of alternatives and didn't just go with the one, so I think that's important and I think people are right, I think an hour-and-a-half is not enough for that and I don't know how, I don't know where it's going to go from there in terms of dealing with other fisheries, but I think if we could limit the discussion of yelloweye impacts to that particular recommendation, I think we could do that in maybe two or two-and-a-half hours, but probably an hour-and-a-half's not enough. Now if it needs to come up further down the line in other groundfish fisheries so be it, but I would try and keep the scope of the recommendations to the IPHC to that but assess, you know, what goes into the end of that decision here. For HMS I think there's still some debate about the swordfish management and monitoring report. That is one that I had questioned about whether that was necessary for November or not. I have gotten some disparate opinions on that, so I think we still need to resolve that. Legislative and fiscal matters, we need fiscal matters, legislative probably not. I think it's unlikely, we could leave a placeholder in there and just decide at the briefing book deadline if there's been any significant action on legislation. I think at the most there, I think there would be potential for one consideration of a letter if legislation advanced and if we got a request to review it and if it all happened in time, you know we might have that there but 15 minutes probably would still be okay so that's not a significant time issue. For CPS the.....so I'm going to start at H.4 with the EFH, there's been recommendations that that be delayed by the management team and by California Department of Fish and Wildlife. I've heard no objections to that so I'm thinking that one should be delayed as recommended. I think they talked about putting that in April so I think we should move that. Stock assessment prioritization, there's been some discussion on that. California Fish and Wildlife recommended not picking that up since functionally the decision's being made on that so if I don't hear anything counter to that, I think that's one that we could drop off. The anchovy litigation, commenting on the Federal Register notice, you know, maybe this is one where we want to leave a placeholder and again kind of see where we're at or potentially put it on the agenda,

knowing that if the Federal Register notice is not available for comment, it could be deleted when we approve the agenda. Groundfish workload and new management measure update, this is one that, as characterized, you know as we normally expect to have this. I don't think this would be a productive agenda item for the Council. We just spent, as I pointed out, a lot of time going over this and I don't know what's going to change between now and November, but I just don't want to rehash that whole list. We're still trying to deal with the decisions that we've made in terms of prioritizing those issues so I would be happy to take that one off the agenda altogether. Sablefish MSE update, we haven't heard too much about that. I think it's, I know that it's a priority for the Science Center. The impact methodology review final topics, as you see is scratched out but as Maggie correctly pointed out, the stock synthesis catch and length methodology needs to be approved by the Council so it could be utilized in this year's upcoming stock assessments. I think that should be inserted in its place and I don't know that we need an hour for it. I would hope that we could do that in half-an-hour. Inseason adjustments, so I heard Maggie and I heard the GMT say that two hours may not be enough so we may need to add some time there, so I might suggest two-and-a-half hours there. For groundfish electronic monitoring, I think it sounds like most of that could be covered under the NMFS report and while there is one potential action I think it would probably benefit from some additional time for GEMPAC/GEMTAC discussion over the course of the winter. Sounds like if we needed to take action on that, that March would work and still get it in place sometime so I'm recommending that we cancel that one and then reschedule it for March. Gear switching sablefish area management, heard a fair amount of support for that so I don't know if I've heard anybody say they prefer not to have that, but I may have missed that, there's a lot of discussion about that so I would be, would want to hear right away when I'm not talking here if there's, if I've missed something there but as it is I think six hours for that would be appropriate. On Friday, the limited entry fixed gear program review to initiate scoping. We heard that that has been satisfied by the excellent report that Jim Seger provided us at this meeting so we can drop that one, and then the rest of the administrative business is standard business so I think that all needs to stay so those are my thoughts. Now, I'd like to hear where we need some more discussion. I think the places I, I've heard that we need discussion are reviewing the swordfish measurement monitoring plan, the drift gillnet fishery hard caps, and then if there's anything on sablefish gear switching. Ryan.

**Ryan Wulff** [00:16:46] Yeah thanks Chuck I'll be quick. Just to note, presumably (garble) reference the Science Center and we hadn't heard anything about it. We are on track to have an update there and I think that's a good time so just clarifying that, and then for swordfish management monitoring I, there's a disagreement still and I do think we can have more discussion. I will probably support that more at the November meeting because it's more on its placement on the YAG, it's not about this. I know I didn't hear any support for keeping, at least amongst the Council members, for keeping that on the November agenda.

**Chuck Tracy** [00:17:23] Marci.

**Marci Yaremko** [00:17:26] Yeah thank you Chuck. You said you wanted to hear right away if there were concerns with the gear switching item, I guess I am one that does have concerns. One, I'm concerned with the six-hour time estimate. I know that folks are thinking that that's what it will take but I'm just thinking about this week and I don't know how many hours more than five it was, but I want to say it was more on the order of nine-ish. I don't I don't even know, maybe longer so I'm just questioning if six hours would be enough. My primary concern is not having adequate NMFS support on this item from the get-go and the guidance that we would likely receive from them in the development of this range of alternatives. It's not....we found that when we get out ahead of NMFS it does not make for a good process later and I very much appreciate their counsel in the early development of the alternatives as we move forward to selecting one, what all, what's appropriate in a range and what analysis is needed so I feel like, you know, NMFS has been very clear with us about what they can support at this stage, and so I just, maybe it's, maybe I'm asking for more clarification from Ryan about what they can do

here. I heard a sort of maybe if nothing else gets added we can kind of talk about the information that's available, but if new information is available and added, then we can't contribute to that discussion so I guess I just wonder how realistic is it to have a discussion without any new ideas coming in the door for a range because I think the GAP mentioned that the range that they were looking at, they would be adding to it looking at, you know, the narrow range offered by SaMTAAC, they had somewhat different ideas and I think we heard a lot of different ideas so I just want to make sure that we're not spinning our wheels and wasting our time. NMFS has been pretty clear about what they can do for us at this stage, so it's more of a question than a comment but thank you.

**Chuck Tracy** [00:20:20] Thanks Marci. Well, I don't see Ryan's hands going up, so I'm going to jump in here a little bit. There he goes okay.

**Ryan Wulff** [00:20:29] I'd want to.... If you want to respond you can Chuck or you can add on. I just to clarify Marci I think laid it out right. I mean we can participate in any discussions on the existing analyses but if there is, we're talking about new information and new analyses, we won't have any capacity to engage all the way up to and probably at the November meeting place, so that's where we are and Chuck go ahead, you can expand from your perspective or your staff.

**Chuck Tracy** [00:20:57] Yeah, well, I'm just getting some input. Jim's been having some conversations and basically saying the same thing, if existing alternatives is what's adopted, it's doable and NMFS has been engaged, you know, for a long time on those alternatives. There is some thought that, you know, perhaps if the Council did do that and then allowed the stakeholders to think about that over the course of the winter and then see if there's any new information or new alternatives that needs to come forward after that, that that might be a useful way to approach it, but again that's kind of all contingent upon maintaining the current range of alternatives. Ryan.

**Ryan Wulff** [00:21:53] Sorry.

**Chuck Tracy** [00:21:53] Phil.

**Phil Anderson** [00:22:02] Yeah we've talked about this a lot and I don't think anyone had any expect, any of us that were advocating that it be on the November agenda had any expectation that NMFS was going to contribute in any way to any analysis between now and then, and we also understand that their priorities between November and at least January 1 are the emergency rule, the inseason stuff and the season spex in place and the humpback whale buy-op, so that's clear. That doesn't necessarily mean that we can't do anything with SaMTAAC if we do adopt the range of alternatives in November between then and our next step, whether that be in March or April and that we are, you know, or, and I thought I heard Ryan and maybe I misheard him was that there may be some capacity to engage in some portion of any analysis that's needed after they fulfill those priority items that I just named. So I don't....you know and we you know, we can't prejudice or foreclose what the public may bring forward for our consideration in terms of adding to the range of alternatives that SaMTAAC provided us or what we may decide after we receive that input so I think we're just trying to ask to take the next step here and then we'll take it from there.

**Chuck Tracy** [00:23:54] Corey.

**Corey Niles** [00:23:55] Yeah thanks Chuck, and thanks for all the comments. I guess into, just use the phrase Phil just used, I'm not sure I'm clear on what the next step is. I don't know that we've asked people and I don't have an answer to their questions. We've told people we've seen enough that, and people are concerned enough that we're going to take a hard look. I don't know that we've asked people the same with the same focus if we have the right range of alternatives and so I heard Mr. Anderson,

this is my hearing problem, not his articulation problem, but would it be a presumption that we would adopt the range of alternatives in November? Or I also heard Mr. Anderson say in March or April, so I guess I'm not clear on what the next step would be. I do think Marci's similarly, I'm thinking the six hours we'd be lucky, but yeah, so maybe Mr. Anderson had a pretty good articulation there, so if you could maybe take one more crack, if willing, at what the next chunk, next step he was saying that would be nice.

**Phil Anderson** [00:25:18] Well, first of all, just to be clear on what I said, is that my expectation would be that after hearing from our advisory panels and the public and having a thorough discussion around the Council table we would, the objective would be to adopt a range of alternatives in November and based on what we did would kind of dictate in my mind what additional analysis is needed and what the resources are to accomplish that and what the timeframe is to have them do that work, which would prescribe when we would have something that came back to the Council to take the next step after we identified a range of alternatives the analysis has done, and then we move forward from that point, I suspect, and with a selection of a preliminary preferred and then we go through the next step of getting to a final preferred. But that would be, in my mind, what the goal would be for November and the consideration that we would need to make after we made that decision in terms of what additional analysis was needed, timeline and capacity to accomplish that. And I fully agree with those who want to have National Marine Fisheries Service engaged all along the way but we've, you know, we've had contract the analyst to help us up to this point in time. I think that I'm not sure if that is still available to us as an option but we haven't relied on National Marine Fisheries Service to do all the analytical work so I hope that clarifies or what I said previously.

**Chuck Tracy** [00:27:17] Thanks Phil. Brad.

**Brad Pettinger** [00:27:19] Yeah thanks Chuck. I might address my further comment. I never want to tell people they can't comment or limit that in any way, I was just saying that I think there's a way to minimize the comment because I know the trawl side, I know MTC, FMA processors we're actively seeking people to comment on this, to get their viewpoint out. People still do that but I could say that I believe for the most part that the testimony would be far less next time if there's less time on the docket, people would understand that and people would be asked to testify from those groups, and so if public comment is an issue, I think if two thirds of that six hours is public comment, I'd say that's probably a pretty high estimate, given that people who respond differently at the next Council meeting relative to the constraints that the time, the frame that the Council's wanting to see given to that and I would agree with Phil on where he's at and the way he's explained it and I think that I agree with him a hundred percent. That's it.

**Chuck Tracy** [00:28:42] Thanks Brad. Corey.

**Corey Niles** [00:28:45] Yeah thanks Brad and Phil, and Phil thank you. Okay that's clear to me now. I guess my, what I would ask folks is if we think people's capacity to take on new information between now and November is really limited, to me that says it's a foregone conclusion we're looking at the same alternatives. We've got the range. We're going to adopt it because if we have no information, no new information, how would we know if we have the right range of alternatives or not? I'm pretty convinced we do have a good range, but it just seems like we're going in with limited capacity, and that means we're going to end up adopting the range of alternatives and that's just a concern that I'm seeing right now and I know National Marine Fisheries Service was engaged and the SaMTAAC to look at those alternatives so I'll just express those concerns, and also I'll have to say I don't see a hurry. I do not see evidence or testimony of we need to do this fast. I've heard people want it resolved and people are very concerned, but I did not hear doing it fast. We have conditions in the market locally. We have conditions in Alaska where the stock is booming and so I think we have time but those are some concerns and I'll

stop there.

**Chuck Tracy** [00:00:03] Marci.

**Marci Yaremko** [00:00:03] I have heard a couple of different things this week, so I just want to circle back to the conversation that Corey and Phil just had because now I'm scratching my head a little bit. I thought I heard earlier in the week a suggestion to have an agenda item where we discussed additional analytical needs. Now I hear a discussion and I see on the draft agenda proposed adoption of a range of alternatives and following the selection of that alternatives we task people over winter with more analytical work. So I think I'm, thinking back to the GAP's comments on this topic and I thought I heard fairly clearly that they would recommend some additional alternatives or additional things that might lead to alternatives so I, again, just don't want us to get out in front thinking that we're doing something and then thinking the door is still going to be open to additional alternatives only to hear that it's not, so you know, I guess with that I have some reservation about what the plan is here, and if it's clear. And you know I think maybe we would, again, do better to have NMFS following along in every step so if they can't, which I think if we're going to go strictly with a range that's in front of us then they can, but we already know from what we've heard this week that that's not going to be satisfactory to some portion of our constituents so that doesn't leave me feeling like we're in a very good place.

**Chuck Tracy** [00:02:35] Thanks Marci. Butch.

**Butch Smith** [00:02:41] Yeah Chuck and I guess, I've been in this process a long time and I've along with others have dealt with some real difficult issues on sharing plans, on different issues in the salmon world. My thinking was and I think it still is, is you adopt a range of alternatives in November, but to me that in this process has never cut off a dialogue then that takes place between the time of those adoptions till the time that they are, something is chosen in March, April, May, June, whatever that might be down the road to dialogue between the user groups to either choose one of the three or come up with a hybrid option and I think that the, and I hope that process is still available because I know in my time in this process, which started in about 1988, that this process has always afforded that and encouraged that, and I hope that's still available so I don't see because we adopt some options that there's not something that can come out of the user groups that can be analyzed and might be better, but if you don't adopt some, some alternatives then you're never going to bring the parties together. That what's going to bring the parties together to hopefully maybe if there's something that they can work out between them so that's just from my perspective. I'm sorry if I muddled the argument but I hope that is still afforded to, always will be afforded in this process for the fishermen eventually to sit down and work this out amongst themselves, so thank you Chuck.

**Chuck Tracy** [00:05:12] Thanks Butch. Bob Dooley, and then I'd like to step in and have a word. Go ahead Bob.

**Bob Dooley** [00:05:19] Thank you Chuck, I appreciate it. Butch, you had it spot on in my opinion. Phil, I really appreciated the perspective you gave there. I think it's, you know, having participated in the CAB and the five-year review of the SaMTAAC, all of this stuff all through it and all the work that's been done and all the analysis that's been done and all the industry participation, as Phil mentioned earlier, this is not coming out of left field and I think there's been a lot of good analysis. I think we have enough. I think it's time for the Council to send a message to industry, give them an indication of what we're thinking and the adoption of a range of alternatives, even if it's all the alternatives that are on the table, it at least give them a basis to look at and if there's something that brings the groups together and we end up with some hybrid coming in March or April or whenever we take it up again, that's what we need to do, but the Council...this has been going on for a long time. This is the top priority all the way through from the very beginning of the five-year review of this sector so I think we really need to



actually take time to do this and I think it's a good plan. I would hope we can limit testimony by asking them to focus the testimony, not on whether it's a, you know, whether they want it or don't want it, but whether there's an appropriate range of alternatives or a enough analysis being brought forward to make a decision. And if there's, if it isn't, I think we have the opportunity in the future to find out something and add something at that time or to adjust something so, but you know, not doing anything doesn't make it go away, it just pushes it down the calendar and we've heard from all sides that this needs to be, we need to take some action here. We need to lead and I think it's time for us to do that. Thank you.

**Chuck Tracy** [00:07:19] Okay thanks Bob. So obviously there's a lot of strong feelings and diversity of opinions here but I guess what I would like to suggest is that I think we have three choices. We can either move ahead with this agenda item as characterized as adopting a range of alternatives. We cannot have gear switching on the November agenda or we can change it to some other action, so I haven't heard too much about any other action approach. I don't know if that's useful or if that's just another opportunity for people to, you know talk, which and I guess I'm not too excited about, but that's the way I see it, so, I mean at some point we're going to have to resolve this and I'm not sure how to do that, if it's a show of hands as to who wants to move ahead and who doesn't but that's, I'm rapidly approaching that as a way to resolve this so I guess I will entertain some thoughts about that proposal. Corey.

**Corey Niles** [00:09:05] So sorry. I don't know if I got all your proposals, but I guess what I, and I heard what Butch was saying and I heard people wanted to move fast. I will remind folks that, you know, the SaMTAAC made some choices. If you believe they're the right choices or not, like not taking up the southern sablefish issue so those choices were made, but I don't know that we've given people an opportunity to come in, and I guess, yeah, I'm always, I have a hard time thinking, imagining what the range of alternatives discussion will be but I mean I think we should, if we're going to do it in November, we should describe it as a place for folks to come in and like we did this meeting on the go, no go-type question is like maybe we could frame it as, should we adopt the range of alternatives and is it the right range? Is it the right way to go forward? My concern I was expressing earlier is people do not have the, what we're saying, we're not going to have new information at least from the analysts side of things, but yeah, that was kind of my concern. It seems like if we just move ahead without information, that's all we're going to have to look at is the current range. Sorry not very well articulated.

**Chuck Tracy** [00:10:29] Maggie.

**Maggie Sommer** [00:10:29] Thanks Chuck. I am certainly not in favor of a November agenda with yet another intermediate decision point on do we consider in the future going forward and adopting a range or asking for more analysis. I think we either, we make the decision today to agendize adoption of a range of alternatives in November, we've heard rationale for that, or we put it off until March when we could potentially have more involvement from the National Marine Fisheries Service. It could provide a, you know I guess, one more opportunity for stakeholders to work together. I'm not really terribly optimistic about that potential, but I recognize that some of them suggested it and I guess I just return to my earlier comments that I don't see the need for a whole lot more analysis. My one big concern is that I would not want to take us through multiple repetitions of trying to adopt a range of alternatives if we adopt one in November and then come back to a future meeting and just hear a lot of dissatisfaction with those and have to go through multiple iterations of evaluating those, so I'm finding this really challenging but I guess my, the clear thing I have to say now is I would not be in favor of any interim step in November. It's either range of alternatives or we wait till March.

**Chuck Tracy** [00:12:14] Thanks Maggie. Brad.

**Brad Pettinger** [00:12:16] Yeah, I agree with Maggie on that, on her point there. If I'm not mistaken, I believe that Jim and Jessie were going to look at some information that I brought up dealing with the

sablefish OY and Petrale being overfished in 2009. I didn't think was fully addressed and so I believe that will be, I think they're going to have some things for us to look at. It shouldn't take too much to do that but I think they're going to have some, a little bit more additional information to fill that out so there will be a little more information to review or to consider as for an ROA. Thank you.

**Chuck Tracy** [00:13:02] Thanks Brad. Christa.

**Christa Svensson** [00:13:04] Thank you Chuck, and I'll keep it short. I'm in agreement with Maggie in terms of making sure if we are going to have a range of alternatives conversation let's have it. I don't want to have a partial conversation to give the impression that we are speeding along just to delay things and drag them out by having multiple versions. I think that that could be a lot longer than waiting until March if it really is going to take us that amount of time to have the bona fide conversation around that, and the only other thing that I will note is that we may see either more people show up, based upon my comment earlier about, hey, we've had about 50 percent of the stakeholders have not been involved in terms of trawl fishery, and we may also have fewer based upon the emergency action in terms of fixed gear folks may be actually out prosecuting their fish so with that I will stop and thank you for letting me comment.

**Chuck Tracy** [00:14:13] Thanks. Corey.

**Corey Niles** [00:14:16] Yeah thanks Chuck. Yeah I don't know that I'm agreeing with folks but I don't really understand, and I'm not going to get to understanding tonight about how you have a discussion about the range without new information, but if I could just...to make sure what we're talking about, and a question for Dr. Seger maybe, but for example, if for alternative one, I know some folks have wanted to look at more information based on leasing of quota share versus the ownership quota share and let's say that could not be done in time for November but it could be done over the winter, but the range of alternatives was adopted in November, and something like that led to a new type of qualification criteria approach under alternative one, would that be within the range of alternatives or require reopening...that assuming that Dr. Seger's around? Sorry, but so that's kind of a question about what would be possible within a range of alternatives, assuming we had alternative one as it is now in that range.

**Chuck Tracy** [00:15:39] Jim, you are around? Would you care to address the Council?

**Jim Seger** [00:15:45] Thank you Mr. Tracy. Mr. Niles, through the Vice Chair or Chair, so what you're talking about is adopting a range of alternatives in November. That there would be a, in the process of adopting the range of alternatives, you might identify another way of going about the initial allocation, I think is what you're talking about, so it seems to me that that could then be adopted as part of the range and then we would come back with the analysis and you would evaluate that analysis to say whether that was a good idea or not and you wanted to include it, you know keeping in mind this is a, you know we have at this point if we go through the normal process there's still a couple of more steps, right? You adopt the range of alternates for analysis. We bring that analysis back to you and then you say, okay do we like what we have here for the range and if so, you select the PPA or you can make modifications and still select the PPA? And then we do more analysis and then you come back with a final set and you do the FPA, and at that point you can still, as you kind of pointed out, if it's within the range you can still make modifications to select, at that point you're kind of constrained in the range without having to come back for another analysis, but this early stage in terms of being within the range and going from the range of analysis to the PP... I'm not sure how strict that is, but getting back to your original question, if the Council, the Council could just in November include that other wrinkle in the range and then we would analyze it.

**Corey Niles** [00:17:37] Okay thanks. Thanks Jim. I think I got that, and it might be a matter of discussion but not impossible to not, to fit it in within the range later on.

**Chuck Tracy** [00:17:57] Okay well.....Corey did you have, do you have a follow-up Corey?

**Corey Niles** [00:18:05] No, I think so. I think if the question is, I feel the sense of the majority of the Council is going for November and I don't know if others please speak up. I think if it were to come to a vote, I would vote for March but I'm not going to go there if others are strongly in favor of November.

**Chuck Tracy** [00:18:33] Well I'm having a hard time keeping track of who wants what. Who wants it when? So I mean I kind of am getting.....I don't know. I'm not sure. I guess I am going to just ask for just maybe a show of hands for who wants November and who wants to delay, and I don't know how else to get a gauge of what the Council wants here so I would ask that, there's a lot of comments on me doing that so....Phil.

**Phil Anderson** [00:19:22] Thanks Chuck. If the question is do I support having gear switching sablefish management on the November agenda for the purpose of selecting a range of alternatives, if that's the question then I'm ready to say that cast my vote as yes but I just want to make sure I knew what the question was that I was answering. Thanks.

**Chuck Tracy** [00:19:53] Yes, that is exactly the question. It's on the agenda as displayed, range of alternatives in November. The alternative being delaying that step, taking gear switching off the November agenda and picking it up at a later time so with that I'm just going to ask that Council members, voting Council members, please raise your hand if you're in favor of that and obviously one per state. That's a lot of hands. All right and if you prefer to delay? So everybody please lower your hands and if you prefer to delay. Okay well, I think that's pretty clear, I think we're going to have gear switching on the November agenda with the objective of adopting a range of alternatives. John Ugoretz.

**John Ugoretz** [00:21:14] Thank you Mr. Tracy, and I've been impatiently waiting here for an hour-and-a-half and it's almost sundown, I just want to clarify highly migratory species. I heard you say that we needed some additional discussion regarding the swordfish monitoring management plan. I believe I heard Ryan Wulff say that he felt that there was agreement that it could move and perhaps disagreement about whether it should be taken up at all. If the question is, do we have it in November, I would say no and I'm, I believe I have not heard anybody oppose that, but I think we ought to clarify that.

**Chuck Tracy** [00:21:57] Thanks John. Yes, I agree with that assessment. Is there any other issues that people see? I don't really want to go through my list of agenda items there, but is there anybody that has any, picked up anything they want to comment about for November? Corey.

**Corey Niles** [00:22:23] Yeah, I guess, thanks Chuck. What I was not clear on was, and I don't, Ryan said he can't give us clarity but, in your view,, I didn't hear about the anchovy response.

**Chuck Tracy** [00:22:37] Yeah so my proposal there was to put it on the agenda with a placeholder for an hour-and-a-half and although I don't know if we could get through that in an hour-and-a-half but there's a placeholder there and if the FR is available during the Council meeting for, if the comment period's open, that we would go ahead with that, and if it's not then we would have an opportunity to cancel it when we approve the agenda. So, if that's acceptable to folks let me just go through some time changes here. So, I have for a day one, six-and-a-half-hour day. For Monday, I have an eight-hour day, for Tuesday of a five-hour day. Wednesday, a six-hour day. Thursday, a six-hour day, which is all SaMTAAC and the following Friday a four-and-a-quarter-hour day. So, there is a little bit of, we were

not planning on seven- or eight-hour days. We do have one eight-hour day, but you know the agenda is going, it's squishy I guess, in terms of you know, what appears when we.....we do recognize that IPHC meeting is occurring the 17th and 18th and we'll make sure we avoid groundfish issues on those days since there's a lot of overlap so, you know, we'll deal with that and move other things around as necessary, but so given those totals it looks like without actually doing the math, I'm guessing those are probably six-hour days, maybe five-and-half-hour days. Does that sound acceptable to folks? Anybody have a problem with that more or less? Marci.

**Marci Yaremko** [00:24:53] I don't have a problem I guess, but I have to again question how realistic those estimates really are. I just want to flag also the week before there's a Veterans Day holiday and then there's also an IPHC meeting conflict too that the GMT identified so you know there are a lot of scheduling challenges that will be in front of us but, you know, I've said my piece so I just find the days to be unrealistically long.

**Chuck Tracy** [00:25:36] Well I haven't heard anybody else suggest deleting anything, so I don't know how we're going to get them any shorter. Okay so I'm going to close the book on November and then I'm going to take about three minutes for the rest of the Year-at-a-Glance and so what I'm looking at is putting at least placeholders for the non-trawl RCA and Emley-Platt EFP into March. Also the mothership utilization into March, recognizing that they could flow, one or both could flow to April and I believe that would satisfy the Executive Order timing for those two identified priorities to fall under the Magnuson Act. Other than that, I'm not proposing anything big. We've already talked about moving the CPS EFH to April, putting the anchovy framework business in June and everything else is spelled out in the Year-at-a-Glance, so that's, that's what I've got there. So any comments? Other comments? Phil. Phil go ahead.

**Phil Anderson** [00:27:14] Yeah given the hour in the day, I'm not going to ask for a decision on this from the Council, but I believe we have some unfinished business, sorry, on Shortbelly having to do with the element of the motion that we passed in June, having to do with the 2,000 metric ton evaluation triggers, what we called it. It is not something that is in regulation. It's not in a Council Operating Procedure. It's not anywhere and we made some, I believe we made some commitments to follow through on a couple of those aspects during the discussion on the motion and so in November, when we start talking about the future Council agenda, I'll be bringing this back again. Just wanted to give you a heads up that I thought we had some unfinished business. I know the people that came out of this kind of where they wanted or are happy with it and don't think we should talk about Shortbelly anymore and I respect that, but I do think we made some commitments that were a part of our motion that we don't have a mechanism to implement. Thanks.

**Chuck Tracy** [00:28:40] Fair enough. Is there anything else that we need to talk about here? Bob Dooley.

**Bob Dooley** [00:28:47] Yes, thank you Chuck. I appreciate it. I just, you know, Marci brought up the fact that we have Veterans Day right before that and I mentioned about committee meetings and I'm not sure how that plays into it, but it sure was good to have all those at work before so I was just interested in your comments of what you're thinking about there?

**Chuck Tracy** [00:29:12] Thanks Bob. We will strive to front load the advisory bodies the best we can. We do have a Wednesday holiday. We haven't quite worked all that out with staff yet, but I think that would be our objective. That's about all I can tell you for now.

**Bob Dooley** [00:29:34] Yes thank you. That's fine.

**Chuck Tracy** [00:29:39] Okay. Mr. Chairman I believe we are sufficiently complete here on this agenda item.

**Marc Gorelnik** [00:29:52] Thank you Chuck.

## D. Groundfish Management

### 1. Gear Switching and Sablefish Area Management Scoping

**Marc Gorelnik** [00:00:00] This should be our last agenda item of the day, D.1, and Jim could you please remind us of our objective here if we can put....there it is. So, we have a two-part Council action here, one, whether to move forward and two, if we do decide to move forward to adopt a purpose and need statement and to consider further development of alternatives. So we've heard, we've had quite a number of informational reports from the management body, from the advisory body, we've heard about four hours or so of public comment this morning so let me open the floor to discussion if anyone has anything to say, which I'm sure they do. Phil Anderson.

**Phil Anderson** [00:01:14] Yeah, I'll take the bait against my better judgment. Thanks Mr. Chairman. One of the reasons I'm jumping in first is just I've been involved in this issue in a significant way, being a part of the SaMTAAC process and have attended at least one of the Santa Rosa industry meetings where it was a significant issue and I've spent a lot of time thinking about it so, to the extent any of my thoughts are valuable, I'll go ahead and provide them. First of all, I think one of the things that I keep in the front of my mind is that the primary consideration or the consideration of whether or not something needs to be, some added feature needs to be included in the catch share program relative to gear switching is the consideration of the success of the trawl catch share program and we sometimes we have to keep, I have to keep reminding myself that this is a trawl catch share program that was put together, and the elements that are contained within it were intended to put the trawl fishery in a better place than it was prior to the time this program was implemented...understanding that the industry had a lot of problems, I'm not saying that they've been all solved for sure and some of, in some ways there are those who argue that it's worse off, but there wasn't any way it was going to continue with the way it was. Status quo really wasn't an option. I think the Council and the industry all understood that there had to be some changes made and in a significant way. Now, since this program was implemented, and I do remember even though it was a long time ago, the conversation around adding the ability for trawl permit holders to catch some portion or all of their quota pounds using fixed gear, I do remember that conversation and there's been a number of people who were around at that time who have shared their remembrance of that discussion and I'm not sure any of them completely match up with each other, but I do remember the conversation and from where I sit, how it has evolved was not how I thought it would evolve. How that tool has been used is different than what I imagined at the time. I'm not saying necessarily that what has happened is bad. Just saying that it's not, it has evolved in a way that I didn't anticipate. Now we're all aware that there's been a number of attempts to try to address this issue by different groups and we haven't got there yet, matter of fact we're a long ways from it. The Council took a big step I think in setting up the SaMTAAC Committee. The Council is heavily invested into the SaMTAAC Committee and the work product that they brought forward. There's obviously a lot of time and effort and money, human resources put into that process and walking away from this issue now won't make it go away and I am convinced that we need to move forward and see this thing through to whatever the outcome is, so that there is to the great satisfaction can be found by the public in the trawl fishery that we have taken a really hard look at this and come to a conclusion that whatever action we end up doing is the one that will in the end, at the end of the day, improve the catch share program for the trawl fishery. I thought it was particularly important for, that the SaMTAAC process took some time to set out some principles kind of at the outset of their deliberations and I totally understand that, I mean, these were developed by the committee. They weren't adopted by the Council and to the best of my knowledge they're not going to be either contained in the SaMTAAC's report. There's a few of those principles I think that are important just to restate and these are in no particular order of importance, but the committee after some initial deliberations and gaining some understanding of the issue says that we believe that unlimited catch of sablefish through gear switching is not desirable. We said we wanted to

consider the impacts on existing operations and investment, well we used the word 'consider'. I think we at least, you know, I'm thinking we want to respect existing operation investments. We said we wanted to maintain gear switching as an option for trawl operations and we said we wanted to consider the industry and the community impacts and ensure long term stability. Finally, we said we want to increase the net economic value of the trawl individual fishing quota fishery and there could be other ways to say those things, and you may or may not agree with those principles, but those were some fundamental principles that we thought were important to keep on our screen as we went through in developing and considering the alternatives that were ultimately brought forward and those, you know, those principles are diverse and so respecting all of those at the same time isn't easy but then these things we do are. The, in the GAP's report in the opposition, well, I'll call the opposition statement, they referenced the limited discussion that the committee had on the reasons that the trawl fleet didn't harvest a significant portion of the dover, I thought that, I found that an interesting perspective, one that I don't agree with. I thought we spent a lot of time talking about and trying to understand the reasons around why there was so much of the dover that's allocated to trawl fisheries that isn't being brought ashore for sale, marketing, but that is a principal piece of our deliberations here and one of the principal reasons we've got this issue in front of us. I don't believe this is the time, as in meaning today, this is the time to add or modify alternatives. I think that is yet to come and we'll talk about when we'll have the further deliberations and we'll do some additional thinking about the alternatives that SaMTAAC brought forward and that may well lead to some modification of one or more of those or perhaps a new one, I can't, I'm not going to try to speculate on that, but I don't think we should try to do that today. I think we have to make this fundamental decision of whether we're going to pursue this and see this through or whether we think the case has been made that we should set aside, and obviously I'm in the camp that thinks we ought to see it through. I would urge folks to think of this as a not an all or nothing decision, and I think as often times happens when we have a disagreement over a topic or an issue, or the two sides of, to that issue retreat and bunker in and take up their positions and step aside their thinking about the potential for something in the middle because my guess is, and if the history of this Council is any indication, this is not going to be an all or nothing decision at the end of the day. So if there is an appetite after we make this decision today and we, let's assume for the moment that we choose to move forward, if there is an appetite on the part of the key industry members to seriously look for a solution, now is the time. This winter is the time. The next few months is the time for you to do that. We're going to need your help, we the Council, are going to need your help to come out of this process with a well-reasoned decision that I hope, at least in part, includes the consideration of those principles that I cited a few moments ago. So, Mr. Chairman I'll, I will conclude my remarks there. Appreciate the opportunity to speak to this topic. Just to reiterate, I believe that we should see this process through and take the next step. I'm urging us not to deal with adding or modifying alternatives at this point in time. I am hoping that we will have the appropriate discussion under the appropriate agenda item when we talk about what is the next step and when is the next step and I look forward to that conversation, as well as the perspectives of my colleagues around the table. Thanks very much.

**Marc Gorelnik** [00:14:21] Thanks Phil for your thoughtful comments and your perspective since you have been involved in this process for such a long time. Butch Smith.

**Butch Smith** [00:14:33] Yes Mr. Chairman. Thank you and also great comments from Mr. Anderson and agree completely and I think that the questions I asked during public testimony attest to my hopefulness that industry leaders can get together and work something out, so assuming just for this conversation that we're going to move it forward, I hope the Council leaves some room for that interaction with the industry leaders and I, I'm hoping that, you know, in talking to industry leaders from the last month on this issue, I found it to be just great individuals to talk and get an education on this issue, every one of them no matter what industry they were from and I truly appreciate that as the rookie, but I am hopeful that that process can move forward and they will sit down and give us, give the Council some direction on some kind of compromise if you might wish or something that will work

for everyone and try to keep everyone whole. So, thank you Mr. Chairman for the opportunity speak.

**Marc Gorelnik** [00:16:17] Thanks for your comments Butch. I will say with regard to your self-reference as a rookie, you're akin to a rookie who's spent a career in the minor leagues. You're well experienced here and your thoughts are very valuable. So...Bob Dooley.

**Bob Dooley** [00:16:35] Thank you Mr. Chairman. I had a checklist of comments and Phil seemed to hit every one of them and I couldn't say it any better. I, too, have been involved with this since Santa Rosa meetings, the very beginning of the program and I've heard all the concerns on both sides of this argument all the way through. I was part of the CAB. Was part of the five-year review. Was an industry member to begin with on the SaMTAAC and later the California representative on the SaMTAAC, as well. I think that to not move this forward as Phil described so well, and I won't retread that, would be a disservice. I think a lot of good work went in and a lot of good analysis went into the SaMTAAC report. I think that Jim and Jesse did a great job of analyzing all sides of this. I think that...we didn't end up with the zero option and I think there's a reason for that. I think that it was proposed a couple times, but it wasn't part of what the Council charge was for the SaMTAAC. I mean if you look at the principles that Phil laid out and that are in the report, I mean they don't leave room for that, for zero, so that's why but I don't think it's necessarily a bad idea to consider, consider zero but I think that's just, you know, that's the reason it didn't. I think, there's, you know, I think any rational person would look and see that if we don't do something to limit this it will be a problem. We're talking about ninety seven percent attainment of north sablefish and I think we need to look at it, but we can't close our mind to some, to what it is and it will be like Butch described, a industry wide effort to try to get to figure this out. We've done it for, we've had this industry wide effort for many years now, three I think at least maybe more since the first days, well even before the five-year review. I guess it's been a long time and I think this is a tough issue for a lot of reasons, but I think we need to really heed some of the testimony we heard today. This is a trawl fishery, and we need to think about that. How to preserve that trawl fishery and bring it back. Living here in California it's a start and living here all my life seeing a stark reminder of what we used to be and what we are now so anyhow. I am also worried that if we don't move it forward, we have a control date right now that's active and we know from past experience that we've got to keep those, we've got to keep working on it to keep that fresh. That's a critical tool in whatever we do should we do choose to limit gear switching in the future and I think that's a critical benchmark that will make it much more difficult if we were to punt this forward and lose that marker. It'll be a lot harder to put the genie back in the bottle if we, if that's the Council decision. So, for all those reasons I think that we need to move this stuff forward and I, one other issue I'd like to talk about is this, is the purpose and need. The committee went back and forth. I believe we changed it at least two times and altered it, went back and forth, and I think we can probably, you know, go back and forth and try to refine it even more and more and more and more but I think it's fine the way it is, and I think it will get us to where we need to go. Shouldn't focus so much on that as where we might end up at the end so I'll stop there. And I just, you know, I really thank the committee for all the work and I thank Jim and Jesse for all the work they did and everyone else... so it's, it's been an effort and I think, in my opinion, I believe that we worked very hard to get alternatives on the table that will, that would produce the analysis necessary for the Council to look at these from a broad perspective and be able to have something to support their decision, and I think that was achieved in my mind so anyhow I'll stop there and hear what everyone else has to say. Thank you.

**Marc Gorelnik** [00:21:51] All right thanks Bob, and for purposes of discussion let's try to focus on the first part of our task here, which is deciding whether to move forward, and once we've reached a decision on that then obviously we'll need to address the purpose and needs statement. Pete Hassemer.

**Pete Hassemer** [00:22:12] Thank you Mr. Chair. Like the others before me I agree with the comments they've made. I just wanted to take this opportunity here to express my opinion also since I've been



engaged in this for quite some time. I've been on the SaMTAAC and with respect to that first decision at hand, whether to move forward, I also believe that we need to move forward on this issue in the future. I'm not prejudging any of the alternatives at this time, which includes the status quo, but I'm thinking about this more from a process standpoint. Bob had thanked the staff, Jesse and Jim, for all the work they've done and I certainly do that also, but I also want to recognize the commitment and involvement of, for lack of a better term, the public, the industry, the fishers, all those who participated in that SaMTAAC process and brought information and comment to us. It's an extremely large issue and to make the decision not to move forward to me just does not bring closure to this issue. We've heard the word 'deliberate' or 'deliberation' several times throughout the comments and as I think about that, we really need to be deliberate about this and take a long and careful look at the issue and work through it. It's a huge issue to the West Coast to the fisheries, not just for the trawl fishery as I see it, but also there is a component of a fixed gear fishery that developed within the rules set up for the trawl fishery, so taking that into mind and we have a set of principles, as Phil mentioned, I believe those principles allowed us to proceed and treat all parts of this, all sides fairly and again to, we need to move forward in order from a process standpoint to bring appropriate closure to this issue with a final decision somewhere down the road. It's too important and we've put too much effort into it to stop at this time so that's why I am of the opinion at this point that we need to move forward. So I'll stop right there. Thank you.

**Marc Gorelnik** [00:25:23] Thank you Pete. Christa Svensson followed by Brad Pettinger.

**Christa Svensson** [00:25:27] Thank you Chair. I am also in agreement with the conversation that we've had today. I, coming from HMS and the pelagic long line scoping discussions from last year I see a lot of similarity. I think that if we don't take the time to go through this topic and really come to terms with what we're looking at and make sound decisions we are going to continue to see sablefish and probably other species continue to surface and I think that in the long term, that would be a much larger time commitment than if we take this head on. I will say that I am not as involved in terms of the SaMTAAC process as many of the others we've heard from today. That being said, I have had about 40 people call me and the majority of those we really have not heard from in the Council process, and I commend the State of California for reaching out to stakeholders. I realize that was a pretty limited sample, but I think that it is important to think about what's going on with all of those permit holders and I know we saw in that original agenda item, attachment one, that there are and this is on page 69 if anybody's interested, but we've got 164 permit owners and I did some kind of cocktail-ish math last night where if you take a look at the West Coast Seafood Processors letter, we've heard from 47 vessels there, the 15 vessels from the California survey and the majority of the fixed gear folks, who there were 15 of them last year plus a couple of others, so essentially we've heard from about half of the people that are going to be impacted and I think it will be important as we move through this to do something to get stakeholder feedback into the process from that remaining 50 percent. That's a lot of folks out there that are going to be impacted that I do think we should be hearing from, and with that I will close my comments. Thank you.

**Marc Gorelnik** [00:00:00] Thank you Christa. Brad Pettinger followed by Marci Yaremko.

**Brad Pettinger** [00:00:05] Thank you Chair Gorelnik. All I can say is there are probably no better way to catch sablefish than with pot gear. That's where, you target. I mean it's high select, it's very efficient and it's a great way to catch a single species fish. I think that for us, I think we need to move forward. I really appreciate all, everyone's heartfelt comments and I agree with virtually everyone about moving forward because right now we're dealing with a fishery that is, for the most part, the issue is probably more on leased fish, obviously, than what is owned by people that are gear switching, and I think that if we would not move forward at some point, I mean, people have quit flying fish for numerous reasons but one of them is it because we have the control rule not in place and a lot of uncertainty about that,

and I think that that has held up people from making those decisions, purchases, and my fear is if we didn't move forward, that if it was wide open, fixed gear people could move in and purchase fish and that fish would be lost to the trawl fishery forever and I think that would be a travesty. Now when we're talking about the reasons, the rationale why dover, why the dover catch is going to go down. For the take in 2009 I believe, almost 24 million pounds, I think a few things have been missed there. I spoke on the Council floor when I asked Jim Seger about the analysis on what the sablefish quota was and the effects on the fishery, and I don't if you recall or not but from 2009 to 2011 the quota dropped, no 2009 to.....in 2009 and 2011 the quota dropped 27 percent and by 2013 it had dropped overall 43 percent. There's a reason why dover limits or dover catch went down and actually after the day I remember something hit me, it's like an elephant in the room, it's like you can't see the forest for the trees, I don't why I didn't think about it earlier, but another thing happened at that same, virtually at the same timeframe sablefish was declared overfished in late 2009 I believe at the September Council meeting it was accepted and that was the, and actually the Council moved ahead and delayed or reduced trip limits at that Council meeting in anticipation of there being an issue we need to rebuild that stock and so went from twenty five hundred metric tons approximately quota for petrale down to 700 tons for 2009 or 2010, and then like about a thousand tons for the next couple years and so it was any wonder landings dropped, you know dover landings dropped in the trawl fishery. We lost the two money fish, petrale and sablefish and so that was a big hit and I think that's the reason why and I think that.....so it wasn't necessarily, that wasn't necessarily fixed or gear switching, but I think gear switching is limiting its ability to get that dover quota back up there, dover landings back up because the market it's hard to build up and it's tough to get back and so I will say this, that it is a fantastic fish. I remember last week or actually about a couple months ago I fed my daughter-in-law a piece of black cod and she says this is absolutely the best fish I've ever had. I mean it's a great product and so we should never understate that, but this a complex fishery with lots of moving parts at numerous levels and I just say, I'll quit talking here but I just think we should move forward and I think we should, I agree with Phil, that we shouldn't put any new motions or any alternatives that are on the table now that's for a later date and we should move forward. So thank you, Mr. Chairman.

**Marc Gorelnik** [00:04:24] Thanks Brad, and I guess I will second your opinion on black cod. I've only actually had it once properly prepared. I think you prepared it in Idaho. So Marci.

**Marci Yaremko** [00:04:37] Yes. Thank you, Mr. Chair. Some thoughts from today. It's really apparent from the testimony how individual trawl businesses have changed and morphed and grown and consolidated since the program's inception. Since then I've, I recall lots of cleanup rules to ensure the program offered the flexibility that we advertised and more recently, I remember when the day finally came that the trawl fishery was free to roam about the West Coast, free of the RCA's following the completion of the EFH amendment. Today we heard from trawl businesses that have vastly different strategies. Some fish year-round. Some only for a few months. Some primarily target flatfish, some midwater and some are eager to target sablefish with trawl gear when market conditions become favorable for this strategy once again. I'm interested in looking at potential solutions in more detail, but along the way I'll consider some lessons learned along the way in over two decades or so now working on various West Coast, state and federal limited entry programs in my role with CDFW. What I've noticed is that limited entry programs always initially create a scheme of winners and losers and then in response, as time passes, individuals needs and interests change and develop in ways that allow businesses to fill unique niches because they see an opportunity and they work hard to seize upon it. Changes that come later can be disruptive and essentially reshuffle the deck with a new suite of winners and losers which is why I am sensitive to comments we heard today from Joe Sullivan and others that there is no evidence supporting the conclusion that there would be a net benefit for the groundfish fishery as a whole if we were to end or limit gear switching. Our trawl IQ program, once it was instituted, allowed for and even promoted the diversification of the participants. You have the option to fix trawl gear like you've always fished or fish with trawl gear configurations that may maximize

efficiencies, fish with fixed gear if you like, or sit on the beach and lease out your quota to whoever you like or sell your quota and your vessel or retire if you like and receive the fair market value of the assets if you like, or pass your assets to others in your family or business. The market has changed a lot over the last decade and no doubt will continue to change in ways we can't foresee. That's why today's West Coast trawl fishery looks much different from the fishery of 10 years ago. However, one thing still unites all of the TIQ fleet, and that's the fact that in order to hold and use quota a trawl permit is required, and while trawl permits are not too constraining on the open market, it does establish the finite universe of who may participate in the fishery. I see all permittees are as much a part of the IQ fishery as others. We heard a lot of testimony today from active trawler's, from family businesses, processors and fixed gear fishers and gear switchers. We heard from folks who had bought quota, leased quota and pulled quota in co-ops, however as Christa referenced earlier, we didn't hear a whole lot from one group of folks that are still a part of our trawl fishery today, though they may not be actively engaging in SaMTAAC or other Council discussion. They may be retired and leasing their holdings out or they may be leasing to pursue other opportunities until the market is more favorable. The CDFW survey encountered some of these folks when attempting to gain the input that we provided in our report. It's important to me and I realize the decisions of these folks helped build the fishery that we have today. My takeaway from CDFW survey really isn't all that enlightening. The root problem isn't so clear and exactly how we might mitigate or address it isn't so clear, but it did suggest to me that there are people and businesses and investments that have been made in the industry that we may not have heard much from recently and they've elected one of the choices that the program afforded them, which may have included consolidation or not actively participating. So I look forward as we move forward with these discussions is to have these public discussions in the full Council venue so we can receive the broadest of public participation and input. Another thing I heard today from a number of those that testified is that gear switching is not the only problem having economic consequences in the fishery. Many reported this isn't the fishery they envisioned. Travis Hunter described he'd love a do over with regard to gear switching if he knew now, knew then what he knows now and as he described, if trawlers like him don't have affordable access to quota, it inhibits opportunity. Then I balance that statement with the remarks of David Lethin that we've given them the tools to effectively regulate themselves and getting rid of gear switchers will result in overall loss of fish buyers, which could take away opportunity. The thing that strikes me is these differing individual business perspectives are both true and I'm really looking at perspective solutions that support each of them. It's difficult to think about developing options when we really can't drill into any database to help us analyze the economics kind of in a holistic sense and we don't have all the information on the private transactions that govern the flow of quota, so it's difficult to know the magnitude of the problem or evaluate the outcomes without a whole lot of information, but as Lynn Walton mentioned, if there was a smoking gun as to the source of the harm the analysts would not have missed it. So again, I support moving ahead to the next step. It is in the spirit that we need to strive to find ways to move the fishery and its economics forward in a holistic sense and how we do that may or may not involve limits on gear switching. Thanks.

**Marc Gorelnik** [00:11:58] Thank you Marci. Kelly Ames.

**Kelly Ames** [00:12:02] Thanks Chair Gorelnik and thanks Council members for sharing your perspectives. I would like to start off by thanking Jim and Jesse for their outstanding comprehensive analysis that has occurred over the past few years in support of the Council or sorry, in support of the SaMTAAC deliberations and now in support of Council action today, I'd also like to thank Phil for his leadership as the SaMTAAC Chair and to the SaMTAAC colleagues and the constituents that participated in that process over the past two years. Also appreciate the comments that we've heard at this meeting from the GAP, GMT, and the robust public comment. I will be supporting moving forward with additional Council consideration of this issue. The under-attainment issues in the trawl fishery that were raised in the five-year review require careful consideration. The CAB, the GAP, the SaMTAAC, they've all completed their work and I do believe it's time now for the Council to engage. The Council

does have the responsibility to review the performance of the trawl rationalization program, including the gear switching provisions and make modifications, if necessary, to meet the goals and objectives of the FMP and specifically the goals and objectives of Amendment 20, as well as the Magnuson-Stevens Act and national standards. As the committee discussed in the development of this action, evaluating these tradeoffs is not an easy task, particularly in a multi-species catch share fishery that spans three states. So it comes as no surprise to me that it's taken substantial time to get to this point and that there are differing industry views on the problems and the solutions. Sablefish is one of the most important groundfish stocks on the West Coast and the most commercially valuable groundfish stock on a per pound basis. As such, I do support taking the time for further Council consideration to determine whether an action alternative exists that would address the under-attainment issues in the trawl fishery. Thanks.

**Marc Gorelnik** [00:14:10] Thank you Kelly. Corey Niles.

**Corey Niles** [00:14:18] Sorry Mr. Chair, I think I'll hold off now in anticipation that there's maybe a motion coming but and may wish to speak here shortly. Thank you.

**Marc Gorelnik** [00:14:32] How prescient. Maggie Sommer.

**Maggie Sommer** [00:14:37] Thank you Chair Gorelnik. I am prepared to offer a motion if no other Council members wish to speak first.

**Marc Gorelnik** [00:14:45] Well I see no other hand raised except yours, so I invite you to go forward.

**Maggie Sommer** [00:14:53] Thank you very much. Sandra this is Motion 1. I move the Council move forward with considering potential modification of regulations regarding the use of fixed gear to catch sablefish in the trawl IFQ fishery north of thirty-six degrees north.

**Marc Gorelnik** [00:15:18] Okay Maggie. The language on the screen accurately reflects your motion?

**Maggie Sommer** [00:15:26] It does.

**Marc Gorelnik** [00:15:26] Is there a second? Phil Anderson. Please speak to your motion as necessary.

**Maggie Sommer** [00:15:36] Thanks Chair Gorelnik I was, I'd be happy to. I would first like to also echo all the thanks that have been given to those who have participated throughout the very lengthy discussions and deliberations on this issue through the various committees, public comments shared today and on many prior occasions, et cetera, the analysts and my fellow Council members. Sablefish gear switching has been identified as a concern since shortly after the implementation of the trawl catch share program and the history of testimony, debate, and work on analysis and on potential solutions in various forums illustrates its importance, complexity and challenges. Ensuring a complete and deliberative process has, as has been mentioned by several Council members here just now, is a key basis for this proposal to move ahead with bringing it into the Council arena. This meeting is the first time that many industry and Council members have seen the information provided by the SaMTAAC and the staff analysts. Because of the importance of this issue to stakeholders and the volume and detail of the analysis and SaMTAAC recommendations, it's important to provide adequate opportunity for public input and thoughtful evaluation and decision making. In addition to this process rationale, there's also a bar of determining whether or not there is a problem here to address through regulatory action. Based on the analysis and public testimony, it appears that gear switching may pose an obstacle to achieving the goals and objectives of Amendment 20, the groundfish FMP and the Magnuson Act. I cannot conclude with certainty that it does not or will not. For example, sections 6.3 and 6.4 in the

analysis presented under D.1 provide information on latent and inactive permits and potential crossover from other fisheries, concluding that there is a risk of having additional participants join in gear switching. Much debate may remain ahead of us on what level of gear switching is a problem, and we have heard widely differing perspectives on that from stakeholders. In terms of the decision before the Council today on whether to move forward with consideration of potential restrictions on northern sablefish gear switching, I think that at a minimum it is clear to me that additional participation and expansion of sablefish gear switching would be detrimental to the trawl fishery. I do want to acknowledge the public comments regarding details of the alternatives, and I guess I would share the opinion expressed by Council members who spoke before this motion that we should not get into those details today. They would be considered at a future meeting when we adopt a range of alternatives, providing the Council approves this motion and chooses to go forward, and any range considered will always include a no action or status quo alternative. Finally, regarding next steps and timing, I would say it will be a challenging discussion to work out how to move forward best with this. I do some, expect some discussion of the full suite of potential groundfish workload items under D.2, certainly recognizing the priority that has already been identified for this item, and then I would anticipate actual scheduling of a consideration of a range of alternatives at a future meeting to occur under C.7 Future Workload Planning. I think I'll conclude my remarks there. Thank you Chair.

**Marc Gorelnik** [00:19:53] Thank you Maggie. Are there questions for the maker of the motion or discussion on this Motion Number 1? I'm not seeing any hands, so I'll call the question. All those in favor say 'aye'.

**Council** [00:20:18] Aye.

**Marc Gorelnik** [00:20:18] Opposed no? Abstentions? The motion passes unanimously. Thank you, Maggie for the motion. So with Motion 1 on the books, we now turn to our purpose and need statement. Obviously, this one's been proposed in our briefing materials, but let's commence discussion there and if there's no discussion we'll have a motion, but I imagine there'll be some discussion. Maggie Sommer.

**Maggie Sommer** [00:21:10] Thank you Chair Gorelnik. I am prepared to offer a motion perhaps that would stimulate some discussion.

**Marc Gorelnik** [00:21:18] I thank you for that. Please go ahead.

**Maggie Sommer** [00:21:21] Thank you. Sandra Motion 2. Thank you. I move the Council adopt the statement of purpose and need presented an Agenda Item D.1.a, SaMTAAC Report, September 2020, as shown below. This action is needed because the shore based Individual Fishing Quota Program has under-attained most of its allocations since the inception of the program in 2011. The under-attainment for some northern stocks may be due to the allowance to use fixed gear to harvest shore based IFQ, declining trawl vessel participation and the lack of market and infrastructure. Specifically, participants engaging in gear switching are using northern sablefish quota that may otherwise be used by trawl gears. This may lead to uncertainty in trawl access to sablefish, thereby affecting the development of markets and infrastructure. Working within the guidance and authority provided by the Magnuson-Stevens Act Section (303.a(c)) 2 and the Pacific Coast Groundfish Fishery Management Plan goals and objectives, the purpose of this action would be to keep northern sablefish gear switching from impeding the attainment of northern IFQ allocations with trawl gear while considering impacts on current operations and investments. Under-attainment results in the shoreside IFQ program being unable to meet management goals two and three of the fishery management plan, which respectively seek to maximize the value of the groundfish resource as a whole and to achieve the maximum biological yield of the overall groundfish fishery. Additionally, this action would seek to improve the program towards the goal of Amendment 20 to the Fishery Management Plan, which created the shore based IFQ program

providing for full utilization of the trawl sector allocation.

**Marc Gorelnik** [00:23:26] Okay. Is the language on the screen complete and accurate?

**Maggie Sommer** [00:23:32] It is. Thank you.

**Marc Gorelnik** [00:23:33] All right. Looking for a second? It looks like Pete Hassemer has seconded your motion. Please speak to your motion.

**Maggie Sommer** [00:23:43] Thank you Chair. The SaMTAAC Committee, as was noted, deliberated on the need for and purpose of any action that might be taken and eventually reached consensus on the statement here. It identifies under-attainment as a key problem that may need action by the Council and identifies northern sablefish gear switching as one of multiple possible reasons. This statement aligns the purpose for action with Magnuson-Stevens guidance and goals of guidance and the goals of the Fishery Management Plan and Amendment 20. These can, these multiple goals can be conflicting and balancing them will always be a challenge and a policy decision. The key purpose of any alternative that may eventually be selected under this item is characterized here as keeping northern sablefish gear switching from impeding the attainment of northern allocations while considering impacts on current operations and investments. While the Council should always consider those impacts in any decision, I think it is important that it is stated expressly here and it includes the operations and investments of gear switchers, trawl gear users, quota share owners, processors, and others invested in the trawl catch share fishery. I share the perspective expressed in the portion of the GAP report from those members supporting moving forward that the SaMTAAC's purpose and need statement isn't perfect but I appreciate their support for it and recognition that the committee spent quite a bit of time deliberating on it and finally reached it and I think it is suitable for our purpose here and am proposing it for adoption by the Council. Finally, I also want to recognize some concerns that were raised in some of our public comment about the SaMTAAC's principles and the subjectivity of some of those. I just want to be clear here that the principles are not part of this purpose and need statement obviously that this motion is proposing today. Thank you. That concludes my remarks.

**Marc Gorelnik** [00:00:01] Thank you very much Maggie. Are there questions for Maggie or discussion on the motion? Hands go up. Phil Anderson followed by Corey Niles.

**Phil Anderson** [00:00:19] Yeah thanks Mr. Chairman. Just real quick. I'm going to support the motion. The development of the purpose and need statement by the committee that's been put in front of you today for consideration was really an iterative process as we went through our deliberations and listened to our advisers that joined us at this table as well as members of the public that joined us in, on all of our meetings. It really is a reflection of our education on the topic and an expression of a lot of the uncertainties around the failure of the trawl fishery to fully utilize the allocations that it has and then of course brings in language that provides consistency with the Magnuson Act and our groundfish management plan, so we did spend a lot of time on this to try to bring you something that we acknowledge is not perfect, but I think accurately captures the purpose for our deliberations on the issue. Thanks.

**Marc Gorelnik** [00:01:44] Thanks Phil. Corey.

**Corey Niles** [00:01:48] Yeah thank you Mr. Chair, and thanks, Maggie, for the motion and thank you, Phil, you and the SaMTAAC for your hard work on this and not just this, but on all, everything the committee did and thanks also to the analysts, Jim and Jesse and others who contributed to that. So Mr. Chair when you ask folks to divide their comments and their thoughts between the need to move forward and the purpose and need I wasn't quite sure where to speak. There was so much said and very nicely

and articulately under the last item, and I had a sense of where Maggie was going to come and speak more articulately than myself about that too, but just a couple thoughts...and yeah, just no purpose and need is ever perfect and I guess just a couple of thoughts on where WDFW's coming from is, well I guess, I'll start by backing up till Friday and I always enjoy when new Council members are sworn in and we get to hear the oath that they are, that they are administered and I looked it up again and whoever wrote that, it's in regulation, did a very nice job and I like the way it frames our overall purpose as a Council, just not on this item but on everything we do, and it just to have some quick excerpts from that is, if those whose Friday is a distant memory like me, that brought up purposes, we're carrying out the business of the Council for the greatest overall benefit of the nation, and then we're doing that, being careful to balance the competing private or regional interests and always aware and protective of the public interest in those resources. So to me, you know, with the language in the Magnuson Act here, that also it is our overarching guiding purpose as we move through this and I could go through everyone who spoke and remark on how I appreciated the way they said it. I like how Phil used the 'we're going to take a hard look here and we should go through this deliberative process', and Bob Dooley saying 'this purpose and need is going to get us through that process' so, yeah, very much appreciated all the comments that everyone spoke to. I think this purpose and need will continue that dialogue. I don't know what much else to say. We, I think we do, at least from my agency's perspective, have some questions about the economics here. When allocating a commercial species like this, you know, between the trawl and non-trawl sectors I have, my presumption is that government can't do it better than business can and the markets can and trading can and we heard some really good testimony and some really good information, some encouraging things about new investments being made so looking forward to understanding this more. I think if I'm doing my math right, we're talking about a difference between some of the proposals of five to six hundred metric tons per year of sablefish, which it is what is going to, is going to be the increase to the trawl sector between this year and next. So again, just highlighting that I expect much discussion to go on. I believe the SaMTAAC, we're always, I'm always potentially missing but has the general outlines on the alternatives and tools we could be looking at, but yeah, I just wanted to support the purpose and need. Support most, most everything folks said in the context of the opening statements and Maggie in support of this and her other motion, and I will end it there for now so thank you again.

**Marc Gorelnik** [00:05:58] All right Corey thank you very much for those comments. Louis Zimm.

**Louis Zimm** [00:06:03] Thank you Mr. Chair and thank you for this very thoughtful discussion. I want to particularly point out the thoughtful statements by Michele Longo Eder and John Corbin. I was involved in this number of years ago in the GAP and I agree with John Corbin that I'm troubled that this has gone on so long and that we should have been able to work this out long ago but now I see hope for this to be worked out, especially with the considered motions that are on the floor, or motion that's on the floor. I also want to thank Marci Yaremko of California Department of Fish and Wildlife for her elegant review of the issues, and I want to touch on one thing that I know is a concern of hers, and that is the southern sablefish low attainment and I know she has proposed before opening up deeper parts of the CCA for sablefish access and I also pointed out about decreasing quotas for shortspine thornyheads so if we can get through this work, and I know it's going to take a lot of time and a lot of work, we can move on to this problem with southern sablefish low attainment, so I will be voting for this motion and I greatly appreciate everybody's work.

**Marc Gorelnik** [00:07:34] Okay thank you very much for that Louis. Is there any other discussion to be had on this motion? I'm not seeing any other hands so I'm going to call the question. All those in favor of Motion Number 2 by Maggie Sommer, please say 'aye'.

**Council** [00:07:56] Aye.

**Marc Gorelnik** [00:07:57] Opposed no? Abstentions? Motion passes unanimously. Thank you Maggie. If we could go back to our tasks for this agenda item. I think there's one more point perhaps or not. So what else does the Council have on this agenda item if anything? Phil Anderson.

**Phil Anderson** [00:08:45] Thanks Mr. Chairman. It might be useful for us to turn to either Chuck Tracy or Jim Seger just, maybe Chuck just to have him give us some perspective of when we would take up the matter of moving, how we move forward and where we discuss that. My, unless I missed someone's perspective that they thought we should consider further development of alternatives, I didn't hear any support for that today so maybe just a quick overview from Chuck on our next steps here if that is permissible. Thanks Mr. Chair.

**Marc Gorelnik** [00:09:34] I think that's an excellent idea and I thank you for that suggestion. Chuck.

**Chuck Tracy** [00:09:41] Thank you Mr. Chairman, Mr. Anderson. Well as we've discussed several times today, there's quite a lot of workload planning associated with this Council meeting, including are our tomorrow that we start off with, which is Workload and New Management Measure Priorities and Mothership Utilization Scoping for the Groundfish Fishery and there's a number of other items that I think are likely to come forward, this being one, as well as the fixed gear tier fishery review potential for that. So I think there's, I think there's an opportunity you know to explore a little bit...(dogs barking in the background)....who let the dogs out. I think there's an opportunity to explore things a little bit more tomorrow and then under, you know, C.2 the Executive Order and that prioritization schedule and where this fits in with the overall priorities of the Council to achieve the objectives of the Executive Order and set a schedule by, to achieve those by May 1st or early May anyway, so I think there's a number of options there, of course the usual workload planning, but I guess just in terms of what we might expect for the next step, I agree with Mr. Anderson I did not hear much consideration of further development of alternatives right now so I think there's an opportunity to bring further alternatives at the next step. I think the next step would be, you know, developing a range of alternatives. At that time the Council can adopt a range, they can add to that, they can give additional guidance for further development of alternatives, so I think there's a lot of flexibility moving forward in terms of further development of alternatives or adding new alternatives. It doesn't have to be a one step process to do that so, you know, I think whenever the Council decides they want to add the next step on to the Council's agenda, whether that's November or further down the road, I think it would be important at that time to provide some guidance on what the Council would expect back from staff or whoever gets the assignment to work on that in terms of if there is any desire to provide guidance on development of other alternatives or alternatively, the Council could just take up what has been developed and then see what comes forward at that meeting based on the advisory bodies and public comment. So kind of rambling here a little bit but so I think there's some flexibility but I think the important thing is to determine when the Council wants to next address this and if they want to consider the existing range of alternatives or have an opportunity to further add to that or modify it, and I guess I would also point out that while we adopt, you adopted a purpose and need statement, again I think it's would be, that is something that if the Council feels there are other needs or other purposes to be served, that that is something else that could be modified at the next step, for example, if there were other alternatives that address other needs that they might see fit to update their purpose and need statement to reflect that. The bottom line being that at some point the purpose and need statement really, the alternative's really all of them need to address what's in the purpose and each statement. Well I don't know if I helped or not but I talked awhile.

**Marc Gorelnik** [00:14:42] Yeah all right. Well I think what I'm hearing is that we, nothing further is required at this time but we do, this will come up later in this meeting. Phil Anderson.

**Phil Anderson** [00:15:04] Yeah thanks Mr. Chair and thanks Chuck, I'm not sure I followed everything



you said but we will get a chance to talk about it a couple more times at this meeting I think to maybe to put a finer point on what we, what and when we'll be taking our next step. I would like to have included in that maybe it's under the, I'm sorry I don't memorize the..... I don't have the agenda items numerically identified, put to memory, but under the groundfish workload planning piece may be is the time. I would just like to have a discussion around whether there is any additional analysis that we would like to have before we take up consideration of the alternatives and the potential of modifying or adding any. I don't know exactly when to, when the appropriate time for that conversation is, and it may be that until we do some additional refinements there isn't any additional analysis that is reasonable to be asked of our analysts so but I just before we leave this entirely this week I would, at least like for us to spend a minute or two hearing from Dr. Seger and Miss Doerpinghaus relative to any additional analytical work that they think might help inform the Council when we do take this up be that in November or at a later time.

**Marc Gorelnik** [00:17:08] Thanks Phil. Well we do have Agenda Item D.2, which is coming up tomorrow on Workload and New Management Measure Priorities and so that seems an appropriate time. I don't know if Dr. Seger wants to offer some comments here that will help us plan our way forward, Jim.

**Jim Seger** [00:17:32] Thank you Mr. Chairman. Good afternoon Council members. Yeah we do have one takeaway from your discussions, a point that Brad Pettinger brought up about an area where we could provide some additional information on exactly what happened in the transition period into the IFQ program with sablefish quotas and petrale quotas and so forth and how those were changing at the same time the dover was going down so I am going to be looking at ways we can explore that a little bit more than we have before and knowing Jesse it's probably in a previous document somewhere and we just didn't include it and what we gave the Council but anyway, the other thing I wanted to mention is with respect to things that would help move the process forward efficiently is if there is some Council members, if you know that there is an alternative you're going to want to have looked at in November, we can make the process a little bit more efficient if we know about that then we can spend a little time talking to NMFS about things that we need to be clarified or worked for, just do a little bit more groundwork so that when it comes to November, we're not sitting with a bunch of questions but with hopefully with more answers than questions on it, and that's not to say, you know I'm not talking about taking action or it's just simply a guidance or a statement that yeah I'm kind of thinking I'm going to want to look at this one, and that could, you could bring that up under G.2 or you can bring that up when the agenda is under C.7, and talk a little bit about what your expectation is for when that comes back to the Council, what you expect to be happening or sort of the range of possible things that you might like to happen and then obviously, we welcome any, if any, Council members, either now or under D.2 or under C.7 if something's come up where you've identified a piece of information that you think would be helpful, we will look into that. One of the other pieces of information that there's been some talk about gathering is trying to look at the quota that is being, let's see it's going to be hard to remember this probably, but who owns the quota pounds specifically that are being sold to, are yeah the quarter pounds that are being leased to gear switchers and our active trawler's, do active trawler's own it? Do other folks own it? That's a little bit of a research project. This is going to take a bit of effort to work out but if anybody who wants to put questions like that on the floor or any other requests we'll definitely take a look at them and address them as best we can with the resources we have available. Thanks.

**Marc Gorelnik** [00:20:14] Thanks Jim. Further hands on this agenda item?

**Jim Seger** [00:20:21] Mr. Chairman if I may?

**Marc Gorelnik** [00:20:22] You may.

**Jim Seger** [00:20:24] Thank you. I think you've done a great job of efficiently moving through this. You know, it's been a difficult and complicated issue. With your permission, I'd like to ask NMFS a question about how they are proceeding with the iteration of cost recovery applicability on this issue.

**Marc Gorelnik** [00:20:40] Please go ahead.

**Jim Seger** [00:20:40] Okay...(laughter).....

**Marc Gorelnik** [00:20:44] You've asked it so maybe.....

**Kelly Ames** [00:20:47] Great. This is Kelly. Thanks for the question Jim. As we noted under our NMFS report on Friday, we will be making determinations during the scoping phase of new actions and to let the Council know when we've identified that an item is subject to cost recovery, so during the SaMTAAC deliberations we did inform the committee that we were recording staff and contractor costs associated with the deliberations and intended to include those costs in the fee calculations for the shore-based IFQ program. If the Council proceeds with the actions as described in the SaMTAAC report which, you know, the range of alternatives is still to be decided at a future meeting, but if things stay as they are described in the SaMTAAC report, we would recover costs for the development of the action, rulemaking and potential implementation. Throughout all of our cost recovery determinations we continually check back in to see the progress of the Council to see if those determinations need to be modified at any time and we would make adjustments at that time as needed. Happy to answer any questions about that.

**Marc Gorelnik** [00:22:08] Thanks. Are there questions for NMFS? And Jim did that answer your question?

**Jim Seger** [00:22:14] Yes, thank you Kelly.

**Marc Gorelnik** [00:22:14] All right Jim, how are we doing? Phil.

**Phil Anderson** [00:22:21] Sorry Mr. Chairman. I, real quick that Dr. Seger did correctly characterize the piece of information I was, at least I was interested in in terms of understanding the quota pounds that are leased to gear switchers and I know I think it's really tough to do from what I, I've already kind of asked the question behind the scenes, but if any information on that would be appreciated at some appropriate time. Thanks.

**Marc Gorelnik** [00:22:52] So noted. Thanks Phil. All right any further discussion on this agenda item? Any further action on this agenda item? Any further hands raised? Okay I will turn again to Jim Seger and see how we're doing on Agenda Item D.1?

**Jim Seger** [00:23:17] Mr. Chairman I think you're complete and congratulations for catching up on your agenda.

**Marc Gorelnik** [00:23:23] They said it couldn't be done and I was skeptical. So that concludes Agenda Item D.1.

## 2. Workload and New Management Measure Priorities – Including the Scoping of Mothership Utilization Issues

**Marc Gorelnik** [00:00:00] We've had a number of reports. We've heard from a number of different sectors concerning their priorities. Had quite a bit of public comment and so we now turn to Council discussion and Council action. We have our task there on the screen and I will ask someone to get us started with Council discussion. Phil Anderson please.

**Phil Anderson** [00:00:43] Thanks Mr. Chairman. I just wanted to check to see if I have the, setting aside number 4 for a moment that's on our Council action list. We have previously prioritized four different items as I understand it. I just want to confirm that I'm correct. The mothership utilization with scheduled scoping for this meeting, the non-trawl RCA modifications, moving the Emley-Platt EFP into regulation and then we have the trawl non-trawl amendment allocations. I believe we have 14 other proposals that are unprioritized on our management list and then as a result of our deliberation here at this meeting we have the proposal for an emergency action to extend the closing date for the tiered fixed gear fishery, sablefish fishery, and then we have the question, I think, of whether or not we're going to do anything in terms of furthering the process for the SaMTAAC, I'll call it the SaMTAAC gear switching matter, and so within those six items we're doing our review of the proposed, of number one here on our Council action. I'd like to circle back a little bit and make sure I understand what the workload, staff workload implications are and how many of those six we can, do we really have a choice or do we, can we do, I think I'm understanding we can't do all of those so do we have to in particular look at those six and try to narrow those, and then that would lead us to the providing guidance on the groundfish management priorities and schedules. I'm just trying to get my head around kind of where we are, where we stand in terms of bringing this up to this point. A couple of new measures that have been put on the table today or this week, today I guess is more accurate, and then how we go about proceeding from that point?

**Marc Gorelnik** [00:03:43] Well Phil, I think it's a very sensible way to approach this because if we only have the bandwidth for one or two then that's leads us to a different position than if we have bandwidth for three or four. So, let me turn perhaps to Kelly if she has some thoughts here or Council staff to respond to Mr. Anderson's question about bandwidth and how many of these we realistically can take on.

**Chuck Tracy** [00:04:20] Yeah so this is Chuck. I guess I'll step off the cliff here first. So, Mr. Anderson I think you correctly characterized sort of the issues before us, the four items prioritized under the new management measures agenda item last year. The effect of the SaMTAAC process, or the sablefish area management and gear switching process and then the new consideration of an emergency rule for the sablefish tier fishery. So those are sort of our, sort of the near-term choices we have to make. I think I would add two other things in there. One of them is inseason, but inseason is kind of, we haven't come to that discussion yet here on the Council floor but that is a consideration, and then the limited entry fixed gear review as well and the MSA requirement to start that. So, I think that's sort of the, that's what I see in terms of the near term, and I'm defining near term as between now and the spring. So, I think from a Council staff perspective, you know I think we have some flexibility to address three or four of those things perhaps. We've got, you know the stock assessment business hasn't really fired off yet but that will come into play next year starting next spring. We're kind of between spex cycles so there's a little bit of opportunity there as well, I think. So I think we have some staff availability, you know again to work on some of those, we've already have some staff that's fairly well committed to the sablefish gear switching issue, as well as having some contractors available to work on that as well so that's kind of where I see it from our perspective but I think it would be, I suspect that National Marine Fisheries Service is probably the more limiting factor so maybe turn it over to Ryan or Kelly, see if they have any thoughts or I'll answer questions if there are.

**Marc Gorelnik** [00:07:09] Well I don't see Kelly's hand up yet, but I see Phil's hands so let me go back to Phil and then Kelly.

**Phil Anderson** [00:07:17] Yeah mine's just, thanks Mr. Chairman, mine's just a question for Mr. Tracy. He included on, and thanks for bringing that limited entry fixed gear review. I had it on my list, and I failed to mention it, but you include it on your list inseason and I'm not sure I understand the reasoning behind including that on.

**Chuck Tracy** [00:07:47] Yeah, well I, yeah, so it's just another groundfish item that you know that comes into play so if there are inseason changes proposed when we get to that agenda item, you know, that's just more staff work and frankly, not a lot for Council staff but perhaps more for NMFS staff so that was just my thought there just so people are aware that, you know, that everything counts towards the total.

**Marc Gorelnik** [00:08:21] Kelly.

**Kelly Ames** [00:08:24] Thanks Mr. Chair. Thanks Chuck. Thanks Phil. So just to kind of reiterate the talking points I gave at the start of the agenda item, we could accommodate a narrow scope and that being the review of the existing analysis and discussion as to whether additional analysis is needed for the trawl utilization SaMTAAC issue in November...so that was the question that Phil asked me at the beginning of this agenda item and I think that's something we could be comfortable with. We have become very familiar with the existing analysis through the SaMTAAC process and the materials that were presented at this Council meeting. We would not have the capacity if new analysis was brought forward in November, that's just a lot to bite off. We, you know if recommended by the Council, we would prioritize consideration of the emergency rule that's being discussed for the tier fishery, and then I just want to note that a lot of the focus here has been on November but we can move to talk about what would the priorities be in March and beyond, you know that, our world hopefully doesn't end in November so, you know, we are open to hearing what your priorities are after November, which and I'm hopeful that by March we will have some changes to our staffing capacity with the new branch chiefs in place. We'll see how those things go but, you know, we're in it for the long haul so let's talk about what are we looking at for kind of the Year-at-a-Glance for groundfish, given these priorities that have been raised.

**Marc Gorelnik** [00:10:06] All right thanks for that Kelly. Heather.

**Heather Hall** [00:10:09] Thank you Chair. I have some thoughts to share that might just help with the discussion and I agree I'm a sorter and I like to organize things. I really struggled with how to put this particular agenda item into some kind of order. So just starting from the top, for me just relative to some of the questions we're talking about here and the overarching management measure prioritization, I believe the GMT said this in their report but at this point don't add anything to the new management measure priority list. There's four that have already been identified and then if you include, as we talk about workload keeping things rolling with SaMTAAC, I think that's enough to think about and my thoughts, similar to what Kelly just said too, was really in order to process these in a manageable way. I definitely was thinking to March and April, so thinking about things that could benefit from some extra time over the winter to think about and elaborate on. Relative to another recommendation that was in the GMT report, and it was also supported by the GAP was the Amendment 21 trawl non-trawl allocations and this was something I saw as a bit of a low hanging fruit and something that we can take off the list. We started this in the 21-22 spex and with a commitment that we keep moving forward and looking at that issue through the biennial harvest specifications process. I like the idea of taking it off the list and I was happy to see that the GAP supported that as well, and I'll just speak generally about

some of these ideas and then let others talk. Relative to mothership utilization, I feel like there is room to keep this thing moving forward but perhaps keep the workload light between now and November and same with the SaMTAAC, I thought about those two in the same way and the idea that maybe we could, Phil brought this up, touch base in November, get some additional guidance on analysis needed to inform the alternatives and think about that over the winter. Maybe think about a way to get industry talking about this more but again keep the ball moving forward but slow those things down so that the expectation for November isn't that great, and relative to the limited entry fixed gear review, when I was reading the attachment 2 under this agenda item I did note that on the bottom of page one and page two there was some description that the timing of this was not concrete and so that because their, the guidance was silent on separate reviews of the program, that you could initiate this review as late as June 2021 so thought also, and this may be appropriate under future meeting planning, but thought that for now we could identify a project team, look at the analytical resources that we needed and any potential issues that would come up at this meeting, and then take that on more maybe with an update in the spring but to start initiating that review in June of 2021...or at least then...and then relative to the non-trawl area management, again, similarly identify a project team for this and the resources and potential issues. Include in it, I thought the idea that the GMT and the GAP had to look at that holistically with incidental retention in the salmon troll fishery and the Emley-Platt EFP made sense, and then I guess all of this and the way I'm thinking about this is how do we find room to consider this request that we look at a way to extend the season for the sablefish tier fishery and so my thinking was, you know, how do we provide that room in the workload for November to allow for that while also continuing to make progress and keep our commitments to things that we've already started. So, I'll pause there. I did want to say before I forget that I do agree there is some conversation about agenda items and especially how inseason at this meeting is related to the potential for the discussion on the sablefish tier fishery, I feel like there's a linkage there to think about. So, for example, whether or not some of the inseason items would be needed depending on the action the Council might take under this tiered fishery season extension issue. So that's all I've got for now.

**Marc Gorelnik** [00:16:18] Thank you Heather, particularly for pointing out that these all don't need to overlap at the same time and some can be put off a bit in terms of priorities, or if there priorities they need to be scheduled, but they don't need to be scheduled in the very, very near term. Let me see if further discussion? Not seeing any hands but I'm sure there's more discussion to be had. We have...

**Chuck Tracy** [00:16:50] There's two hands up Mr. Chairman.

**Marc Gorelnik** [00:16:51] There are. I'm not sure why not seeing them at all.

**Chuck Tracy** [00:16:54] Scroll up to the top.

**Marc Gorelnik** [00:16:55] I am at the top.

**Chuck Tracy** [00:16:56] Kelly Ames and Marci Yaremko.

**Marc Gorelnik** [00:16:58] Okay. I'm sorry. All right. Kelly Ames.

**Kelly Ames** [00:17:03] Sorry I just lowered my hand. Thanks.

**Marc Gorelnik** [00:17:09] Okay. Marci Yaremko.

**Marci Yaremko** [00:17:11] Thank you Mr. Vice Chair...Mr. Chair, gosh apologies, and thank you Heather for your remarks. I have some similar thoughts. I think first and foremost want to acknowledge NMFS's graphic on the workload that they've provided for us in this discussion and I'm always reminded

when I look at that how much else is going on in the background that I tend to forget about. Things like work on research and issuing permits for those activities and the background work going on, on EM and, you know, just the multitude of needs related to ESA so really appreciate that schematic, noting that in past iterations of that document, there have always been or often been staff names assigned on that graphic and I'm guessing that folks have now doubled up and their names that are next to multiple items on that list now and we can just imagine what it must look like and the double duty that some folks are doing now, especially with the loss of one of the regulatory analysts with Kayleigh serving in her acting position for the moment, so appreciate Kelly's description on the current workload situation at NMFS. Top priority for me in all of this is making sure that NMFS has the time and latitude to get the spex done. I'm glad to hear everything's on track. That's wonderful news. Appreciate NMFS prioritizing this but as far as I understand, one of the folks that, or the key person involved in producing the spex is also going to be working on mentoring an incoming GMT staffer so that's a new need and I just want to be mindful of the transition time needed as we lose some of the tenured expertise on the NMFS staffing side in the GMT and the need for that capacity building to be going on this fall in the background, so that's very important and as the spex are done, we all, when the proposed rule comes out, one thing we all do is buckle down and review that document to make sure that everything is there that we worked so hard on over the past 18 months in building the....of the final recommendations for the spex so that review and ongoing dialogue between agencies is critically important, so to me that's a number one priority. We did a lot of work in the spex and I want to make sure that it is done to the best of everyone's ability and that we stay on the timeline so I appreciate where we are on that one. Number two for me is the inseason agenda item that Chuck referenced earlier in this discussion. We have an inseason agenda item scheduled. I understand there are inseason proposals that will be discussed when we get to that agenda item here today. This is a regularly scheduled agenda item and yet it almost always, if the Council floors recommendations results in a NMFS rulemaking activity, and that's pretty traditional for September that we make recommendations for inseason adjustments. Inseason is foundational to meeting our FMP objectives to attain but not exceed our ACL's and our other specifications so I really feel strongly that we should not have that agenda item be tabled or be prioritized in terms of workload because other things have jumped the queue noting that, you know, NMFS has a lot to do depending on what we task them to do, but inseason is one of those things that, you know, traditionally we, they have made a solid standing commitment to make those inseason adjustments so that fisheries can be prosecuted. In this case I think we'd be looking at adjustments to period 6, but also potentially period 5, depending on when the rule would take effect and recognizing, again, the goal of our FMP to attain but not exceed our specifications, the inseason tool is, again it's foundational. Regarding the tier fishery e-rule concept, I want to thank all of the parties for the deep dove look at this and the serious consideration that it's been given over the course of the last week or so. I want to thank Jesse and NMFS for turning over every rock with regard to the season end date and looking for some alternative to an e-rule that would potentially suffice. I'm convinced, based on the testimony that we've heard today from Jesse and Bob Alverson and others that he represents, that there's certainty that this action will bring significant economic benefit to those that are facing a closure of the fishery at the end of October. Looking at the GMT's analysis and as Bob explained, an approach to use, use an inseason adjustment to the limited entry DTL sector limits won't come close to offering the volume of catch that's available to the tier permit holders. Appreciate the testimony we heard today from Tyler Goodnight and Miles Smith that they're looking for the ability to fish.....(garbled).... Acknowledging all this, you know, should we take this item up and should we make a recommendation? This will mean that NMFS will prioritize the completion of this e-rule, so that is definitely a workload consideration, but I certainly support heading that direction. Looking at the reasoning that we've heard today and this week about the need for why the season should be extended, I think clearly there are COVID related impacts. We've heard a lot about them. It's a very clear, direct connection in my mind that this is an unusual year and that COVID is behind a lot of the disruption or the causal element of the disruption. Thinking about equity a little bit here, I appreciate Bob's remarks that they've never asked for an emergency rule before and thinking about the efforts we went through back in April under

inseason to provide some near term, very near term relief to the limited entry and open access sectors in the inseason recommendations to provide some COVID-related relief to the fixed gear sector. We also took up the emergency rule for whiting in June in response to COVID and in response to their request so I feel like this request is right in line with those other actions that we've recommended so I look forward us talking about that under a different agenda item, but I think when I look at workload, that's about it for what NMFS can do this year in my mind. With the staff transitions that they're dealing with and even the prospect of potentially a shutdown, I'm just uncomfortable pressing for more in November, or at least going on the workload background for NMFS in prep for November. So that's kind of how I feel about now through the end of the year. Looking to the spring we've heard for some time now, often and repeatedly from our non-trawl sector, that's both rec and commercial of the importance of prioritizing the non-trawl RCA, CCA and Emley-Platt EFP items that would allow fishing in some form in the RCA or adjustments to the RCA. I think that looking to agendize that for March is a good idea. The other thing that I'm hoping is that in the course of NMFS completing the biennial specifications review, as they prepare that final rule that hopefully come spring NMFS will be prepared to help us a little bit in terms of navigating the analytical lift that will be necessary. I think a lot of us are leaving some of the discussions from this past couple of meetings on habitat related impacts, etcetera, with a little bit of confusion about what we need to do to move this forward and move things ahead so I'm hopeful that in the course of NMFS's review actions this fall that we'll get some additional clarity from them about how we move forward. Let's see, on the issue of mothership, want to say that the GAP report this meeting raised the prospect of an EFP to consider mothership proposals 1 and 5 regarding an earlier start date for the whiting fishery and the prospect of processing south of 42 degrees. That was not, the EFP idea was nowhere in any of the materials provided to the Council for discussion until it showed up in the GAP report. I think that is a very viable recommendation that we evaluate whether an EFP may be considered, however I feel the time for EFP's, we already have something on our agenda to be considering EFP's and the scheduled time I believe would be September of 2021, that's when we kick off our spex process and we evaluate preliminary EFP applications on our normal biennial spex cycle, so I appreciate Lori Steele's comments that we heard today. I agree with Butch and his remarks earlier today about the great work that has gone on between the SAS and the participants in the Midwater Rockfish Trawl EFP and the 200 percent effort there to make sure that we don't encounter salmon or that we mitigate to avoid it and that we work under the terms and conditions established under the EFP. That said, I don't think we can just say that the midwater EFP that exists today is enough information for us to just move ahead and commence one for whiting processing activities south of 42 so, again, I think it's a bigger discussion. I think it's complicated. I think there is clearly some implications regarding the biological opinion that need to be considered. I want to reference the joint NMFS and Council staff scoping paper and their discussion on these issues regarding the potential for triggering re-initiation of the 2017 buy-op. I think that any consideration of an EFP would involve some discussion at least with protective resources and, you know, some thoughtful consideration of how we might proceed, but again, that conceptually was, that EFP idea is much different than what was presented in the June 2020 list of GAP proposals, which was just, you know, consider regulations to open the start date prior to May 15th and to allow processing south of 42 so, again just to reiterate, I'm very I think open to the idea of considering such an EFP discussion but I think the placement for that fits best within our 23-24 biennial specification process. That leaves mothership proposals 2, 3 and 4 and I thought I heard Heather say that those may not do much for the fleet, then I thought I heard Sarah say something a little different. Maybe they weren't the top priority items but they were, they'd still afford some potential to improve utilization so I guess I'm open to the idea of decoupling proposals 1 and 5 from 2, 3, and 4 and seeing if there is some room to expeditiously maybe take up items 2, 3 and 4 that won't require a lengthy, complex, heavy lift on anyone's part. If that were the case and if there is interest in the decoupling, I would feel like that we've done some scoping here today that would probably be adequate for us to consider those items in March or April so anyway, that would be my thought on that is decouple and look at the spex vehicle for the idea of an EFP for proposals 1 and 5. Support the information and the suggestions provided to us on the limited fixed gear, limited entry fixed

gear program review. Looks like that to be in front of us in the spring as well so I guess I'm going to leave it there. Those are my thoughts on how we move forward with the volume of work in front of us. Thank you.

**Marc Gorelnik** [00:06:20] Thanks Marci for your thoughts. Kelly Ames.

**Kelly Ames** [00:06:28] Thanks Chair Gorelnik and thank you Marci. I just want to echo one part of your comment and that is the recommendation to consider any new EFP's in the process described in Council Operating Procedure 19, which puts those considerations coincident with the biennial management process. This would allow us to assess and prioritize all EFP's at the same time. We have quite a number of EFP's that are already in play and we have two new EFP's that are then coming on board in 2021 and I think that would be an important prioritization process and discussion to have and it could be as a result of that discussion that we do decide to bifurcate a more complicated EFP in a separate process from the biennial analysis, maybe the timing doesn't line up, but I think putting new EFP's into the standard process that we have into a September consideration is a good recommendation so thank you.

**Marc Gorelnik** [00:07:38] Thanks Kelly. Maggie Sommer.

**Maggie Sommer** [00:07:44] Thanks Vice Chair and thanks Kelly. I guess since we seem to be right now on the path of discussing this EFP idea, just thought I would add a couple thoughts. I did see that the idea was suggested in the attachment 3 joint NMFS and Council staff scoping paper that was in the advanced briefing book and I certainly recognize the potential value of an EFP in allowing us to better understand salmon bycatch potential, some of those activities. I guess I will, I think it will not be...(garble)...on the timing of an EFP. Certainly respect the points....(garble)...made and just note that, I think this came up earlier, certainly development of an EFP would need to include a number of participants, including the range of industry representatives, the SAS, et cetera. Thanks that's all on EFP's for now.

**Marc Gorelnik** [00:09:05] Thank you Maggie. Pete Hassemer.

**Pete Hassemer** [00:09:11] Thank you Mr. Chair. I'm trying to formulate the question here, it's related to EFP's and I appreciate what Marci said about that. I was thinking about the mothership utilization. The EFP's as I would think about it both are targeted, targeting earlier fishing periods, one moving the start date up and well, not necessarily on number 5 but in reference to that there was, the term was used cleaner fishing in the spring south of 42 so it would be exploring that spring fishing there. Getting back to the workload, hearing from NMFS that, you know, the workload is very heavy so getting these in place for 20-21, I'm just going to make the assumption that's out of the question, so if they were put in to the normal process and they came up in September of 2021, there's a chance they would be in place for the 2022 season. The other avenue, and this is hypothetical I guess, is that the Council proceeded with an amendment process on the mothership issue and I've, I've given up hoping for a perfect world but in a better world let's say the Council were able to address this in a three meeting process in April, June, September or June, September, November and a set of rules, or that process could be completed prior to the start of the 2022 season. Does chasing, does trying to get an EFP in place effect that other process in still moving forward with that under an amendment process, or would it delay, potentially delay action on the particular item? And I could pick out either one of those, either the season start date or the processing an EFP for processing south of 42, but I just want to know because of the workload schedule and really looking at when this would become effective, is it better to go down the EFP pathway just to have something in place and assume that would not impact the process of considering a similar action in an amendment process. So, I hope that wasn't too confusing.



**Marc Gorelnik** [00:12:15] So Pete are you posing that question to Kelly or?

**Pete Hassemer** [00:12:20] Yes, I think it's probably most appropriate for NMFS if Kelly could answer that but if anyone could weigh in on it that would be great.

**Kelly Ames** [00:12:33] Through the Chair, thanks Pete. you know I think that we just have to say that the timing is really unknown here so as we identified in the joint Council and NMFS staff report in attachment 3, both the whiting season start date and allow at sea processing south of 42 have relationships to the salmon biological opinion and so these are big questions to review before moving through an EFP process, so it's difficult for me to speak to at this point, you know, further down the road and further development of this sort of an action we could bring in some more specificity, but from my perspective, I could not put a date on the issuance of an EFP at this time. I would note if you put the EFP into the biennial specifications process, it would not be implemented until 2023, which would be the start of the next biennium.

**Marc Gorelnik** [00:13:39] Thanks Kelly.

**Chuck Tracy** [00:13:41] Mr. Chairman, I've got a comment on Pete's question.

**Marc Gorelnik** [00:13:46] Yes, please.

**Chuck Tracy** [00:13:48] Just, just as a process issue I think there's a, you know, I guess what I heard Pete suggest is, you know, or a question about whether the EFP could act as an interim measure until an FMP was completed. So that to me is not how EFP's should be considered. To me EFP's are for the purpose of collecting data so that you can make an informed decision. If you've already decided that you need the action but are short on time or there's some emergency situation you need to address then that would be appropriate for an emergency rule that you would follow-up with an FMP to make it permanent, but in terms of just having something in place until you get something done, to me that is not an appropriate application of EFP's.

**Marc Gorelnik** [00:14:46] Thanks for that Chuck, and I don't want to cut off discussion so I'll go next to Bob Dooley, followed by Phil Anderson but I think at some point here we're going to have to start a list we can agree on and so which will focus our discussion on the remaining items so keep that in mind. Bob did you lower your hand?

**Bob Dooley** [00:15:09] No, I'm just standing by for you to acknowledge.

**Marc Gorelnik** [00:15:16] So you're.....do you have a comment you want to go ahead?

**Bob Dooley** [00:15:18] Yeah thank you very much Mr. Chairman. I just wanted to maybe offer a few thoughts on this EFP idea. It seems like, you know, I'd like to go back a bit. We, you know we tasked, this has been identified as a priority. It's always been a workload issue that I can recall that we've been weighing against all of these workload issues and I think that we tasked the GAP to task subcommittees of the GAP to deal with this mothership utilization issue as well as the non-trawl RCA issue and they both, you know two different committees did a really good job of outlining what was there and brought it to the, brought it forward and have had input from the various management teams and the advisory panels and the Council and I think that they've come up with some pretty good ideas here, but I think there maybe need a little more work on particularly the EFP idea and maybe flesh out some of the, now that they've seen the California report and the concerns raised there, as well as the other concerns along the line, I think that maybe a way forward might be to deal with 2, 3 and 4 and send the group back to look at to fully flush out the EFP portion of this to bring to us in November to look at and see if they

can get the details, the limits, the geographic range, the times, all of the issues that, you know bycatch limits, all of these things that would trigger a fully flushed out EFP because I realize this has been an iterative process going forward and it hasn't been the kind of the usual process, so I really appreciate the workload that those two groups put together on both these issues because I am for the non-trawl part of this too, the non-trawl area issue, but I don't, you know I don't think we should close the door on this, and remember, we prioritized this. We understand there was a problem and is a problem and demonstrated in the mothership sector particularly and they've come forward with some ideas. They've changed them as they've made comments and I think that maybe this is a way forward to maybe engage in this EFP idea sooner than later and somewhere along the lines of what Pete was talking about, and when you talk about whether they're trying to, the EFP is trying to demonstrate something or prove something, absolutely it is. I mean, it's trying to, you know before you go through a whole regulatory process to try to let them, to engage and look south of 42, you ought to have some vehicle to test it and this would be a way to test it, and you know I would expect they'd come back with a fully fleshed out EFP that would, you know, address issues of scientific sampling and all the things that we've talked about here today and I think there's some positive ground to be gained here with, and particularly with the mothership whiting sector having so much infrastructure to deal with reporting and holding themselves accountable and all of that, I think it's just, I think they could come up with a good proposal that could help us through this and generate a lot of data that we need. So that's just a thought and I'll stop there. I know we're really pressing the time so, thank you.

**Marc Gorelnik** [00:19:12] Thank you Bob. Phil Anderson.

**Phil Anderson** [00:19:13] Thanks Mr. Chair. I'll make it quick. I think we ought to on the mothership utilization issues, I want to try to move forward with 1 through 4 north of 42. I think, number one, I want to leave the, the issues for south 42, the EFP, if you know when that might occur, what the dates might be to a separate discussion under a separate schedule because I think it's going to be, take us a long time to work through that and it's just going to slow down the ability of us to move forward on the first 4 north or 42. I think change in the whiting season start date, whether it's by two weeks or four weeks or whatever it might be in the beginning of the year, we'll give some additional opportunity for the mothership platforms to be here prior to going north and I also think that the change in the mothership processor cap is another one given new vessels coming online, a new vessel potentially is coming online and giving that vessel an opportunity to add to the processing capacity. So, I want to again, separate the EFP and what's going on down south of 42 and season days and all that stuff from the other 4 for north of 42. Thanks.

**Marc Gorelnik** [00:20:44] Thanks Phil, I appreciate that. We've been at this for two hours. We're going to keep going. We'll take a break before motions, but I want to make sure we get our thoughts on the table first. Pete.

**Pete Hassemer** [00:20:57] Thanks Mr. Chair. I just wanted to very quickly respond to Chuck's statement in response to my questions there. I apparently I didn't state my question very clearly as is typical, but I wasn't looking for a process that would allow the EFP to go in place in the interim to allow fishing there prior to something else, I was just looking at some workload considerations and realizing that if an EFP is a viable avenue, that realistically it would come up in September and, you know, possibly that the latest they would have to have that in is for the September briefing book or something like that to give them time and understand that for the, the 2021 season it's probably out of the realm of possibility and if it goes into that, the next spex process that it could be implemented in 2023, that gives us a sense of time for that so that's all I was looking at there. Thanks.

**Marc Gorelnik** [00:22:16] Thank you Pete. Marci.

**Marci Yaremko** [00:22:19] Yes. Thank you, Mr. Chair. I just want to be clear that I would support Mr. Anderson's recommendation a hundred percent with regard to how we partition out the proposals that are in front of us with regard to mothership. While I suggested partitioning out items 2, 3 and 4, I absolutely would support considering number 1 for north of 42 in that mix, so just wanted to be clear on that. Thank you.

**Marc Gorelnik** [00:22:54] Thank you very much Marci. Maggie Sommer.

**Maggie Sommer** [00:22:57] Thanks Vice Chair. ODFW supports Mr. Anderson's remarks as well. I guess I would offer one more thought just for, if we move on in the future and have continued discussions on an EFP, just was thinking that the, one of the reasons for the timing of considering groundfish EFP's when we do is so that we can identify any necessary groundfish set asides and work those through the biennial specifications process. Presumably an EFP for these purposes would not require additional set asides so while certainly recognizing the value of discussing and prioritizing them along them along with other EFP proposals as Kelly Ames brought up, we might have the opportunity to consider making a recommendation to NMFS to work, look for an earlier implementation in 2022 rather than waiting for 2023. Thank you.

**Marc Gorelnik** [00:24:12] All right, thank you Maggie. Bob Dooley.

**Bob Dooley** [00:24:17] Yes, thank you Mr. Chair. I just wanted to weigh in and I would support Phil's approach on that too. I think that that's an elegant solution there so thank you.

**Marc Gorelnik** [00:24:30] All right, and Pete Hassemer.

**Pete Hassemer** [00:24:34] Thanks Mr. Chair. Just a process check. I'm trying to think of the way you laid this out talking about items, Council action items 1, 2, 3, and then getting into 4, but we're dealing a lot with scoping issues or alternatives related to 4 so it's potential to consider motions later, specifically on item number 4 that how we separate this when we'll get to that there may be some more questions about how we deal with those alternatives, the scoping the issues, and I do support what Phil stated also, but how we blend that into this package. Sorry.

**Marc Gorelnik** [00:25:23] All right thanks. Kelly looks like your hand raised but your muted so....there you go.

**Kelly Ames** [00:25:34] Thanks. Thanks Mr. Chair. I just want to note if the Council is recommending moving forward with items 1 through 4 for the mothership utilization item, that the purpose and need would need to be amended to include consideration for the other sectors, for the whiting fishery start date change, which I understood to be the intent. I am not recommending that we try to do that wordsmithing under this agenda item, but just noting that if that is the intent, the purpose and need should be clear about the sectors that it may impact with the action and maybe we would ask Council staff to bring back a revised purpose and need the next time this topic comes in front of the Council. Thanks.

**Marc Gorelnik** [00:26:24] Okay thanks for that Kelly. All right we're going to take a break here in a second. People to collect their thoughts and while I don't know that we necessarily need to move forward by motion, I think the benefit of having a motion is so that something is in writing and so there's no ambiguity, especially when we're dealing with so many different items and so little time to get them done. So what I think we have and I'm sure I won't have this exactly right, but someone will correct me when we come back from break, is the GMT had previously identified certain priorities, there were four of them, the non-trawl RCA adjustments, mother sector utilization and Amendment 21 allocations, and

Emley-Platt they've recommended that we eliminate the Amendment 21 issue and I have not heard any dissent on that, so those three are on the list still. For the mothership utilization, Phil Anderson has offered a suggestion which seems to be rather popular. I do know that there will, except from this discussion there may be a motion coming forward with regard to an emergency rule for the tier fishery. Miss Yaremko mentioned the need to maintain a priority of our inseason action, and then not all of these items, of course, are for our November meeting, some of these could be in the spring. We've got some SaMTAAC work, and then not really discussed too much here has been the limited entry fixed gear review that I think Heather indicated could be put off until as late as June. So, but I think that's a five-year review that we need to get done. So, again, I confess that I probably have not captured everything accurately, but hopefully it's mostly correct, and then we'll take a ten minute break and then perhaps I'll turn either to Todd or someone amongst you wishes to offer a motion capturing this. We're not really worrying about timing here, that's really an issue for Friday, but we just want to make sure we have our list together, including what parts we're prioritizing or what, what we're not. So, I have 2:51, let's come back at 3:01 and continue and hopefully conclude this discussion. Thanks very much.

**Marc Gorelnik** [00:00:01] Welcome back. We're still on this morning's first Agenda Item, D.2, and we have our Council action in front of us and I'm going to first ask Todd Phillips to provide his version of the recap because I want to make sure that whether or not we all agree with the list of priorities that we all understand what they are so go ahead Todd.

**Todd Phillips** [00:00:34] Yes. Thank you, Mr. Chair. It was quite the vigorous agenda item, lots of really good discussion. So, I'll briefly recap the idea behind the management measure prioritization is that one of the questions was what should we add, should the Council add, remove, revise anything from the list? From what I gathered from the discussion is that there is still the desire for the mothership utilization item to move forward and still remain a priority and there's also discussion related to that from Mr. Anderson and others that we would be looking at a modified, I guess 1 through 4 of those items identified under mothership utilization for future work. There seems to also be continued interest in the trawl non-trawl or excuse me, the non-trawl RCA management. There's potentially wrapping, if that were to go forward, basically wrapping in several other similar issues like Emley-Platt and any other RCA changes and there doesn't seem to be any disagreement with the GMT's recommendation to remove the trawl non-trawl Amendment 21 from the prioritization list. From what I have in my notes, it looks like there's two definitive additions to the list. This would be done unprioritized at the moment. Those would be the limited entry fixed gear review as well as the, for lack of better terms, the SaMTAAC gear switching process. There is also indication from Council that there may be another addition, which would be the emergency action regarding the primary tier fishery for sablefish. I believe that takes us right up to Council action. If I've missed anything, I apologize and hopefully we could cover it quite adequately.

**Marc Gorelnik** [00:02:44] Well let me just say I think there's also the potential is raised for additional actions from our inseason D.5 agenda item, but we're not there yet so we can't likely prioritize them at this time, and then on the south of 42 issue, I think there is general agreement that it should go by EFP, but there may not be agreement on the timing of the EFP, whether to put it in cycle or deal with it out of cycle, so with that on the table let me see if there's any disagreement there, and we're not talking about necessarily the timing of these things at this time just that they, these are the identified Council priorities and then obviously we're gonna have to deal with workload issues. Is anyone going to disagree? Anyone's going to raise a hand? Marci Yaremko followed by Pete Hassemer.

**Marci Yaremko** [00:04:02] Thank you Mr. Chair. I just want to clarify that with regard to the mothership item that would move ahead, inclusion of proposals 1 through 4 that specify the proposal 1 would only involve waters north of 42 degrees. I think that was discussed thoroughly earlier in our roundtable but in the summary, I'm...just wanted to make sure that that is captured. Thank you.

**Marc Gorelnik** [00:04:31] Yeah, I agree. I think Mr. Anderson made that pretty clear and both you and Maggie Sommer seemed to agree with that. Pete Hassemer.

**Pete Hassemer** [00:04:44] Thank you Mr. Chair. I know we're discussing the workload priorities here and I agree with what's been said. I just want to note I'd be prepared to make a motion about a purpose and need statement for the mothership whiting utilization issue but don't want to get ahead of any other discussion that might occur there.

**Marc Gorelnik** [00:05:08] All right, well let's make sure we're good on 1 through 3. Marci.

**Marci Yaremko** [00:05:17] I apologize, I never took my hand down.

**Marc Gorelnik** [00:05:21] All right, no worries. Phil Anderson.

**Phil Anderson** [00:05:26] On the matter of the timing of a potential EFP application, did we, do we need to reach closure on that?

**Marc Gorelnik** [00:05:35] Yeah, we do need closure. That's an area where I don't think there was any clear agreement, so....

**Phil Anderson** [00:05:41] Well I would put out there that we put it in our normal EFP cycle.

**Marc Gorelnik** [00:05:46] All right and I've heard that from you and I've heard that from Kelly and I've heard that from Marci. Let me see if there's any strong disagreement with that and if so, then you might need to take a vote, and I'm not seeing any hands so I think that there's general agreement here that we're going to, that will be an in cycle EFP. Thank you for helping to clarify that. Maggie Sommer.

**Maggie Sommer** [00:06:19] Thanks Vice Chair Gorelnik. I would agree with considering it at the same time as our others but as I mentioned earlier, I would hope to have a discussion at that time about implementation date for the EFP and whether it could potentially be earlier than 2023.

**Marc Gorelnik** [00:06:39] Sure, and that's, I guess, a discussion we can have at our September Council meeting of 2021, hopefully in person. So much of this would be so much easier in person but this is the life we have for now. Let me see if there's any other discussion on actions 1 through 3. I think we do have some clarity. We obviously have not figured out all the timing issues. I note that there was a suggestion that we identify project teams for the limited entry fixed gear review, as well as changes to the non-trawl RCA and CCA issues. I don't think there's any need to identify those teams at this time. Maggie Smith.

**Maggie Smith** [00:07:39] Thank you Chair Gorelnik. I just wanted to quickly clarify because it did seem like there was some confusion that the periodic review for the limited entry fixed gear fishery under the terms of the statute is required to be initiated by the end of 2020.

**Marc Gorelnik** [00:08:02] Well, thanks for keeping us out of jail. So that is something we're going to have to commence no later than our November meeting, obviously it's not on our agenda here so if we're obligated to commence that in November then that's something we're going to have to discuss under workload planning for our November, I don't have the year at the glance in front of me right now but if that's our legal obligation then that's something we're going to have to undertake starting at the November meeting. So, we'll have that discussion about that on Friday. Thanks for clarifying that Maggie. Heather Hall.

**Heather Hall** [00:08:51] Thank you Chair. I don't want to stall this, and I trust you Maggie. I was the one who suggested that in my comment that it was described in attachment 2 and I don't know if you know the section I'm speaking of at the bottom of page 1 where it says the MSA specifies a maximum interval of seven years. The date by which the next permit stacking program review should be initiated might be interpreted as November 2020 but then the thing that stood out to me was alternatively, because the guidance is silent on second reviews of programs in place prior to 2007, the deadline for initiating the review might be considered as June 2021 and so I just wanted to let you know that's where I read that and if what you're saying, I'm fine to go with that, I just wanted to provide the reference for where I got that.

**Marc Gorelnik** [00:09:54] All right thanks for that. Well, that's a discussion we'll have on Friday under workload planning.

**Heather Hall** [00:09:59] Okay.

**Marc Gorelnik** [00:09:59] And right now I think we have to defer to our General Counsel on that but if anyone wants to revisit that, come up with a different conclusion by then, then maybe give us some flexibility for our November meeting. All right so with regard to 1 through 3, Todd let me ask you if we're okay on 1 three 3 so far.

**Todd Phillips** [00:10:28] Yes thank you Mr. Chair. It would be of my opinion, based on the discussion we've had and the clarity we've had just recently in discussion, that the Council is good on those three. A lot of this, of course as you know, will fall upon C.7 and scheduling so I believe we can, you the Council can move forward.

**Marc Gorelnik** [00:10:48] All right thank you, and let me see before we move on to number 4, let me make sure no one on the floor has anything further to add on 1 through 3 and I'm not seeing any hands, so let's go to number 4 and I'm going to call on Pete Hassemer because I think that he had something to say on number 4 that he was holding this hip pocket.

**Pete Hassemer** [00:11:14] Thank you Mr. Chair, and again, I don't want to preclude discussion so if you want to do one check if there's other discussion, otherwise I'm prepared to make a motion regarding the purpose and need.

**Marc Gorelnik** [00:11:27] Okay. Let me see if there are any hands, folks who want to talk about number 4 before we get very specific with Pete's motion. Pete, I think you've got a green light.

**Pete Hassemer** [00:11:43] Okay Sandra I emailed that and if you can get the motion posted to the screen. There it is. I move the Council adopt for public review the following purpose and need statement regarding Pacific whiting utilization in the mothership sector. This action is needed because the mothership sector of the Pacific whiting fishery has experienced low attainment of its allocation since the start of the trawl catch share program, particularly since 2015, leading to social and economic losses for participants. The Council's five-year review of the trawl rationalization program confirmed that mothership sector participants were not realizing the same economic gains as their counterparts in the shoreside and catcher processor whiting sectors. During the last five seasons, more than 350 million pounds of whiting worth more than 28 million dollars in ex-vessel revenue has been left unharvested in the mothership sector. Some catcher vessels have been unable to harvest and deliver their full MS sector allocations, and in certain cases, catcher vessels have been stranded without a mothership processor to deliver to for a season or a year. Many whiting MS sector participants, including all six MS processor vessels and several MS catcher vessels participate in the Alaska pollock fishery. The Alaska pollock fisheries record high catch limits in recent years has limited the availability of processor vessels and

some catcher vessels to participate in the Pacific whiting fishery during the primary whiting season between May 15 and December 31. This reduced availability of processor vessels has coincided with record high catch limits in the Pacific whiting fishery. Scroll down, please. Thank you. These factors combined with regulatory barriers that have hindered flexibility, have contributed to decreased utilization rates in the mothership sector. The purpose of this action is to prove MS sector utilization and flexibility and better meet elements of the Council's trawl rationalization program goals to create and implement a capacity rationalization plan that increases net economic benefits, creates individual economic stability, and provides for full utilization of the trawl sector allocation. That concludes the motion.

**Marc Gorelnik** [00:14:56] Thank you for that motion. Pete can you confirm that the language on the screen is accurate?

**Pete Hassemer** [00:15:04] Yes, if I read correctly. I read right off the screen.

**Marc Gorelnik** [00:15:08] Okay great. Thank you for that. It looks like Bob Dooley is offering a second, so please speak to your motion.

**Pete Hassemer** [00:15:16] Thank you Mr. Chair and thanks for all over the years who have provided information on this. I want to speak to two things; one is substance of the purpose and need statement and the other is the rationale for going forward with it. On substance this is not identical to what was presented in the GAP documents we have and that's why there's no reference to a document, although it is, I believe, quite close to what they provided. I do want to thank and acknowledge the GAP and all those who participated in putting together a craft for us to consider. I did make a few, I don't know if they're minor changes to this, but it puts the focus on the MS sector and the issues that that sector has encountered and ways to address those issues and improve utilization, so it is more specific to the MS sector. I understand there were comments from the, from NMFS at the end of some of our discussion about acknowledging other sectors in there. This does not do that over the many years. What we've heard is this is a mothership sector utilization issue and this purpose and need sort of focuses, not sort of, it focuses the attention on that sectors issue and if there are other questions about what specifically was changed I could address that later, I won't pick up the time to do that now. On the issue of the rationale, I think we heard a lot of support in the public comment from the GAP and some in the GMT statement about moving forward with this issue. As we all know, it's been before us for a long time and now we have the opportunity to address it. What this does by adopting this for public review is signals the Council's intent to initiate the amendment process. My assumption on our process is that this does not mandate or require us to come back with the issue on our November agenda. I could be wrong on the issue, but similar to what we did under the gear switching issue on the Agenda Item D.1, that this is providing again the notice that we will move forward and as we go through our workload planning in both September and November relative to workload capacity, we can start to fit this issue into the Year-at-a-Glance, excuse me, agendas or calendars, and also look at our monthly agendas as we go through that planning and see where we can fit that in. We've already had quite a bit of discussion on some of the alternatives and the scope, so this is not specifying anything in terms of priority. I think we had that discussion, it's simply adopting this purpose and need to go out for public review so we can initiate the process and with that I think I'll just close and answer any questions there might be. Thank you.

**Marc Gorelnik** [00:19:16] Okay, thanks very much. Kelly had her hand up at one point and it went down. Let me see if there are any questions for the maker of the motion or discussion on the motion? Maggie Sommer.

**Maggie Sommer** [00:19:33] Thanks Vice Chair. Thank you, Pete for the motion. I will be supporting it and I'm glad we can take the step to move forward with this issue. I won't repeat them, but I agree

with the comments Pete made in his rationale for the motion and certainly recognize the unique challenges that the mothership sector faces that have been described to us. I'll just note that during the presentation, the GMT report on this item, I think we had some, heard quite a bit of information there and also want to recognize and appreciate the process that the GAP and the mothership industry members went through to put together the draft purpose and need. This is based on, as well as the proposals brought forward, and really appreciate that and ODFW, as we get into talking about timing, we'll be able to offer a little bit of workload support for further analysis in the near term so we, again, appreciate the motion and support it. Thank you.

**Marc Gorelnik** [00:20:50] Thank you Maggie. Heather Hall.

**Heather Hall** [00:20:55] Thank you. I also support the idea of the motion too but also would like to offer an amendment to the motion. Forgive me if I'm doing this out of order, just add....

**Marc Gorelnik** [00:21:13] Go ahead.

**Heather Hall** [00:21:16] Okay. I move to add a sentence to the end of the purpose and need and that reads "The purpose is to.....(garble)....utilization in the mothership sector however alternatives such as an earlier season start date....."

**Marc Gorelnik** [00:21:41] Heather slow down for Sandra. Can you just start over?

**Heather Hall** [00:21:46] Yeah. Sorry about that. The purpose is to address the underutilization in the MS sector, period, however, comma, alternatives such as an earlier season start date would apply to or could at least indirectly affect all whiting sectors through participants in common.

**Marc Gorelnik** [00:22:51] Okay Heather why don't you take a look at that and see if you want any changes to what you just dictated to Sandra?

**Heather Hall** [00:22:58] That looks really good. Thank you, Sandra.

**Marc Gorelnik** [00:23:03] So is that language as you wish it to appear?

**Heather Hall** [00:23:06] Yes, it is.

**Marc Gorelnik** [00:23:07] All right. Let me look and see if we have a second? Seconded by Phil Anderson. Please speak to your motion.

**Heather Hall** [00:23:15] Thank you Chair. I know this has come up kind of late in the day and some conversations just that we've heard that there's some expectation that perhaps all sectors were involved and at least this allows for that to happen. I know this is really early in the stage and we can refine this as we go forward, that at least for the time being, this allows for that to happen and doesn't unnecessarily make it super restrictive.

**Marc Gorelnik** [00:23:55] Okay. Are there any questions for the maker of the motion, or maker of the motion to amend or discussion on the proposed amendment? Louis Zimm.

**Louis Zimm** [00:24:10] Thank you Mr. Chair and Heather. In the first sentence there I think there's an extra 'the' before address. Is that possible? Thank you.

**Heather Hall** [00:24:25] Oh. Thank you, Louis.



**Marc Gorelnik** [00:24:29] Let me ask our parliamentarian whether we need to formally address that or just deal with it informally. My preference would be the latter. There's no substantive change.

**Dave Hanson** [00:24:42] I think you can live with the way it is.

**Marc Gorelnik** [00:24:44] Great. Thanks. Maggie Sommer.

**Maggie Sommer** [00:24:52] Thanks Mr. Vice Chair. I wonder if under discussion on the amendment, I may ask the maker of the original motion of question?

**Marc Gorelnik** [00:25:03] Why not.

**Maggie Sommer** [00:25:05] Thanks. Pete, I wonder if it was your intent with the purpose and need you proposed, which is focusing on the mothership sector that potential actions taken under this item might also affect the other whiting sectors?

**Marc Gorelnik** [00:25:33] Pete.

**Pete Hassemer** [00:25:33] Thank you Mr. Chair and thank you, Maggie, for that question. My intent was to focus on only the mothership sector and not reach out to the others. We did hear in public comment that there, well excuse me, in the GAP report they talked about benefits to the other sectors that would occur from addressing the issue in the mothership sector, it wasn't clear how much of that was dependent on actions flowing across all sectors like a start date, but in the public comment did hear from one individual who noted that this would be, he characterized it as a win-win for the mothership and the shoreside sectors because of the way the vessels interact, delivering to processors, processing schedules and so forth, so I took that to mean that, well again, it wasn't clear if it was looking at a uniform start date across all sectors. So, my intent was specifically for the mothership sector. Sandra, if you can scroll down to the amendment though I would maybe defer or ask NMFS on this issue for clarification. As the amendment is stated it says alternatives such as an early season start date would apply to or could at least indirectly affect, that does the framing of the statement that way require, the 'would' part of it, require that it address all sectors or does that give us the flexibility to consider one, two or all three sectors as we progress with that issue?

**Marc Gorelnik** [00:28:01] To whom were you posing that question Pete?

**Pete Hassemer** [00:28:03] I'm sorry that is to either NMFS, maybe Kelly or NMFS legal counsel if it's an interpretation of the 'would apply' or could at least indirectly affect, if that requires us to consider only actions, for example, an earlier season start date that would affect all three or we can still focus on just the mothership sector?

**Marc Gorelnik** [00:28:39] Kelly.

**Kelly Ames** [00:28:42] Thanks Chair Gorelnik. I would defer to the parliamentarian, but I believe it would be most appropriate for the maker of the amendment to speak to their intent and then we can move forward with further developing the action.

**Marc Gorelnik** [00:29:02] Okay Heather. Intent?

**Heather Hall** [00:29:06] Yes Thank you. So, the intent there was really just to provide the flexibility. The idea is that there was some expectation that all sectors were going to be covered and so we just want to be fair in how we move forward here so, yeah, the intent was flexibility.

**Marc Gorelnik** [00:29:36] Louis Zimm.

**Louis Zimm** [00:29:36] Thank you Mr. Chair. As an equity thing and a practical thing I cannot see how we could allow one sector to move forward earlier in the year than the others and I suspect that is not Heather's intention but I just want to make sure that's clear. Thank you.

**Marc Gorelnik** [00:00:00] That was a question for the maker of the motion?

**Louis Zimm** [00:00:04] Yes, that's correct. Thank you.

**Marc Gorelnik** [00:00:07] All right. So Heather, could you, could you answer Louis' question?

**Heather Hall** [00:00:11] Yes. Thank you. Thanks for the question Louis. Yeah that's right, it's a fairness issue and we just wanted to be sure that that was addressed in the purpose and need.

**Marc Gorelnik** [00:00:26] Okay, thanks for that. Maggie Sommer.

**Maggie Sommer** [00:00:31] Thanks Vice Chair. Well, while it is hard to contradict the phrase 'fairness issue'. I would remind us that the original purpose of this was to address a mothership sector issue the mothership representatives brought to us and we certainly take different actions or, you know, develop regulations that apply differently to different fishing sectors for a variety of reasons. I would just like to first and foremost ensure that the focus of the Council's analysis and consideration and solutions developed here remain on the issues that the mothership sector has brought forward to us and so one of my concerns is that I would not want to draw it out any longer by, for example, expanding the analysis and public input and potential deliberation needed to include some of the other sectors in these and I will confess that I am struggling with this. I certainly don't want to deny potential benefits of an action that is developed for the mothership sector, the potential to apply to other sectors as well, I just really would like to focus on that and so I appreciate the comments, look forward to more as we consider this amendment in front of us. Thanks.

**Marc Gorelnik** [00:02:23] Thank you Maggie. Butch Smith followed by Bob Dooley.

**Butch Smith** [00:02:29] Thank you Mr. Chair, and I guess that the amendment that the way I read it says all whiting sectors and I would contend that is the, appears the most fairest is to have everyone at the table and ferret this issue out. I don't think at this time you should leave, in my opinion, you should leave a sector on the sideline. Thank you.

**Marc Gorelnik** [00:02:57] Thank you Butch. Bob Dooley.

**Bob Dooley** [00:03:02] Thank you Mr. Chairman. I just wanted to ask a question really. I don't have an objection to this, so to speak, unless it is a huge lift in analysis that would prevent it from being brought, you know, followed through on and on the agenda and ready and implemented if going forward. If this, you know this whole thing started with trying to help the mothership sector. It's not unprecedented that we've had two different start dates. That was, for a while we had that in the whiting sector. I think the shoreside started two weeks later, June 1st I believe, but unless I do support it going, going forward for all sectors but if it means the difference between implementing it and not, then I would have a different opinion, I think.

**Marc Gorelnik** [00:04:09] Thank you very much Bob. We'll go to Heather Hall and then Pete Hassemer and then we'll try to wrap up discussion on the amendment and take a vote.

**Heather Hall** [00:04:19] Yeah thank you, and I really appreciate your comment Bob. The idea is here that we could at least take a look at it. You can look at the tradeoffs between fairness and effectively helping the mothership sector and make sure that those are looked at least. Acknowledge it and then, you know, we think that's, that will come out in the analysis, so the hope, that's the hope there is that it will have the opportunity to at least be looked at and if there is a way that we can provide help with that analysis I'll put that out there too, you know, not intend it to make this bigger than it is. I fully realize that this is an issue for the mothership sector. I don't mean to overly complicate it but did want to, thought there was some benefit in making sure the analysis was a little bit broader.

**Marc Gorelnik** [00:05:24] Thank you Heather. Pete followed by Phil.

**Pete Hassemer** [00:05:27] Thanks Mr. Chair. I appreciate all the comments on that and again, just to clarify, I did intend this to focus on the mothership sector and not, I understand, I hear the fairness issue to the other sectors and I just don't see it as a fairness issue at this point in time. With respect to the analysis, what we've seen is pretty high utilization rates in the catcher processor and the shoreside sectors, and it hasn't been brought up as an issue there. As I put together the main motion, my expectation was, and it's very important to recognize that this is a public review draft and by excluding the parts that address other sectors or including those, at some point we will have to resolve that issue and I, my preference was to move this forward at this point just focusing on the mothership sector so I will leave it there. Thanks.

**Marc Gorelnik** [00:06:47] Thank you Pete. Phil's hand was up, but I see it down. So, Pete is your hand up for another? Okay it's down. Let me see if there's any further discussion before I call the question on Heather Hall's amendment.

**Chuck Tracy** [00:07:02] Mr. Chair.

**Marc Gorelnik** [00:07:02] Yes.

**Chuck Tracy** [00:07:04] This is Chuck. I hate to prolong this, but I do have maybe just, it's just my thoughts is that this is really addressing an alternative and an analysis of the effects of an alternative as opposed to addressing a purpose and need. I mean it's presuming that there would be some alternative that applied to all possibly, and I'm not sure that that's appropriate step to take at this stage. Maybe I'll just leave it there.

**Marc Gorelnik** [00:07:46] Thank you Chuck. No further discussion? I'll call Phil Anderson.

**Phil Anderson** [00:07:55] Sorry. I thought we were doing this to satisfy the legal question, issue that was brought up and if that's not what we're doing then I don't see a need for it. Thanks.

**Marc Gorelnik** [00:08:09] Okay does NMFS want to weigh in on that issue at all? I guess not.

**Kelly Ames** [00:08:16] Thank you Chair Gorelnik, Mr. Anderson, I'm unclear of the legal issue that you're referencing?

**Phil Anderson** [00:08:27] Well, obviously I am too by that question. I thought I heard our legal counsel raise a concern about the wording of the purpose and need statement in that there may be impacts on other whiting sectors by, for example changing the start date, but if that's not true, then I don't see a need for the amendment. So, it sounds like I was in error in my understanding that there was an issue. Thanks.

**Marc Gorelnik** [00:09:06] Kelly.

**Kelly Ames** [00:09:09] Thanks Chair Gorelnik. Thanks Phil. So, I guess from my perspective the whole goal here is to set the scope of action to put the public on notice about the types of changes we would be considering in the future. So to me, I don't mind if we call it a purpose and need or an objective statement, but I do think we have a responsibility to the public to let them know which sectors might be affected in the alternatives that we would be considering. Thanks.

**Marc Gorelnik** [00:09:42] Thank you Kelly.

**Chuck Tracy** [00:09:46] So again.

**Marc Gorelnik** [00:09:49] Chuck.

**Chuck Tracy** [00:09:49] Just to be clear, again I think that should be addressed in the alternatives. You know, I mean doesn't that depend on what the range of alternatives is?

**Marc Gorelnik** [00:10:08] I suppose that is what the range of alternatives is but so what you're saying, Chuck, I think is that impacts in other sectors could be raised to the alternatives, does not need to be raised at this time in the statement.

**Chuck Tracy** [00:10:23] Yeah well, I guess that is, I guess that's my concern is that, I mean I think the purpose has been stated in the main motion. If this is a public review draft presumably the next step will be to look at the alternatives for each of these issues and that would at that point, that would define what's within the range of alternatives and therefore the range of effects of those alternatives as to whether what sectors they would affect. I don't know, I just...yeah...

**Marc Gorelnik** [00:11:07] All right. I feel ourselves getting wrapped here, but Louis and then Kelly.

**Louis Zimm** [00:11:15] Thank you Mr. Chair. And I just want to throw out, I am not amending the amendment however, if you look in the second line where it says alternatives such as an early season start date would, it seemed like 'could' would work better and would comply with possible alternatives. I would like to pose that question to the maker of the amendment. Thank you.

**Marc Gorelnik** [00:11:46] Heather.

**Heather Hall** [00:11:48] I guess I don't need to raise my hand. Thank you. So, Louis, are you suggesting that I amend the motion for that it is just 'could'?

**Louis Zimm** [00:12:00] Yes, I am. I would be honored if you would do that for us and not have me do it. Thank you.

**Heather Hall** [00:12:05] Okay.

**Marc Gorelnik** [00:12:06] Well, let, let me just say that the language rates would apply to or could so we do have the alternative would and the alternative could. Do we really need to belabor the point?

**Louis Zimm** [00:12:23] If I may Chairman.

**Marc Gorelnik** [00:12:25] Yes sir.

**Louis Zimm** [00:12:27] Would apply to or could at least indirectly affect are two different parts of the sentence and are directed two to two different effects. Thank you.

**Marc Gorelnik** [00:12:40] Okay. So, let me call on Kelly here.

**Kelly Ames** [00:12:49] Thanks Chair. I guess part of my confusion here is earlier on we came to an agreement that we would be looking at proposals 1 through 4 which are linked in the situation summary to an informational report number four and in that informational report number four, table three, proposal one is described as primary season start date, analyze changing the whiting season start date to something earlier than May 15th for all whiting sectors, and so I'm feeling a bit of a conflict in that the purpose and need is very specific to motherships, yet we had past agreement of adopting these proposals 1 through 4 in the previous discussion, so I would be supporting the amendment because I feel like it clarifies and makes clear the alternatives that we agreed to move forward.

**Marc Gorelnik** [00:13:46] Kelly, if I could ask you a question. I think that Louis Zimm has raised that issue with the wording there. I want to know from NMFS perspective whether that is something we ought to clarify at this time. Kelly.

**Kelly Ames** [00:14:08] I'm sorry can you restate the question?

**Marc Gorelnik** [00:14:10] Yeah. Louis Zimm has, has raised an issue with the clarity of the wording there and I just want to get NMFS's perspective on whether we, that is something that NMFS would like to see clarified at this time. I don't have problem with doing it I'm just trying to have us converge on something at this point.

**Kelly Ames** [00:14:37] NMFS does not have any problems with the wording in the amendment, but I would still maintain that that is a question for the parliamentarian and not National Marine Fisheries Service.

**Marc Gorelnik** [00:14:46] Okay. Phil Anderson.

**Phil Anderson** [00:14:49] I'd like to move an amendment to the amendment.

**Marc Gorelnik** [00:14:53] Go ahead.

**Phil Anderson** [00:14:59] Thank you Mr. Chair. After the, at the end of this second line after the words 'start date', delete 'would apply to' or 'could at least indirectly affect' and replace that with 'may apply to all' so, or excuse, it's just 'may apply to'. So, it would read, 'Purpose is to address the under-utilization of mothership sector however alternatives such as an earlier season start date may apply to all whiting sectors through participants in common'.

**Marc Gorelnik** [00:15:53] Phil is the language for your amendment quickly captured there?

**Phil Anderson** [00:16:00] Yes. Thank you.

**Marc Gorelnik** [00:16:01] And Butch is your hand up to second the motion?

**Butch Smith** [00:16:05] Yes, it is.

**Marc Gorelnik** [00:16:08] Thank you. Phil please speak to your motion.

**Phil Anderson** [00:16:11] Thanks Mr. Chair. Just my intent here is to make clear that the alternatives that are developed to address this purpose and need statement that may include an earlier start date could apply to all of the whiting sectors and not just the mothership sector.

**Marc Gorelnik** [00:16:35] Thank you Phil. Any questions for the maker of the motion or discussion on this motion to amend the pending amendment? Louis Zimm.

**Louis Zimm** [00:16:47] Well thank you Mr. Chair, and I want to thank you very much Captain Anderson. That does satisfy my reservations and I will be supporting that amendment to the amendment.

**Marc Gorelnik** [00:16:59] Thank you Louis. Any further discussion? I'll call the question and here we're only dealing with Mr. Anderson's amendment to the amendment to the proposed amendment. All those in favor say 'aye'.

**Council** [00:17:13] Aye.

**Marc Gorelnik** [00:17:13] Opposed no? Abstentions? This amendment passes unanimously. We're back to the amendment as amended. Is there any further discussion on the amendment as amended? I'm not seeing any hands, so I'll call the question. All those in favor of the amendment as amended say 'aye'.

**Council** [00:17:42] Aye.

**Marc Gorelnik** [00:17:42] Opposed no? Abstentions? The amendment as amended passes unanimously. We're now back to the main motion as amended. Is there further discussion on the main motion as amended? I'm not seeing any hands, so I'll call the question. All those in favor, say 'aye'.

**Council** [00:18:09] Aye.

**Marc Gorelnik** [00:18:11] Opposed no? Abstentions? The motion passes unanimously. All of a sudden look at that progress we made. Thanks everyone appreciate it. So before, I'm going to turn back to Todd to recap in a second, but before I do that I want to see if there's any further, any further action or discussion on any of the actions before us under this agenda item and I'm not seeing any hands so I'm going to turn to Todd and ask Todd if you could recap for us, confirm that we're in good shape here or that we're not.

**Todd Phillips** [00:18:52] Yes Mr. Chair, thank you very much. So, as we previously discussed, we are, items 1 through 3 I think were...we're taking care of. We have a couple items that we will add to the list and bring back under C.7 for potential scheduling. As I understand it, those items are the limited entry fixed gear review as well as, let me get my notes, as well as scoping of the mothership utilization priorities, prioritization making sure that that would be something C.7. Striking the Amendment 21 allocations from the priority list and returning it to the unprioritized list for future consideration and continuing on with the non-trawl RCA as priority, at least that's what I have off the top of my head. Regarding number 4 you have adopted a purpose and need for public review and I believe unless there's any other business before the Council regarding this item that I am unaware of, we're good to go sir.

**Marc Gorelnik** [00:20:06] Heather, you've got your hand up and then Marci Yaremko.

**Heather Hall** [00:20:08] Yes. Thank you. I did have another motion under this agenda item to offer.

**Marc Gorelnik** [00:20:16] Okay please go ahead.

**Heather Hall** [00:20:17] Okay, and Sandra has this one if you could put it up. Thank you. There it is. Thank you, Sandra. I move that the Council add another agenda item to the September 2020 Council meeting agenda to consider an emergency action that would extend the primary sablefish tier season from October 31, 2020 until December 31, 2020.

**Marc Gorelnik** [00:20:52] Thank you Heather. Is the language on the screen accurately capture your motion?

**Heather Hall** [00:20:57] Yes it does.

**Marc Gorelnik** [00:20:59] Let me see if there is a second? Seconded by Christa Svensson. Please speak to your motion.

**Heather Hall** [00:21:10] Thank you. Yeah, I really appreciate that this issue came forward. I know it's, it would always be nice if there wasn't an emergency issue that the Council had to deal with, but that seems to be more rare and this, like issues we've talked about with other sectors, the primary fixed gear sablefish fishery, tier fishery has been significantly impacted by COVID-19 to the point that their landings so far are about 30 percent of what we've seen at this time in previous, previous years are 30 percent what they would normally be 50 to 60, maybe as high as 70 percent. I think it's fair to give them an opportunity to catch that fish. It's a significant economic impact on the sector and the folks that participate in that and the coastal communities. The sector, Bob made the comment in his public testimony that we don't hear a lot from this sector and I think that's very true and they're asking for some help here and I hope that we can find the room to do that while still staying on track with our other important tasks we have on the table.

**Marc Gorelnik** [00:22:45] Thank you Heather. Questions for maker of the motion or discussion?

**Chuck Tracy** [00:22:50] This is Chuck.

**Marc Gorelnik** [00:22:51] Yes Chuck.

**Chuck Tracy** [00:22:52] Maybe just the question to Dave Hanson. So this would be, would this be amending a motion previously made for approving the agenda or reconsideration of that motion? I just want to make sure we've characterized the action correctly.

**Dave Hanson** [00:23:13] I think that, in fact, it does change the agenda so and you adopt the agenda by motions so yeah, realistically, you should change the agenda that can be done unanimously very easily.

**Chuck Tracy** [00:23:31] With this motion the way it is stated? That's a question.

**Dave Hanson** [00:23:38] Yes.

**Marc Gorelnik** [00:23:39] All right so it's provided the vote is unanimous we're good to go?

**Dave Hanson** [00:23:45] Yes.

**Marc Gorelnik** [00:23:46] Okay.

**Chuck Tracy** [00:23:46] Thank you.

**Marc Gorelnik** [00:23:50] Discussion on the motion? I'm not....Louis Zimm.

**Louis Zimm** [00:23:56] Thank you Mr. Chair and my apologies to Heather. I understand why she is concerned about this fleet and I would very much like to vote in favor of it, however I still have reservations as to whether we could complete the other actions that we have promised to complete and I would like to state that there are many other sections of the sectors that were impacted by COVID, so if I do in fact vote for this, it is with some reservations. Thank you.

**Marc Gorelnik** [00:24:47] Thank you Louis. Butch Smith followed by Heather Hall.

**Butch Smith** [00:24:52] Yeah Mr. Chair, thank you. You know I feel this is exactly why we have emergency action and I don't want to digress too much but, you know, the Washington coast is, like many other places, has been decimated by COVID, you know the fishing industry we have lost approximately 90 days off our sport fishing season at the beginning, the beginning of the year in Westport and Ilwaco. We have ports of La Push and Neah Bay because of tribal concerns of their elders and being sick didn't even open their ports. I, and then the stuff that the marketing issues that have gone on in the commercial industry so I fully support this motion to give the fixed gear guys time to come down and hopefully attain as much as their quota as they can so the deckhands and boats and skippers can survive to the next season, so I'm in full, for those reasons, I'm in full support of this motion. Thank you.

**Marc Gorelnik** [00:26:05] Thank you Butch. Heather followed by Maggie.

**Heather Hall** [00:26:09] Thank you. I did want to say I do appreciate the comments from Louis and Butch, but also wanted to just say that this motion is just adding the agenda item to the agenda so that we can have the discussion more fully at another time, so we don't have to vote on whether or not it would go forward here but just to add the opportunity for that conversation to happen at this meeting.

**Marc Gorelnik** [00:26:41] That's an excellent point. Not seeing any other hands up, so I'm going to call the question. All those in favor say 'aye'.

**Council** [00:26:50] Aye.

**Marc Gorelnik** [00:26:50] Opposed no? Abstentions? The motion passes unanimously. So, we have amended the agenda. Mr. Tracy, at what point do we discuss where this will appear on the agenda?

**Chuck Tracy** [00:27:13] Thank you Mr. Chair. Well, Mike and I were just trying to have a quick side conversation here about that. I don't know if there's a, I mean it's going to be tough to squeeze in. I would say that I think it's important that we do it before we get to C.2 where we have to establish a prioritized list of actions that the Council is going to take prior to May 1 to address the Executive Order, so, and I think it would be also important to provide some time for staff to put together a situation summary so that we have something to work from so....

**Marc Gorelnik** [00:27:59] Well perhaps we can just, the staff can consider this, and we can inform everyone maybe in the morning where this is going to be.

**Chuck Tracy** [00:28:14] Yeah, I think tomorrow morning would be the earliest we could figure that out, so we'll see, we'll give it our best shot.

**Marc Gorelnik** [00:28:20] Right or...

**Chuck Tracy** [00:28:21] Put together a schedule.



**Marc Gorelnik** [00:28:25] Lunch time, whatever. All right. Well thank you for that motion Heather. We have an amended agenda. Let me see, is there any further action on this Agenda Item D.2? It's a 2-hour agenda item that is now, if my arithmetic is correct, 7 hours and 15 minutes.

**Chuck Tracy** [00:28:52] Kelly's got a comment.

**Marc Gorelnik** [00:28:52] Kelly Ames.

**Kelly Ames** [00:28:52] Thanks Chair Gorelnik. Chuck, I just wanted to recommend that you also touch base with the Groundfish Management Team to assess how much time they might need to prepare for the agenda item. Thanks.

**Chuck Tracy** [00:29:05] Yeah, will do.

**Marc Gorelnik** [00:29:05] Anything further on this agenda item? Todd, how are we doing?

**Todd Phillips** [00:29:13] Yes. Thank you, Mr. Chair. I believe we are complete at this time with this agenda item. To note for the record, that one thing I did forget to say that was added to the list was the gear switching or the sablefish issue, along with the other items that I mentioned so with that I can conclude.

**Marc Gorelnik** [00:29:40] All right. Thanks for that Todd.

### 3. Impact Analyses Methodology Review

This agenda item was cancelled.

#### 4. Assessment Methodology Review – Final Action

**Marc Gorelnik** [00:00:00] We don't have any public comment so that takes us to Council discussion and action and I'll look to see if there are any hands raised and if we don't have any discussion started we'll take a motion. Maggie.

**Maggie Sommer** [00:00:20] Thanks Chair Gorelnik. I could offer a motion.

**Marc Gorelnik** [00:00:24] Great, that'll get some discussion started.

**Maggie Sommer** [00:00:28] I move the Council adopt the fishery independent visual survey methodologies using remotely operated vehicles developed by the Oregon and California Departments of Fish and Wildlife for use in stock assessments as endorsed by the SSC in Agenda Item D.4.a, Supplemental SSC Report 1, September 2020.

**Marc Gorelnik** [00:00:50] And Maggie, that language on the screen is complete and accurate?

**Maggie Sommer** [00:00:54] Yes, thanks.

**Marc Gorelnik** [00:00:55] And let me look for a second? Seconded by Marci Yaremko. Please speak to your motion.

**Maggie Sommer** [00:01:01] Thank you and I would like to thank the ODFW and CDFW teams who have put many years into developing these methodologies to help address the fishery independent information gaps for many of our nearshore groundfish species, and also thank the reviewers at multiple steps through this process for their valuable questions and recommendations on the field survey designs, scope and analytical methods. As indicated in my exchange with Dr. Budrick following presentation of the SSC report, while the review panel report indicated a specific suite of species for which the existing ROV survey data are applicable, there could be the potential to use data produced via these methods in assessments for other species in the future. For any assessment of a West Coast stock where ROV survey data may be considered, it will be up to the survey scientists, assessors, and reviewers to ensure that the application is appropriate for the species and circumstances. I would also like to thank the review panel and the SSC for their additional recommendations on workshops for further development and harmonization of field and analytical methods and agree that at some point such workshops will be a valuable part of the iterative process of improving these methods. It doesn't seem to be an immediate need and there's some potential benefit perhaps in outweighing travel restrictions so that an in-person option is available, as well as the potential for more surveys to be conducted first to improve the input available to such workshops and outcomes as well. I'm sure the Council staff and parties involved will keep the idea in mind and consider convening them when appropriate, and just to return to the proposal in this motion to adopt the ROV survey methods for use in stock assessment, I think I can probably speak for all three West Coast states in saying that we have faced challenges in understanding the status of many nearshore stocks due to the limited data available and we look forward to adding these non-extractive survey methods to the tool box as we continue to improve our ability to survey and assess nearshore species. Thank you.

**Marc Gorelnik** [00:03:29] Thank you very much Maggie. Are there questions for Maggie on the motion or any discussion on the motion? Corey Niles followed by Marci Yaremko.

**Corey Niles** [00:03:40] Actually Mr. Chair, I'll yield the Marci and go after, if that's okay?

**Marc Gorelnik** [00:03:46] Okay. If that's okay with Marci, it's okay with me. Marci.

**Marci Yaremko** [00:03:52] Sure. Thank you, Maggie, for the motion and I just want to voice my support for it. This is exciting work and it's nice to come to the point where we can adopt the ROV methods today as they provide us with fishery independent data, which is otherwise lacking for our nearshore species. A nice thing about ROV data is it's a non-lethal method that prevents having to account for mortality and you know offers a lot of benefit to us. As the information from seafloor mapping and sampling in deeper depths becomes more available as we heard in the exchange between Maggie and John, we may see additional applications into the future. Looking forward to future workshops that will determine viability of the method, but things are promising and we're looking forward to more work. Regarding the length based methods, this is so important and just want to voice my thanks for the folks that got together to conduct work by webinar on these very difficult issues, but length data and catch data is often all we have for a number of stocks that otherwise would be assessed as category 3 data poor. The method will offer us, I mean, of increasing the number of assessments that we could do and raise those category stocks potentially to higher levels by making better use of the scientific information that we do have available. So then just want to support keeping the work on length-based methods, assessments moving forward, and the work of the SSC Groundfish Subcommittee conducting additional reviews and allowing us to hopefully be able to apply the metrics soon. Thank you.

**Marc Gorelnik** [00:06:29] Thank you Marci. Corey.

**Corey Niles** [00:06:34] Thank you Mr. Chair, and thanks Maggie for the motion and Marci for the comments and thank you to all the collective science community, SSC, and all the folks who contributed to these reviews. I just wanted to speak briefly to the folks who maybe aren't as familiar with what's the 'why not Washington, why isn't Washington a part of this' and Phil here remembers better but actually we, Phil was instrumental in helping getting us funding to explore ROV's, you know, more than 12, I don't how long ago it was, a while back and to now we've tried ROV's out on the coast. It seems to be too expensive and we focused, but we have a lot of expertise and activities in Puget Sound and our experts there were part of this review process and lent their expertise here, but I just want to say we're looking forward to seeing the efforts by our two sister agencies here and how they make it through the assessments and we'll be keeping an eye on what we might do off of Washington. And yeah, Maggie said it well, we all struggle with how to do better but a lot of the species that live in habitats that the trawl survey does not get to so thank you again to everyone and obviously I'll be voting in support.

**Marc Gorelnik** [00:08:08] Thank you very much Corey. Is there any further discussion on this motion? I'm not seeing any I'll call the question. All those in favor say 'aye'.

**Council** [00:08:19] Aye.

**Marc Gorelnik** [00:08:19] Opposed no? Abstentions? Motion passes unanimously. Maggie thank you for the motion. Is there further discussion or any action from the Council on this agenda item? I'm not seeing any. John how are you doing here?

**John DeVore** [00:08:46] Yeah, thank you Mr. Chairman. You're doing very well. You've done very well. You've completed this agenda item by adopting the survey methodologies that were endorsed by the SSC and we'll have a further discussion on next steps for the length-based assessments under future workload planning, so with that, I'd say you have completed the action here.

**Marc Gorelnik** [00:09:11] All right thank you very much John, and that completes D.4.

## 5. Inseason Adjustments – Final Action

**Marc Gorelnik** [00:00:00] Reports done and public comment. That brings us to our Council action and so let's open the floor to discussion and eventually to a motion perhaps, if there is one, and if I don't see any hands up. I see one now, Marci Yaremko.

**Marci Yaremko** [00:00:27] Thank you Mr. Chair. Just letting you know that I am prepared with a motion when the time is right.

**Marc Gorelnik** [00:00:35] Thank you, and what I'll do is pause for a moment here and see if there are any hands go up and if not, then I'd ask you to go forward with your motion and we can use that as a point of takeoff for discussion.

**Marci Yaremko** [00:00:51] That sounds great, thank you.

**Marc Gorelnik** [00:00:52] All right so take it away.

**Marci Yaremko** [00:00:55] Thank you. Sandra, I believe you have the motion I've prepared. I move the Council adopt the following, referring to D.5.a, Supplemental GMT Report 1 and D.5.a, Supplemental Revised GAP Report 1. 1. Open access DTL fixed gear sablefish north of 36: GMT alternative 1: 600 pounds a day for one landing per week, up to 2,000 pounds, not to exceed 4,000 pounds for two months. Number 2. Limited entry DTL fixed gear sablefish north of 36: GMT alternative 1: 25 hundred pounds per week, not to exceed 75 hundred pounds for two months. Number 3: Pacific halibut: GAP recommendation to increase retention amounts to 250 pounds per 1,000 pounds of dressed sablefish plus 2 fish through October 31st. Halibut retention after October 31st would be prohibited. And 4: The technical correction for sablefish in the 21-22 harvest spex shown in Agenda Item D.5, Revised Attachment 1, September, 2020.

**Marc Gorelnik** [00:02:26] Thank you Marci. Is the language on the screen accurately capture your motion?

**Marci Yaremko** [00:02:30] Yes it does.

**Marc Gorelnik** [00:02:30] All right. I'll look for a second. Seconded by Louis Zimm. Please speak your motion.

**Marci Yaremko** [00:02:42] Yes. Thank you, Mr. Chair. I just want to note that the inseason requests that were received by the GMT came from all three states and a number of different sectors that are seeking relief in terms of increases to trip limits. The GMT did a great job demonstrating to us that performance in the fisheries are down and adjustments upward so that we can best utilize our available harvest limits is in order here. Appreciate that NMFS has helped us here with a lot of clarity on providing the priority regarding the completion of regulations and in what order they will go. Really want to acknowledge the hard work of the GAP and NMFS staff and Council staff this morning, along with the GMT folks in sidebar discussions about how this inseason action will interrelate with consideration of potential emergency action to in the sablefish fishery date. Want to also reference that the GMT report, I want to shout out to them for including in their report a description of some proposals that were made since the June meeting. That they took a look at that, they did not recommend advancing for this meeting. There's been a fair amount of work on these and discussion that's gone on and I just want to acknowledge the work of the GMT to work with stakeholders that have requests and help them understand what the requests entail and what's possible, given the data that's available to us today, so that's really an important piece of the work that goes on in the background that often kind of goes

unnoticed so I really want to thank the GMT for working with the stakeholders in that way over the last few months. Specifically, regarding the increases for LE and DTL, these are fisheries that are also important sectors of the sablefish fishery. They include hundreds of businesses. They may not be as big a businesses as some of the other sectors, like the tier sector, but they're still an important component of our West Coast fisheries and there's room for these increases so I very much support us recommending them. I think we heard some discussion about the GAP not maybe having a full clear picture or a full clear discussion about how these orders interrelate or rules would interrelate timelines, but from the discussion with Kelly that this would be one inseason action that would take effect, presuming that we did an e-rule, this one would come after and that's understood. What the after date is is not yet known but clearly, October 1st is probably highly unlikely and in fact, October 31st may not be likely, but for purposes of the one inseason rule that will proceed, you know whether or not the ratio requirement relief can be afforded in this inseason action to me is, you know, it's all a function of how quickly the work can get done. I think there's equal importance for the other two recommendations regarding trip limit adjustments that we see here on the screen, and the reason I say that is if the rule were to take effect prior to October 31st, the limited entry fixed gear and open access sectors could take advantage of higher limits for period five, which ends October 31st. So in my mind, you know, all of the sectors really are all kind of in the queue looking for relief before October 31st so I feel that because of that it's, and the, you know, that these three items, the end date or the adjustment of the ratio, the increase to limited entry fixed gear and to OA all being part of one rule, that that's where that discussion should stay. So I support the GAP's recommendation on this point that halibut retention after October 31st would be prohibited, which as I understand is the normal end date for the fishery as defined by our CSP so I think that covers it. I appreciate, again, everyone's hard work here on the sidelines holding extra discussions and lots of coordination between groups. Thank you.

**Marc Gorelnik** [00:09:08] Thank you Marci for the motion. We'll see if there's questions for make of the motion? I have Bob Dooley followed by Corey Niles.

**Bob Dooley** [00:09:21] Sorry I left my hand up. No question.

**Marc Gorelnik** [00:09:22] All right. Corey.

**Corey Niles** [00:09:28] Thanks Mr. Chair and Bob, darn now I have to think about what I was going to say faster, but thank you Marci, for putting the motion together and a question, and you called it the inter-relation between these rules here. So what I thought I heard Kelly say was that we should have the discussion about the date, about of when halibut could be retained during D.7 and the emergency rule, and to me that made sense, and in understanding what Gary said and what others said about not having the discussion or thinking yet on what the tradeoffs here would be in terms of an inseason delay, and if we were to do the emergency extension of the primary season. So, I was expecting we would have that discussion on what the date would be under D.7, was that not your understanding?

**Marc Gorelnik** [00:10:37] Marci.

**Marci Yaremko** [00:10:39] Yes. Thank you, Mr. Chair. Thank you, Corey. No, I think I heard Kelly just describe for us that the discussion about whether or not adjusting the ratio was something that we wanted to consider in the emergency would be something that we might take up in D.7 in order to ensure that the ratio adjustment would be effective early, meaning that, you know, that ratio adjustment would pair with an extension of the date and so I understood that, you know, that was what we might take up at that time but I'm going by what the GAP's recommendation here is on the increase with the hope that maybe there's some magic available in NMFS back pocket that an inseason rule would become effective before October 31st along with, you know, potentially the e-rule that would clearly come first, so I guess the way I'm looking at these things now is that we had a specific ask regarding extension of the

sablefish season and that extension of the sablefish season for all the reasons that we've considered requires emergency action on our part. I feel that the concept of adjusting the ratio requirement is nothing that we heard about as being a request for emergency action and would just flag that the other sablefish sectors that are going to be part of this inseason action, again, looking at the period 5 end date and what opportunities might be afforded them I would have.....well, we'll take that discussion up in the e-rule but I'm looking at the inseason request and the sectors that have made, you know, inseason requests and feel that consideration of the ratio requirement is appropriate in this agenda item.

**Marc Gorelnik** [00:13:34] All right. Kelly Ames.

**Kelly Ames** [00:13:39] Thanks. Through the Chair to Marci, one thing I just want to make sure is clear, also kind of highlighting the differences between an inseason agenda item and the emergency rule agenda item, is that changing the date in which halibut can be retained in the primary sablefish fishery is not an inseason adjustment, so I think maybe that is obvious to everyone but I think it is important to kind of just recognize the differences here, under inseason you can modify the retention allowances, under the e-rule it is the notice to modify potentially the season and potentially the retention limits.

**Marc Gorelnik** [00:14:26] Corey.

**Corey Niles** [00:14:29] Yeah, thank you Mr. Chair and thank you Marci and Kelly. That was and my understanding Marci and just want to make clear, I was not suggesting we wouldn't talk about the ratio here, but the date, like Kelly said, was more appropriate to think about under the context of an emergency rules so that was just, but I think the bigger picture is that we want to get all of this done and we don't mean to, we're looking for, we don't want to presume what others are going to say under D.7, but don't want to make this a larger deal than it sounds and we were with the GAP on if the date is going to detract from the ability to get things done, it takes a lower priority, but I think the appropriate thing here is the ratio when we talk about the date under D.7, but just some confusion going on in my own mind here, but wanted to make that point.

**Marc Gorelnik** [00:15:22] Thank you Corey. Phil Anderson followed by Marci Yaremko.

**Phil Anderson** [00:15:28] Yeah, thanks Mr. Chair. I'm just struggling with why we have in number 3 halibut retention after October 31st would be prohibited. That is what is in the regulation right now. By having this in there and if this passes, does it preclude having the discussion under D.7, which I'm not clear on that, so I don't see the need to have that in this motion because it's already in regulation and it will take some subsequent recommendation from the Council to move the date to something later that aligns maybe with the closing that IPHC has when we consider the emergency rule request.

**Marc Gorelnik** [00:16:27] Marci.

**Marci Yaremko** [00:16:30] Yes. Thank you, Mr. Chair. I raised my hand in order just to get back to Corey's point or line of questioning, just maybe for clarification. I understand that the ratio adjustment, depending on the timing of when the inseason rule would take effect, could possibly be moot if the inseason rule did not publish prior to October 31<sup>st</sup>, so hopefully that clears up the question. In response to Mr. Anderson's remarks, I'm chewing off the one piece of information that I know came out of the GAP that they actually did discuss, which was whether retention of halibut would continue past October 31st, and again I think this discussion took place in the context of the inseason action and their recommendation was that halibut not be retained after October 31<sup>st</sup>, so I understand from a dialogue with Gary that that recommendation is also, is not also contained in their GAP statement under D.7. I did ask about that because I was hoping that they'd have the statement in both places so that that way it was crystal clear for everyone what the GAP's recommendation is but we can take that up and ask about

that under D.7 but that's, that was my understanding so I just want to convey that here. Thank you.

**Marc Gorelnik** [00:18:26] Thank you Marci. I'm a bit confused about that last sentence in paragraph 3, whether it's necessary or not or it's redundant or perhaps confusing so I don't know if we need further clarification or someone wants to offer an amendment or what the will of the Council is but I'll look for a hand. Corey Niles.

**Corey Niles** [00:18:57] Yeah Mr. Chair, I think it would be clearer to strike it. The only thing I may be seeing it differently than what Marci mentioned was I think the GAP discussion was a little bit.....we understand it to have been one thing that they were saying, it's an if/than tradeoff question so my intent here was I would hope for the GAP to take it up again and to the extent they can and are willing to bring it up again under D.7. So if it's necessary I would be willing to move to strike that sentence but I don't want to.....we can have the discussion in D.7. Either way it might be unnecessary.

**Marc Gorelnik** [00:19:43] Well, I think Mr. Anderson's point was that by taking a specific position in this motion it may create a conflict with later action under D.7 and if that is a risk, and if this language is not otherwise necessary then it might be clearer to delete it, but.....Marci.

**Marci Yaremko** [00:20:17] Thank you, Mr. Chair. Just for the record I don't have any objection to deleting it. I appreciate the distinction you're making here about it potentially foreshadowing action and discussion under D.7 and that was not my intention. So, again I thought it helped clarify what the GAP's recommendation was because they didn't get to include anything in their D.7 statement but clearly, it's problematic and I have no concerns with an amendment. Thank you.

**Marc Gorelnik** [00:20:54] All right. Well let's see if we can take care of that business now. I'll look for a hand. Mr. Anderson.

**Phil Anderson** [00:21:01] Thanks Mr. Chairman. I have a motion to amend.

**Marc Gorelnik** [00:21:08] Please go ahead.

**Phil Anderson** [00:21:10] I would move that the last sentence under number 3, halibut retention after October 31st would be prohibited be struck or deleted.....be deleted. No, you got it, that's fine.

**Marc Gorelnik** [00:21:32] Okay so your motion to amend is to strike the last sentence under item 3. So, the language up there is acceptable to you?

**Phil Anderson** [00:21:48] Yes, it is Mr. Chairman.

**Marc Gorelnik** [00:21:51] All right. Let me look for a second. Bob Dooley. Please speak to your amendment as necessary.

**Phil Anderson** [00:21:58] Thanks. I think we've had a good discussion here about it. Halibut retention does currently, under regulations, does currently close on October 31st and if the Council wished to have it extended beyond that date, it would need to do so via a request for an emergency rule so we will, I'm recommending we take that discussion up under D.7.

**Marc Gorelnik** [00:22:28] All right, thank you Phil. Any questions for the maker of the motion to amend or discussion? I'll call the question all those in favor of the motion to amend.....did I hear a voice there? All those in favor say 'aye'.



**Council** [00:22:46] Aye.

**Marc Gorelnik** [00:22:47] Opposed no? Abstentions? The motion to amend passes unanimously. We're now back to the main motion as amended. Further discussion? I'm not seeing any hands, so I'll call the question on the main motion as amended. All those in favor say 'aye'.

**Council** [00:23:14] Aye.

**Marc Gorelnik** [00:23:16] Opposed no? Abstentions? The main motion as amended passes unanimously. Thanks, Marci, for the motion and Phil for the amendment. Before turning back to Todd, let me ask the Council if it has further action under this agenda item? Kelly Ames.

**Kelly Ames** [00:23:48] Thanks Chair Gorelnik. No further action but just noting, as I did previously, that we will do our best to implement the inseason action in a timely manner, taking into account anything that comes up under D.7. Thank you.

**Marc Gorelnik** [00:24:02] Thank you, Kelly, and I think that's understood. We have finite resources. All right I don't see any hands here. Chuck, do you have something, or can I turn to Todd?

**Chuck Tracy** [00:24:15] No, I do not.

**Marc Gorelnik** [00:24:16] Okay. All right Todd, how are we doing on this agenda item?

**Todd Phillips** [00:24:22] Yes, thank you Mr. Chair. Looking at the Council action I believe that you have addressed both of the items appropriately. The motion that we just went through answers all those questions, as well as provides direction for Council staff to go forward. Thank you very much.

**Marc Gorelnik** [00:24:46] Okie dokie. So, we completed our action for today.

## 6. Update on Humpback Whale Endangered Species Act Consultation

**Marc Gorelnik** [00:00:00] That completes our reports and our public comment. That brings us to Council action. We've received some very specific thoughts from the GAP and so let me....Ryan Wulff.

**Ryan Wulff** [00:00:21] Thank you Chair. There was just a few things based on some of the questions that have come up here that I wanted to clarify before you got in to the discussion on providing guidance to NMFS because I don't think some things were completely understood. So, I want to clarify a couple of key points that were raised. The first is on the discussion on the status of the fixed gear logbook. This issue came up the last time the Council discussed the Seabird buy-op and the Council took final action. We recommended NMFS develop and implement this logbook as part of the 2009-2010 harvest spex, of course all that notably delayed since that recommendation and we've been working on the development of rulemaking associated with the logbook and began that work earlier this year. We've been working with Pacific States and intend to communicate with all of these states, especially as relates to state logbooks on what the actual logbook form would look like, but we weren't necessarily expecting to come back to the Council for a formal agenda item, or maybe I should say it's not necessarily required, at least on that one, but of course, the Council could want to discuss that, and I also wanted to raise your point just so there was no confusion regarding your question, Mr. Chair, regarding the difference between California's measures in the crab fishery and why these might be perceived slightly less prescriptive. I just wanted to.....you know those are two separate processes under the Endangered Species Act. These conservation measures.....(garbled)....conditions we're considering and wanting input on today are designed to help minimize incidental take of ESA-listed species under Section 7. California I believe, and you can correct me if I'm wrong, is last I heard was pursuing an HCP under the Section 10 under the ESA so I would assume those would be more prescriptive, probably as part of a proposed action there since there's a higher bar in Section 10, you have to actually contribute to recovery versus just avoid jeopardy to some extent. So, some clarification there and then happy to hear the discussion. Thanks.

**Marc Gorelnik** [00:02:37] Thanks for that Ryan. Bob Dooley.

**Bob Dooley** [00:02:41] Thank you Mr. Chairman. I've really appreciated the comments by the GAP and also Michele Longo Eder's comments. I think it makes me think about the difference between the wind energy citing that BOEM does and proposed stuff we heard earlier this year, earlier this week about the siting plans that are on the front end for aquaculture. I think it's really critical to have fishermen at the table, industry folks at the table that are knowledgeable on the gears and knowledgeable on the fishery and how it's prosecuted to get it right, to get, rather than just put a bunch of stuff together then let's figure out why it's wrong. I believe we really need to take the advice of the GAP, take the advice of Michele and be thoughtful about it. I would think that the GAP probably has the best knowledge of who to pick from industry probably to inform this, and I think that we should go down that road of having a preemptive, you know, people on that panel to be able to inform and make sure we come out with a good product to begin with, particularly with the formation of gear modifications and different fishing techniques so I would support that totally. So thank you.

**Marc Gorelnik** [00:04:15] Bob, let me ask your questions to clarify that. At what point are you talking about this because I think what we're doing today is providing some feedback to NMFS and NMFS will respond with some measures and then it's up to the Council to implement them. Are you saying we should have a, convene a workgroup before those measures or to address how we're going to implement those measures?

**Bob Dooley** [00:04:45] No, I think that we should make sure that the, that our intent is clear to NMFS on what, how we would like to see it being informed and get their response and hopefully it will be in

the positive and then go about figuring out how we populate the, if approved, and the Council approves it and then to figure out how to populate those seats. I think that's a good plan, so thank you.

**Marc Gorelnik** [00:05:19] Let's go to Phil Anderson and then Ryan Wulff.

**Phil Anderson** [00:05:24] Thanks Mr. Chair. Well, I just support Bob Dooley's and as well as the GAP's comments relative to ensuring that we have fishing industry participants on the workgroup. Frankly, I can't imagine how they're going to be successful without them, without having their expertise and their knowledge there when it comes to understanding the configurations of the gear, how it's deployed, all of those types of things, and my question was back to Ryan. I still did not, was not clear on what the status of the fixed gear logbook is? I understand that the Council took action a decade ago or so, and that it's, what I heard him say was we're still in the process but wondered if he could just offer a little bit more detail or clarify for me at least what he said as to the status of the logbook requirement.

**Marc Gorelnik** [00:06:35] Okay, well I'll turn to Ryan to answer that question. Ryan also had his hand up so.....

**Ryan Wulff** [00:06:40] I'll answer Phil's question first and then wait to see if his follow-up before I make my comment, but again, my only point was because it was already part of a previous Council action we were working on developing it, albeit way late to do the regs, the Paperwork Reduction Act and implement it. That doesn't mean we couldn't come back to the Council informally or formally, I just meant that is one of the actions that didn't formally require a Council action because there was one already on record.

**Phil Anderson** [00:07:17] Thank you.

**Marc Gorelnik** [00:07:20] Okay that satisfies Phil? Okay Ryan you had your hand up to.....

**Ryan Wulff** [00:07:32] Yeah, I think based on some of the comments there, I also felt there's another thing that maybe I should clarify. It seems like this has been a challenge also in some of our advisory body discussions but you know, to be clear, it is NMFS strong preference to complete this buy-op in order to give take coverage under a long-term biological opinion for the groundfish fisheries starting with the 2021 fishing year and associated with the 21-22 spex for a wide range of reasons. Just because you have measures in here like this, again, this is just a list of everything that we've considered and we're going for feedback, that doesn't stop the Council process, the industry input process. We have plenty of time to work on how that might be implemented and to get industry feedback, whether it's through representation on the workgroup and using that as a vehicle, which would be fine. That would be a Council action under appointments but that would be fine. But again, and if something came out of that process where there were modifications to how we had worded it in the biological opinion, you can amend terms and conditions as long as you're meeting the same goals, which in this case is to help minimize incidental take as outlined in the buy-op. Those are all actions that still are before us so, in other words, you don't need to do all of that and hold up issuance of the biological opinion. It is a very common action to have these kind of interactions post biological opinion as we're working on implementation, especially when you're talking about reasonable and prudent measures associated with a potential non- jeopardy opinion. Thanks.

**Marc Gorelnik** [00:09:19] Thanks Ryan. Marci.

**Marci Yaremko** [00:09:22] Thank you Ryan. I appreciate that further dialogue and explanation of the process here forward. I guess speaking to a few of the specifics. With regard to the ESA workgroup and the GAP's recommendation for membership, I guess I'm not completely settled on what the right

solution here is but one thing I know is that I think we have adequate membership in the GAP room. As Michele described, the needs will involve both OA and LE fixed participants and I believe we do have adequate representation in the GAP room to help evaluate or develop any outcomes that are, that come out of the buy-op where the Council needs to provide advice. So I think I'm more inclined to see what comes out and determine if a workgroup is needed or some amendment to the ESA membership is necessary, but I feel like the Council has a nice ready standing advisory body to aid with review of, review and development of specific measures that might be required as an outcome of the opinion. A few other things on the line and buoy marking. That's one that is another one I think that it would be aided by some kind of a more extensive look across both the workgroup and the GAP. There are varying marking requirements across the states. There are also some existing marking requirements for sablefish already so I think, you know, it's going to take a little bit of time for agency folks to kind of get the suite of rules together to look at whether or not additional requirements are necessary to distinguish sablefish gear so, you know, I think that starting that discussion with the workgroup membership might be okay but I agree that the industry needs to have a way to provide input into that discussion. On the logbook item, you know I hear that some work has gone on with Pacific States. The States themselves, I think, need to be a key group that engages in the actual content of the development of the logbooks so I'm not sure if that's coming through Pacific States or not, but just looking about the needs here with regard to effort data that we will want to collect under this logbook program so that we can better estimate and predict interactions in the future with humpback and fixed gear. I think it's really critical that we make sure that the design of the logbook accomplishes the purposes that we identify are critical to help us tracking catch and effort and using that information to project activities into time and space in the future so I do think that's another one that deserves a little closer look, and again input from industry as to what is doable on the water with regard to logbooks and noting that the logbook will be serving multiple purposes, I think, you know, it is worth additional vetting. With regard to some of the ideas that are described as the future new and scientific tools and frameworks that would reduce real time geographic overlap in whales and the fishery, I know NMFS is looking at some of the environmental data to predict patterns and forage conditions and use of survey data to develop kind of ways to predict avoidance, how we avoid. Just want to, I guess, flag that you know the State of California has been working hard in other venues as Dan has described on similar measures for the Dungeness crab fishery and I guess, you know, I support NMFS's proposal here to kind of be aware of these discussions and consider them, but I think, you know, some of these ideas aren't quite ripe yet and these processes are still unfolding stateside. They have yet to be implemented. They're still in the development stage. You know, as with regard to California's work on this, it has been a huge undertaking with a lot of outside support, a lot of funding coming from the Ocean Protection Council and TNC and other NGO funding so how far we can, those funding sources are not secure into the future so how viable some of that work is, is still, you know, those discussions are ongoing, so just want to, I guess, flag that I appreciate the mention here with regard to this particular buy-op and keeping options open about what we, what tools we might look at in the future but just want to express that, you know, I think we're not quite there yet with implementation or consideration in this particular buy-op at the moment. Thank you.

**Marc Gorelnik** [00:16:44] Thank you Marci. Heather Hall.

**Heather Hall** [00:16:46] Thank you. I lost, I was going to start somewhere, somewhere else, but Marci said something that I thought was really important to talk about so I'm going to start with that and it's how we coordinate what we're doing with these management measures in our federal fisheries and how they align with what we're doing through these state processes. So, for example, line marking is, I think, a really important place where we're really aware that there needs to be a good coordination with these two efforts. So Washington, WDFW did implement a line marking requirement and at this point, we're the only state that has but we've been talking about it with Oregon and California relative to our crab fisheries, and one of the issues that's really important is if we require crab fishermen in Washington to mark their line with a red mark to identify it as Washington crab gear, it's really important that Oregon

uses a different color to mark their line, but also makes it clear that it's unlawful to use a red mark on a line that's fished in Oregon, so that we have real value in that tool to identify the fishery that the potential entanglement belongs to, and so I say that here in just bringing it to the pot fishery. If we do that, implement that management measure here, it's really important that we're aware of what's going on through the state processes as well so I think that's just a really important issue and it's an important tool. As we get at better identifying entanglements to the sector, it helps us as managers more effectively address the whale entanglement issue, and then I don't think I need to say it, but 100 percent agree with all the comments about getting our fishermen involved early and at the beginning, like Phil mentioned. I would be a fool as a manager if I tried to do this for the crab fishery without including them every step of the way. It wouldn't be helpful to any of us so if that means even though it might be a little bit past opportunity for this, but in the future, if it means getting someone from the GAP on the ESA workgroup and doing that under membership appointments, I think it's a good step to take just so they're there and able to listen to the conversation and provide their really valuable input.

**Marc Gorelnik** [00:19:55] Okay, thank you Heather. I have a question for you. I understand your suggestion that we, you know, perhaps revisit the composition of the ESA workgroup in general, but with regard to this particular process we have here, and I put up on my own computer the slide four from the NMFS presentation and at what point are you suggesting that we need to have this broader representation of affected individuals. I'm looking right now we're at step four, which is Council feedback, so we're doing that today and so we're not going to have that, obviously we're not going to be putting together a group of folks for that, although we did get some good input from the GAP. Next step is that NMFS will finalize the opinion and then there's the post consultation action. So, I've heard from several that we should get a group together, a workgroup together early but does that mean early in the post consultation action or something ahead of that? It's probably my own inability to understand what people are saying but I just want to make sure that we're all on the same page there. Heather or anyone as long as we're in Council discussion here. Maggie.

**Maggie Sommer** [00:21:42] Thanks Chair Gorelnik. I certainly don't want to step on Heather's comments. I'll just put out there my own thinking on that was certainly in time for engagement in a post consultation action phase so that the knowledge and expertise and advice of those industry representatives can be helpful in developing specific regulatory proposals or operational changes to the fishery. I think that is specific to this consultation but also in general, I think there could be a benefit to making sure that we appoint, at least make some short term appointments or consider the appointment timing as appropriate for future ESA consultations, as well so that they are part of that, part of the workgroup for their initial step in the process.

**Chuck Tracy** [00:22:50] Mr. Chairman. This is Chuck. Can I weigh in here just a little bit?

**Marc Gorelnik** [00:22:54] I wish you would.

**Chuck Tracy** [00:22:57] I just want to maybe clarify. I think Brian Hooper's the NMFS lead for the Endangered Species Workgroup and it's been a while since I've been directly involved in that or even peripherally, but as I recall that the Endangered Species Workgroup role....so composition is basically an expert for each of the species of concern and then a state representative for each state and then the NMFS lead, but I thought their role was primarily to assess the status of the fisheries relative to the consultation standards and to report that back out, and then so primarily as a role to identify when action needed to be taken and I didn't think, but again I'll ask, maybe this to NMFS, if a workgroup's role is to sort of, I mean if you look at that slide four that you have up, Mr. Chair, that step three is NMFS works on draft analysis so I thought that's kind of where the rubber hits the road in terms of developing, you know, recommendations, terms and conditions, and that's in other consultations that the Council's been involved, that's where we've had our groups like the SONC Coho Workgroup, or those sorts of

groups that work more directly with NMFS to develop those and not at the Endangered Species Workgroup level but, do I have that right or am I just way behind the times on that?

**Marc Gorelnik** [00:00:00] I think you're posing that question to NMFS, although I'll look, I just looked at the roster for the Groundfish Endangered Species Workgroup and it's all federal and state folks and tribal. There's no stakeholders per say on that workgroup at all. Ryan or Brian or Dan do you have a response to Chuck's question?

**Ryan Wulff** [00:00:24] Yeah, I mean I think Chuck is correct as far as the way it's currently constituted. I mean, I do think the rule really is, I mean we have interpreted it as status as well as conservation operation type recommendations for Council consideration but again, this is a Council workgroup so it's up to the Council, but maybe I'll see if Brian wants to weigh in or if I have incorrectly stated that?

**Brian Hooper** [00:00:54] Thank you Ryan. You stated correctly.

**Chuck Tracy** [00:01:00] So just be clear then Ryan, you're saying that there is a role for the workgroup in development of recommendations to address the, if there is a relevant issue identified?

**Ryan Wulff** [00:01:18] That was my understanding.

**Chuck Tracy** [00:01:20] Okay.

**Marc Gorelnik** [00:01:24] So focusing on the post consultation action, which has to do with the proposals and changes that are developed through the Council process, at the moment we would be looking to the ground....we'd be looking to this workgroup that's currently constituted and maybe for that purpose, we really need to meld perhaps that group with representation from the GAP for this post consultation action. Is that more or less accurate because we don't have fishermen on that workgroup right now and if we're looking for how the Council is going to engage post consultation to develop proposals, we can't do that without the fishermen unless we simply defer that entire process to the GAP. Thoughts? Marci.

**Marci Yaremko** [00:02:31] Yeah. Thank you, Mr. Chair. Given that the buy-op will be coming out this fall and I think, you know, the ESA Workgroup really, last I checked, it was only meeting like once every two years and has kind of a specific purpose in reviewing new buy-ops and looking at data to inform five-year reviews and such. I think the PowerPoint slide clearly outlines that, you know as needed, NMFS will be coming back to the Council for input on reasonable and prudent measures and as I kind of think about that, my understanding would be that would come to us in the form of us scheduling an agenda item, so at that time I would expect that there may be some work from the GMT and certainly there would be a lot of work coming to us from the GAP so, you know, we've had this discussion a few times and I'm sorry it's caught me off guard a little bit. I wish I had the benefit of some of those past discussions but I know when we've talked about the composition of the ESA Workgroup before I think the role was somewhat different than what I see coming out of the buy-op and the role of the Council and thinking about how we've addressed input regarding the continuing operation of the groundfish fishery in the salmon buy-op and also in the seabird buy-op, it seems to me that the GAP vehicle has served the Council well but again maybe I'm missing something about the role or a changed role of the ESA Workgroup.

**Marc Gorelnik** [00:05:01] Ryan.

**Ryan Wulff** [00:05:01] Yeah thank you Chair and thank you Marci. I completely agree with what you said and, you know, I guess we want to, probably should be said to make this simpler and it might be

easier for us to just come back to the Council once the buy-op is complete and then discuss what the best procedure to proceed with implementing terms and conditions. You know it's, there's no reason why you couldn't, just like Marci weighed in, just go through the regular Council process using its advisory bodies like we've done for other consultations. There's nothing that would stop the Council from, I mean the ESA Workgroup is your workgroup or whether there was certain measures of implementation you wanted to steer through that vehicle or you can create a separate vehicle for a random example. Those would all be at the prerogative of the Council but that's what I was trying to say but again, there's also no reason why it couldn't just go through the normal Council process.

**Marc Gorelnik** [00:06:11] Thank you Ryan. So what I'm hearing is that the, aside from any guidance we provide today, we will await further work product from NMFS and then at this point in time it seems sensible to have an agenda item and then task our existing advisory and management bodies to work on implementing, providing recommendations to the Council on implementing the measures put forward by NMFS rather than complicating it with new entities, is that early enough? Is that consistent with what folks think around the table? Let me just see if there's any objection to that or if I've missed something. All right, I'm not seeing any hands. We had some, so we can take, we do have some input from the GAP, but I think that that is something that we will take up once we have a work product from NMFS. Is there any guidance we wish to provide to NMFS under this agenda item? Marci Yaremko.

**Marci Yaremko** [00:07:46] Thank you Mr. Chair. I won't go into the specifics that I already identified, but I think with regard to whatever comes out in the buy-op that I'm just, I'm thinking about the phrase in the PowerPoint that says come back to the Council for input on terms and conditions if necessary, and I guess my input to NMFS would be it's best to assume that it will be necessary. I think we've heard a lot from the GAP, a lot from our public, other Council members on the importance of the opportunity to comment, and I guess I would just offer that maybe while somewhat imperfect, we are a standing venue with a great standing advisory body in our GAP that I think will uphold its role here and provide very good advice and I'd like to see NMFS seek that advice before we see things come out in the form of a rule that's prescriptive that didn't allow us the opportunity to provide input and comment, so I guess, you know, with that I feel very good that that is what will happen. We have a great track history of that in the most recent buy-ops and implementing actions that followed so you know, again, I'm very confident that will happen but you know that's the advice that I have. Thanks.

**Marc Gorelnik** [00:09:43] Thank you Marci. Maggie Sommer.

**Maggie Sommer** [00:09:46] Chair and thank you Marci. I would second those comments that it's necessary and so we appreciate.....(garbled).... in recent history and have that expectation of consultation with the Council, but also with the states. I know that we have found that engagement to be very helpful during the process of whale entanglement in our state crab fisheries and so like to see that to continue here, and I think an example of the need for coming back here is certainly things like the issue of sablefish pot storage or groundfish pot storage that showed up in the post conservation measures here that we have industry representatives telling us that doesn't occur and so they felt that was a pretty strong disconnect and so we look forward to working with you mostly to develop any specifics.

**Marc Gorelnik** [00:10:57] All right, thank you Maggie. Does everyone concur with the thoughts that Maggie and Marci have offered in terms of expectations from NMFS? Expectations of the Council's involvement? Todd.

**Todd Phillips** [00:11:19] Yes sir.

**Marc Gorelnik** [00:11:20] Would you please let me know how we're doing on agenda item D.5? D.4

rather, I'm getting ahead of myself there.

**Todd Phillips** [00:11:30] Well, it actually, it says agenda item D.6, but it is the time of the day.

**Marc Gorelnik** [00:11:34] D.6. It is late.

**Todd Phillips** [00:11:37] Yes Mr. Chair. So there was a quite a discussion about membership of endangered species working groups, which obviously we'd discuss at a later date but however, regarding the Council action, it's my understanding the guidance is that the Council wishes to see the actual terms and conditions from the buy-op and then be able to write guidance based on input from advisory bodies and management teams. So that's sort of a, for lack of better words, a wait and see and comment later when the biological opinion is finalized, if I am understanding that correctly. Other than that, your charge was to provide guidance and I would say that is guidance to the National Marine Fisheries Service. My question would be, are there any ideas on the potential conservation measures that were in the existing document that the Council wishes to discuss or provide guidance to NMFS on? And with that I'll stop talking.

**Marc Gorelnik** [00:12:46] Thanks Todd. I do note that the GMT commented on that and thought the range was appropriate. Is there any other comments from the Council? I guess we have nothing further from the Council on that Todd.

**Todd Phillips** [00:13:00] Okay, well thank you very much Mr. Chair. With that then I would say that the Council has completed its action and we're good to go with this particular agenda item. Thank you.

**Marc Gorelnik** [00:13:13] All right. Thank you, Todd.



## 7. Emergency Action To Consider A Season Extension For The 2020 Limited Entry Fixed Gear Primary Sablefish Fishery

**Brad Pettinger** [00:00:00] That finishes public comment, and it takes us into Council discussion and action, so with that I see a hand. Kelly Ames followed by Butch Smith. Kelly.

**Kelly Ames** [00:00:16] Thank you Vice Chair Pettinger. I just wanted to start off with a couple opening remarks. First, we echo the sentiments previously noted about the GMT report. Really just fantastic amount of analysis and information, particularly given the late notice. So, thank you to the GMT. That report will be fundamental in our ability to respond to a potential emergency rule recommendation that may come out of this agenda item. I also want to thank the GAP and the Enforcement Consultants for their quick and careful consideration of this emergency, or sorry of this emerging issue, again very, very helpful comments for us to consider as we move forward. We have heard the situation that the sablefish primary fisheries fleet is in and heard the action for request. I do want to take a moment to remind you of the associated processes and workload tradeoffs, so everyone is clear. An emergency rule does not negate our other legal or analytical responsibilities, so we still need the scope NEPA, Endangered Species Act, Marine Mammal Protection Act. We will need to evaluate the type of NEPA analysis that's required for this action and address any other additional analyses that are necessary to support the action. With regard to workload, if the Council recommends an emergency rule, we would immediately redirect our staff resources to address this request before the season would otherwise close on October 31st. This is a very fast turnaround, even for an emergency rule, but we would do our best. As we discussed under D.2, implementing the 21-22 spex and management measures on January 1st is a NMFS and Council priority consistent with the FMP. Spex will remain a priority because a delay would only result in increased workload. Our other priority is completing the humpback whale consultation because a failure to comply with our ESA obligations risks the continuing operation of our fisheries and yesterday we heard from the Council under D.5 that inseason, implementing the inseason recommendations are a priority. Furthermore, we would immediately stop any engagement or further development of the SaMTAAC and trawl utilization action item and the whiting utilization item to account for this additional priority workload. I heard some discussions during the advisory body reports regarding implementation of inseason. I realize the importance to the Council and the industry regarding the implementation date for the inseason action item recommended under D.5 and how that relates to the emergency rule, however, I have to be clear, you're asking for a level of precision that I just can't provide. For both actions the emergency rule and inseason, there has been considerable thoughtful analysis provided at this meeting. However, we would still need to review both recommendations if an emergency rule is forwarded here, assess our staff's capacity relative to the priority measures I just mentioned, and then complete any additional analysis needed to support implementation, and in all of this our rulemaking dates are all estimates. We have very limited control over some of the necessary parts of the approval and publish of the approving and publishing of rules. For example, we've been experiencing substantial delays in publication of the Federal Register notices due to an ongoing backlog in the Office of the Federal Register, so we don't have any control over that. When I'm giving you my estimate they're to the best of my ability, based on the processes that we've seen move through the system and we'll do our best based on the priorities that you give to us and the recommendations that you forward. Happy to answer any questions. Thank you.

**Brad Pettinger** [00:04:32] Thank you Kelly. Questions for Kelly? Butch, your hands up?

**Butch Smith** [00:04:40] Mine's not a question for Kelly so if Bob's got a question for Kelly. I yield the floor.

**Brad Pettinger** [00:04:45] Bob.

**Bob Dooley** [00:04:47] Yes, thank you Mr. Vice Chair and thank you, Butch, for that. Kelly really a lot of information there and I appreciate it and it helps clarify a lot of the questions I had in my mind. The one outstanding one is I realize, given that you can't be a predictor of with certainty of any of this, but what is your sense of how the emergency rule and the inseason would progress if you had a, yes, I mean I realize what it is at that time with all of the issues you lined out from the Federal Register notice to all of those things that what would be your prediction of when you could get the inseason accomplished after the emergency rule? What do you, what do you feel, what's your feeling on that?

**Brad Pettinger** [00:05:54] Kelly.

**Kelly Ames** [00:05:55] Thanks Bob. Through the Vice Chair, you know Bob I just can't commit. I mean, you're again, you're looking for a level of precision that I don't have right now. Again, after this Council meeting, we will go through we will look at the analysis that has been completed. We'll review our staffing capacity relative to the priority measures I just talked about and then we'll have some clarity on what more is needed and a timeline for getting things done, but I appreciate the position that you all are in but I just recommend that you let us know what your priorities are and we will incorporate them accordingly and move forward to the best of our ability.

**Bob Dooley** [00:06:45] Thank you, Kelly. If I could Mr.....

**Brad Pettinger** [00:06:48] Please.

**Bob Dooley** [00:06:48] My intent there is just to kind of get an understanding of benefit for the fishermen across the board you know and weighing the effects of making a decision here and so I really appreciate your attempt to do that and I mean the way I understood what you said is that basically the priorities there, other than the January 1st priorities of the ESA stuff and things like that that you're talking about, for the issues that the emergency rule would be first, because that has to be and the other one would be as soon as you could and that's priority over a lot of the other things that are going, but then of course, I understand that the other commitments we have to have be done by January 1st as well so I appreciate your attempt at that and I've got a better sense now. That's what I was trying to weigh so thank you.

**Brad Pettinger** [00:07:55] Okay Bob. Butch Smith. Butch.

**Butch Smith** [00:08:00] Yeah, thanks Vice Chair and, you know, this is a good example why Bob and you, Mr. Vice Chair and others, spend time in the MREP program recruiting new fishermen into this process. You know, the GMT and the GAP did some phenomenal amount of work and there is no doubt that under the leadership of Kelly Ames, I've seen her many times before, will get this done and I will, you know we've got an emergency in the United States but and our coastal communities have not been untouched from this whatsoever and to make this go forward so those guys can get back on the water and finish out there as much as their quota as they have left is what this process is about and so I won't be making a motion, but I certainly will be supporting a motion to extend that season so they can do that. Thank you, Mr. Vice Chair.

**Brad Pettinger** [00:09:05] Thank you Butch. Kelly, your hands still up. Okay Louis Zimm.

**Louis Zimm** [00:09:08] Thank you very much Mr. Vice Chair Pettinger. As you may have noticed, this has been a very difficult one for me and I have to hark back to the GAP's recommendation and that I am sure that they discussed dropping the mothership issue and the SaMTAAC issue off the table and I'm sure they did and seeing that they still favor this, I most likely will be voting in favor of whatever motion comes up though with severe reservations. Thank you.

**Brad Pettinger** [00:10:03] Thank you Louis. Further discussion? Okay, Phil Anderson. Phil.

**Phil Anderson** [00:10:11] Thanks Mr. Vice Chair. I just....maybe back to Kelly. I wasn't going to say anything, but Mr. Zimm said something about taking the utilization on the SaMTAAC issues, letting them fall off the table. I didn't think that's what we were talking about. I thought they're going to stay on the table. They're just going to, we're going to, they're going to move through these higher priority items first. We'll be getting to those but maybe not as timely as we thought and frankly, after the discussion relative to SaMTAAC, I didn't really think we were going to be doing much of anything in November anyway, but Kelly, I just want to make sure that I have that understanding correct.

**Brad Pettinger** [00:11:03] Kelly.

**Kelly Ames** [00:11:03] Through the Vice Chair. Thank you, Mr. Anderson. That is a helpful clarification. Yes, we're not saying in perpetuity we will not be working on those actions but certainly not in the short term while we are working on these emerging priorities will we be putting any time and space into the SaMTAAC and the whiting utilization issue.

**Brad Pettinger** [00:11:30] Okay. Louis, your hand up again?

**Louis Zimm** [00:11:33] Yes it is and thank you Mr. Vice Chair and thank you for that clarification and I misspoke when I said table, I should've said November's agenda and I will grant you that is very likely that we will have to deal with those things next year so I really thank you Phil. I very much value your experience in this and is very helpful.

**Brad Pettinger** [00:12:04] Okay. Looking for anymore hands for discussion? If not, I'm looking for a motion. Maggie Sommer.

**Maggie Sommer** [00:12:16] Thanks Vice Chair. I'm sorry I do not have a motion. I don't want to draw this out. I do want to make one comment following up on just this recent discussion of stemming from Kelly's comment that if the Council moves forward with recommending an emergency action today, NMFS would disengage from the SaMTAAC and the mothership utilization issue in the short term while they are working on these other emerging priorities and then we just had a comment about they might be dropped off the November agenda and I just would say I did not necessarily draw that conclusion from it. I'm not sure how much NMFS would have been able to engage in those processes between now and the November agenda regardless of an emergency action today and I think we still need to have our discussions tomorrow under workload planning on whether and how we want to address any aspects of those items in November, so I did not want to leave it with the impression that recommending an emergency action today necessarily means those will not appear in any form on the November agenda. We have not yet decided that is, is my understanding.

**Brad Pettinger** [00:13:45] Thank you Maggie. Louis.

**Louis Zimm** [00:13:48] Well once again I bow to the experience of my fellow Council members and I greatly appreciate that and greatly appreciate by clearing of what I said and look forward to our discussion about that tomorrow.

**Brad Pettinger** [00:14:10] Okay, thank you Louis. Still looking for more discussion or a motion? Corey Niles. Corey.

**Corey Niles** [00:14:25] Thanks Mr. Chair, not, Mr. Vice Chair. Pardon me I couldn't get the mute button off there. I do have a motion if discussion is, if there is no one else, no other members wishing to discuss.

Sandra also asked me to stall a minute if I was going to make a motion, so Sandra I think I will put it forward and believe we can still have some discussion if need be in the context of the motion.

**Brad Pettinger** [00:15:00] Sounds good Corey. I didn't see your hands behind you, so I think you're good.

**Corey Niles** [00:15:09] Okay. Sandra, if you wouldn't mind and apologies to Sandra as folks have heard we are in an e-mail situation at WDFW and we're not allowed to do attachments so created some extra effort for her there and thank you for that.

**Brad Pettinger** [00:15:43] Whenever you're ready Corey.

**Corey Niles** [00:15:49] I think Sandra might still be getting it together. There was supposed to be a number, a couple of numbered, I can try to describe it out loud if it's helpful Sandra or I can just keep waiting there and there should be one more sentence after the, at the end there and again apologies for not putting this together in a document.....(pause).....Okay Mr. Vice Chair. I think I'm ready if I'm clear to go.

**Brad Pettinger** [00:16:48] Proceed.

**Corey Niles** [00:16:52] I move that the Council request to the National Marine Fisheries Service, 1: Initiate an emergency rule to extend the primary sablefish season from October 31st, 2020 to December 31st, 2020 and extend the period allowed for incidental halibut retention until November 15th, 2020, the maximum allowed by International Pacific Halibut Commission regulations and the Council's request for item 2 is contingent upon it not interfering with timely implementation of item 1 or the Council's recommendations made under Agenda Item D.5.

**Brad Pettinger** [00:17:38] Okay Corey thank you. Does the language on the screen accurately reflect your motion?

**Corey Niles** [00:17:45] Actually I.....as I read, I put an 'and' in between paragraphs one and two if that's acceptable to make there.

**Brad Pettinger** [00:17:56] Okay.

**Corey Niles** [00:17:59] You got it.

**Brad Pettinger** [00:18:00] You good now?

**Corey Niles** [00:18:00] Yes sir.

**Brad Pettinger** [00:18:01] Fantastic. Do we have a second? And I see Phil Anderson. Thank you, Phil. Okay Corey speak to your motion.

**Corey Niles** [00:18:15] Well, first I want to thank everyone from Council staff to the GMT, the GAP, to all our stakeholders for taking this up. You know emergency rules are for emergencies and last minute and take a lot of time, so again very much want to acknowledge everyone's effort. Those of us not involved in the salmon items today had some really good discussions about how to get this done and the motion here reflects the outcome of those discussions to the best of my knowledge and recollection and I won't go into the rationale quite yet for why the emergency rule is justified, that's, that is pretty clear from the record, but just to explain the two paragraphs and flagging NMFS to hopefully correct

me if my understanding is wrong, but the two aspects of this action are extending the primary season and that will require the emergency rule. We have no other pathway for that. The second piece is extending the time period with which people could retain incidental halibut to November 15th and that they might have other authorities under the Halibut Act to actually implement that change and possibly faster. On that note, the intent is to get these done as fast as possible and we're trusting, trusting the agency, NMFS to pick the pathway that is most efficient for them and it is crucial that these get in to place in time. And second, on that last paragraph there, we've had a lot of talk and some questions here about the effect of all of this emergency rule on the action we took under agenda item D.5 and also so this motion would make the Council's request contingent upon that second piece not slowing down or making it effective. The major ask here, which is the extension of this season and same goes for the changes that were made under inseason and again, I don't want, I won't speak too long. I think I'll ask my colleagues to talk about the situation here. To me it's clear from the GMT report we're talking about substantial disruption here and significant amounts of economic benefit at stake. If you, the team went through the criteria really thoroughly, so did the GAP and public testimony provided even more. Under those criteria in the guidelines you'll see the paragraph called emergency justification and justifying it based on one of the following situations, ecological, economic, or social and I think this fits clearly under both economic and social and, yeah, I'm going to stop because I don't think it's necessary. I think the records clear and others can pitch in on the importance of this fishery and especially I will point to the importance of this fishery to our state here in Washington but then I will leave it there and hope we can add justification as needed.

**Brad Pettinger** [00:21:55] Okay. Thank you Corey. Kelly Ames.

**Kelly Ames** [00:22:01] Thanks Mr. Vice Chair and thanks Corey. I, too, appreciated the coordination we had earlier today to think through some of the complexities surrounding these issues. I do want to let folks know that for procedural reasons I will be voting no on the motion to avoid a unanimous vote. Under the Magnuson-Stevens Act a unanimous vote on an emergency measure requires the Secretary of Commerce to implement the action. This no vote is meant to preserve the discretion of the secretary and as NMFS policy for all of the emergency actions. This no vote should not be seen as an indication that NMFS does not favor the action or does not think it can be implemented. If not for the procedural issue, I would vote in favor of the motion. Thank you.

**Brad Pettinger** [00:22:53] Thank you Kelly. Further discussion? Marci.

**Marci Yaremko** [00:22:58] Thank you Mr. Vice Chair. I want to start by thanking Gerry Richter for his counsel to me and to our delegation on some of the interplay between the primary tier fishery and the other sablefish sectors. I think I've learned an awful lot through this process about how the fisheries work together and how things are prosecuted and what's important to who and when and that's been extremely helpful. I also want to I think highlight something Corey mentioned but has really resonated with me as we've proceeded with this discussion starting with open comment and through D.2, is that, you know, the GMT and NMFS really did look very closely at all of the possible options and what tools might be in our tool box and I think the first place that they looked that I might have looked would have been in our inseason tool box because we do routinely make adjustments to season dates for recreational fisheries in our inseason item, so this too has been educational for me to recognize the difference here in the commercial regs and that we do not have the ability to act timely through inseason to adjust this particular commercial season. I just want to reiterate that, you know, I think the emergency mechanism is the only tool we have left to bring about an effective change that will provide the relief that's being sought in the timeframe that is under consideration here today. Next, I want to, I think, turn to the last portion of this motion about item 2 being contingent upon it not interfering with timely implementation of item 1 or the inseason recommendations. That is very important to our state to the fact that we do have all sectors of the sablefish fishery looking to better utilize the remaining yields available for 2020.

I think the needs are the same. We didn't talk about COVID or urgency in the inseason items because we have an inseason tool for those fisheries so I, in an ideal world, I mean it would be great if the emergency action was effective around the same time as the inseason action, or rather it goes in rehearsal order, the emergency action will be, you know, will be undertaken first and inseason fall in second place kind of as Kelly explained earlier, you know, in an ideal world they'd both be effective roughly the same time, but you know I appreciate everything is going to be out of West Coast regions control on the emergency rule as things proceed, but I appreciate that clear description that they've offered us on the pathways forward for both the emergency rule and inseason. I want to note that the experience Corey had with Jesse on the economic section of the GMT report and that the estimated economic benefits section were exclusively for the halibut or I'm sorry, exclusively for the sablefish piece and so to me that suggests maybe for item 2 here, with regard to the incidental halibut retention, there might be additional analysis needed on the halibut piece and as a result I very much support the language here that the request for item 2 being contingent upon it not interfering with timely implementation of item 1 or the inseason recommendations. I think we have a great analytical document already in front of us with the GMT report but I just want to flag that this piece of the motion is very critical in my mind and I appreciate its inclusion. Thank you.

**Brad Pettinger** [00:00:00] Yeah, thank you Marci, and before we go to Bob. Chuck you had a question of clarification?

**Chuck Tracy** [00:00:07] Yeah, thanks Mr. Vice Chair. Just on number two, there's no landing limit specified there. I just did want to bring up that you know, the current landing limit is 200 pounds per thousand, 200 pounds of halibut per thousand. Action under inseason was to increase that to 250 through October 31st so I just want to be clear what, what's going to happen on November 1st, either if the rule change occurs or if the inseason rule changes occurs or if it does not, so it's kind of silent there and just the fact that in the inseason rule, it did specify a date through which that change was effective. So maybe that's a question for National Marine Fisheries Service.

**Brad Pettinger** [00:01:03] Okay. Thanks Chuck.

**Kelly Ames** [00:01:07] Through the Vice Chair.

**Brad Pettinger** [00:01:08] Please.

**Kelly Ames** [00:01:10] Thanks Chuck for the question. So because the way this agenda item was noticed, you could include in your motion the limit you would like to have in place, so the 250 pound limit that was moved through D.5, as you noted would expire October 31 in the existing regulations, and that would, is an option to be in place or you could make a recommendation for something else.

**Brad Pettinger** [00:01:46] Okay. Okay so we have some hands up right now. Let's go to Bob Dooley first. Bob.

**Bob Dooley** [00:02:02] There we go. Thank you, Mr. Vice Chair. I would, I just wanted to say that I would be supporting this motion. For sure my concerns over the whole week here have been the way the rule would be promulgated and the effective dates and how it interacted with the inseason and trying to understand the, how to benefit the biggest amount of value and fishermen in this industry in this procedure and I think that I'm pretty satisfied that from Kelly's statements earlier, they're going to be working diligently to do, to walk in chew gum, do all of it at once but it's, but priorities and the emergency rule. It would, if I understood it correctly, it seems to me that October 31st is going to be, I think Kelly said it might be a push to get this done by October 31st, and if that's the case, I would intuitively think that the rule for inseason would be after that so the 250 pounds for halibut probably

wouldn't even come into effect, but I guess it's a possibility but, you know, maybe that should be talked about a bit too so, but more importantly, I wanted to thank everyone for the diligent work on this and putting forth all the work and also to put together, Corey to put together a good motion for this so thank you and I'll be supporting this.

**Brad Pettinger** [00:03:44] Okay. Maggie.

**Maggie Sommer** [00:03:48] Thanks Vice Chair. I guess first, I certainly want to join in the thanks to the GMT for a really very helpful statement and to the GAP and the folks who have provided public comment on this topic at several points throughout the meeting. I do find that the information provided presents a compelling need for emergency action, deserve a significant economic opportunity that might otherwise be foregone and prevents significant community impacts. We have focused our attention on the economic sections of the GMT's report and those were quite clear and I appreciate that the testimony and remarks from Mr. Alverson in pointing out that the impacts really would be much broader than just the ex-vessel values members reported there, really reaching farther out into communities and the jobs associated with this opportunity that we would be hoping to preserve for longer through this year. So I guess also one thing, you know, we've been talking about the tier fishery participants and the limited entry and open access participants and I certainly, as we talked about under the inseason action, support the opportunity for increased potential attainment there with the trip limit increases. I will say one thing that struck me in the GMT report was the brief discussion of the price of tier permits and it seems to me that that is one particular investment on cost for tier permit participants that factors into the potential financial calculations and potential financial hardship that those participants might face that is really specific to the tier fishery. So overall with that, I am supportive of recommending an emergency action today. I did want to switch over to the discussion that we just had of the halibut retention issue and the fact that the inseason actions specified an end date of October 31st. I'll note from the GMT report that they did say, this is in Supplemental GMT Report 1 under D.5 that if the primary season was extended would only provide 14 and a half additional days to land incidental Pacific halibut and does not greatly increase the risk of exceeding the allocation so, and that would be the halibut allocation, so it seems like we have the opportunity to if the halibut, sorry, if the period for which incidental halibut retention is allowed is extended to also extend the incidental landing increase throughout that and despite being tongue-tied here, I would be happy to offer an amendment that would add that if there's, but happy to wait and see if there's further discussion on that.

**Brad Pettinger** [00:07:39] Well, Maggie, Corey is right behind you with his hand up so let's go to him and come back to you. How does that sound?

**Maggie Sommer** [00:07:45] Great. Thank you.

**Brad Pettinger** [00:07:48] Okay thank you. Corey.

**Corey Niles** [00:07:52] Yeah, thanks Mr. Vice Chair and, no, Maggie was going where I was going. I can't amend the motion, but I think in answer to Chuck's question and I don't know if it was early or later yesterday evening than it is now, but I think we had a pretty good discussion about what went there and what goes here and so we weren't, the October 31st was the status quo date, so to speak, and we were going to talk about changing the date here. So the intent, and I'll echo Marci's comments and I think the intent of, if motions were magic spells and they went to effect as soon as we said them we would want them to go, they would go in place at the same time, our inseason would already be in place, and so the effect would be that the inseason change to 250, 250 pounds would go into effect and then have that extra time till November 15th to get it, so that was the intent. And Kelly, I heard her say that it was within the scope to do that and had I been on the ball more I would have suggested it be included under paragraph 2 there, and if Maggie's going to do that I would be very much in support and, yeah,

these are, as people have spoken to, just a matter of procedural timing more than intent, so again the intent was to have that 250 go up and have the extra time but we're saying that both of those would be, take, not be contingent on them not slowing down number one inseason so that was the thought, and if it takes an amendment to better meet that intent it would be very much welcomed.

**Brad Pettinger** [00:09:44] Cool. Thank you, Corey, and Phil, Phil Anderson please.

**Phil Anderson** [00:09:53] Well I think maybe Maggie's working on an amendment, I was, I had been doing the same thing but I guess my question for Kelly is, do you think the change in the limit would be in place by October 31st?

**Brad Pettinger** [00:10:21] Kelly.

**Kelly Ames** [00:10:21] Through the Vice Chair, Mr. Anderson. You know I am just sorry that I cannot provide you greater specificity. You know I can say that if inseason isn't published by November 1st then 200 would be in place. If it has then 250 would be in place and so, you know, you have the opportunity here in this emergency rule action, the start of this emergency rule action is for November 1st so if you want to ensure that 250 is in place, your best bet, in my opinion, would be to make that clear here.

**Phil Anderson** [00:10:58] Thank you.

**Brad Pettinger** [00:11:01] Okay. Further discussion or is.....Maggie please.

**Maggie Sommer** [00:11:11] Thanks Vice Chair. Maybe before I propose a motion, following on what Kelly just said, would it, would just perhaps adding to the existing motion at the end of number 2 a specification that says with an incidental landing ratio of 250 pounds et cetera, would that suit or I'm sorry, I was a little bit lost about the November 1st part.

**Brad Pettinger** [00:11:52] Would that be you, Kelly, to answer that?

**Kelly Ames** [00:11:55] Yes. Thank you. Through the Vice Chair, Maggie, so the tier fishery ends on October 31st and so my understanding of the emergency rule that's being proposed here would be in effect starting November 1st to then allow the tier fishery to continue and so you should decide what halibut limits you would like in place on November 1st.

**Brad Pettinger** [00:12:29] Maggie.

**Maggie Sommer** [00:12:29] Well thanks Vice Chair. I'll try an amendment.

**Brad Pettinger** [00:12:31] Okay.

**Maggie Sommer** [00:12:35] Sandra, at the end of the statement that's numbered 2 there... if you would just delete that period and replace it with a comma. I should say that differently. At the end of number 2 following regulations.

**Brad Pettinger** [00:13:15] So everybody's still there, right?

**Maggie Sommer** [00:13:17] We are still here.

**Brad Pettinger** [00:13:17] Okay.



**Maggie Sommer** [00:13:21] I think Sandra has a, has the wording to insert.

**Brad Pettinger** [00:13:30] Okay.

**Maggie Sommer** [00:13:32] If the internet is working correctly.

**Brad Pettinger** [00:13:36] I've had my share of glitches this week, so I just want to make sure I'm not talking to myself so, I do that enough.

**Maggie Sommer** [00:13:45] There we go. Sandra where the.....thank you so I will.....let's see the amendment would be to under item number 2, delete the period following regulations and replace with a comma, I'm sorry, let's just say replace with colon, and then if you would just, perfect and then add a comma before with and then the language you have there, which is with an incidental landing ratio, please add 'of' after ratio. 250 pounds halibut per 1000 pounds sablefish landed and up to 2 halibut in excess of the limit. Thank you. That's the amendment.

**Brad Pettinger** [00:14:49] Okay Maggie does the language of the screen reflect your amendment?

**Maggie Sommer** [00:14:52] Yes, thank you.

**Brad Pettinger** [00:14:54] Okay wonderful. Do we have a second? Christa Svensson. Thank you, Christa. Maggie, speak to your amendment?

**Maggie Sommer** [00:15:02] Thanks Vice Chair. The intent is to continue the increased landing ratio of halibut that are only encountered in the sablefish fishery north of Point Chehalis through November 15th. Again, noting that this was, this potential was addressed in the GMT report and they found no risk to the halibut allocation with this action. Thanks.

**Brad Pettinger** [00:15:39] Okay. Further discussion? I see people's hands going up here. Kelly Ames? Maybe not. Christa Svensson.

**Christa Svensson** [00:15:52] Thank you Vice Chair and I'll be very brief, but I do want to say thank you to everybody from stakeholders to management teams to advisory panels to state and federal agencies for really working hard to make this happen right on down to the amendments, so I will be in favor of both the amendment and the main motion should it go through either direction. Thank you.

**Brad Pettinger** [00:16:19] Thank you Christa. Further discussion on the amendment? Seeing none I'll call the question. All those in favor?

**Council** [00:16:28] Aye.

**Brad Pettinger** [00:16:28] Opposed? Opposed? Abstained? All right motion passes unanimously. All right and back to the original motion. Do we have any further discussion on the amended motion on the floor? Kelly Ames. Kelly you're muted. Okay... now did I lose her?

**Chuck Tracy** [00:17:12] I think she just accidentally hit the hand raise instead of mute.

**Brad Pettinger** [00:17:16] Okay. All righty. Seeing no hands, we'll call the question. All those in favor of the amended motion in favor?

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

**Brad Pettinger** [00:17:26] Opposed? Abstentions? Motion.....

**Phil Anderson** [00:17:37] You need to wait.....

**Chuck Tracy** [00:17:38] Wait. So go through....

**Kelly Ames** [00:17:38] This is Kelly with a 'no'.

**Brad Pettinger** [00:17:38] I was going to...Okay you want to do it again? It's 7:15....(laughter).....Okay so I got 13 for and 1 no. Is that what you've got....

**Chuck Tracy** [00:17:58] I didn't see if there's abstentions. I didn't hear the answer to that.

**Brad Pettinger** [00:18:00] Okay I didn't hear.....abstentions? And no abstentions.

**Chuck Tracy** [00:18:00] Okay.

**Brad Pettinger** [00:18:03] Okay the motion passes 13 to 1 and so with that, I will go to Mike Burner and Mike?

**Mike Burner** [00:18:31] Yeah, thank you Mr. Vice Chair. I believe you have completed the action under this agenda item by extending the primary sablefish fishery through December 31st of 2020 and both making provisions for incidental halibut landing's for the period November 1st through the 15th at the landing ratios that match what you did under D.5 at 250 pounds per thousand, et cetera, so Council will work on getting this drawn up in a letter to transmit to National Marine Fisheries Service and I believe we're all set.

**Brad Pettinger** [00:19:01] Thank you, Mike, for that summary and it just was pointed out that it's 8:15 in Idaho to Virgil and Pete and with that, I'll hand the gavel back to our Chairman. Marc.

**Marc Gorelnik** [00:19:13] Thank you very much Vice Chair Pettinger for getting us through D.7.

## E. Highly Migratory Species Management

### 1. Recommend International Management Activities

**Marc Gorelnik** [00:00:00] That concludes public comment. We've had all the reports. It brings us to our Council action, which is there on the screen. We have gotten report from Dorothy Lowman. We have heard concerns from both the management team and the advisory panel, and we've had a pretty, pretty comprehensive public comment so I'll look for a hand to get our discussion started. Louis Zimm.

**Louis Zimm** [00:00:33] Well thank you, Mr. Chair, and I was very interested in Bob Osborne's testimony, even though we have a large bluefin tuna fishery here in the sport fishery, which has sort of cast a shadow on our marlin fishery, both here in Southern California and down in Cabo San Lucas area, the striped marlin has very large economic effects on our sport fisheries and on our boat building and such, so I just want to thank Bob for bringing that up, and then I also wanted to speak to the seriousness of these regulations on the tropical tunas and on the bluefin tuna expiring this year, and I really look forward to seeing what comes out of the October meeting with the reservation that that does not give us much time to work. And so then the question would be to NMFS, I believe to Ryan would be if we had to respond in November, do we need a two-meeting process or how would we respond? Thank you.

**Marc Gorelnik** [00:01:53] Caren. By the way, welcome Dr. Braby to the table.

**Caren Braby** [00:01:59] Well thank you. It's a pleasure to join you this afternoon and essentially Louis' question to NMFS was the same as mine and so I would appreciate understanding what those next steps might be? If the resolutions are not resolved in October, what are our next steps and how do we meet that gap?

**Marc Gorelnik** [00:02:29] That's a good question. Ryan Wulff might have an answer.

**Ryan Wulff** [00:02:36] Yeah, thank you. To be clear, the question I'm hearing is, what happens in case there are no measures adopted I believe. I'm happy to answer. Now I do think we should revisit this a little bit under E.3, as there is a HMST report that does propose a scenario here, but again just briefly here, if that were to happen, that's a little bit, I don't want to say completely unprecedented, but at least in my fifteen years of working in tuna RFMO's I have yet to see that, and we're looking into this now. That would leave us without authority under the Tuna Conventions Act, I believe, to implement regulations, so we're considering how this scenario might interact then with obligations under the MSA and then we also have a lot of unknowns that are also folded into this. For example, whether the status of tropical tunas will change based on the 2020 assessments. Whether an IATTC meeting will actually occur. So, I wish I had more to answer now. I do think we'll have a lot more clarity for the Council on these topics before the November Council meeting. You know we'll know the SAC. We'll know a little bit more clarity on whether we have BSIA for tropical tunas and we will be, well if you look at the MT recommendation either way, whether it's through the MT or NMFS, we'll be looking into what our options would be under the MSA based on the status of those assessments if there was no regulations to be adopted. I wish I could say more than that at this point.

**Marc Gorelnik** [00:04:17] Thank you Ryan. So, I guess when we touching on some of this later this afternoon under E.3. Let's see if there's any more discussion on this agenda item in terms of providing recommendations. Kit, what sort of....how are we doing here? Are you bereft of recommendations and is that okay? It seems like we're waiting for these meetings to happen and have them get scheduled.

**Kit Dahl** [00:05:00] Is that a question to me Mr. Chair?

**Marc Gorelnik** [00:05:03] To you, yes. I'm not seeing any more hands here so I'm not sure that we have additional recommendations. Most of the concerns seem to reflect the timing of these meetings and what do we do if we, you know, they don't occur, they don't complete, they don't provide, you know, the management measures we're expecting. John, let me call on John Ugoretz. His hand just went up.

**John Ugoretz** [00:05:32] Thank you Mr. Chair, and just maybe if it helps, I did note that in the management team reports for this in item E.3 that they do make a recommendation that they and the advisory subpanel could begin looking into some measures that we could take if international measures are not in place in a timely fashion, and I think under E.3 we could maybe address that and give them some direction on that.

**Marc Gorelnik** [00:06:06] All right, thanks John. Appreciate that. So, except to the extent that we're going to be deferring some of this discussion because it more properly falls under E.3, I'd like to see if there is further discussion on E.1? Okay I'm not seeing any hands so I'm going to go back to Kit and, Kit, with a proviso that we're going to be discussing some aspects under E.3, how are we doing under E.1?

**Kit Dahl** [00:06:44] I think you're doing fine Mr. Chair. There is a lot of uncertainty here. It does seem like the only meetings of relevance, I guess you could say, would be the Joint Working Group and Northern Committee meetings in October but even there, unless there were, the Council wanted to make specific recommendations around, for example, a change in the catch limits. I don't think there's really a lot else to comment on or make recommendations on.

**Marc Gorelnik** [00:07:27] Let me.....well thanks for that. Let me just ask, is there anyone around the table that plans on participating as part of the U.S. delegation for the Joint Working Group for the Northern Committee or both? Well if you do, I'll remind you of the request from Dorothy Lowman, as well as in the NMFS report, to contact Valerie by tomorrow. Christa, are you planning on attending?

**Christa Svensson** [00:07:59] Thank you Mr. Chair. And the answer is yes, and I've already notified Valerie.

**Marc Gorelnik** [00:08:03] Thank you very much Christa. Appreciate that. All right, is there anything else under E.1? Okay so, Kit, are we done? Can we move on to E.2?

**Kit Dahl** [00:08:19] Yes, we can move on Mr. Chair.

**Marc Gorelnik** [00:08:22] All right. Thanks so much.

## 2. Exempted Fishing Permits

**Marc Gorelnik** [00:00:00] All right, so that concludes the reports and the public comment on this agenda item and brings us to our Council action, which is to review the proposals and consider final recommendations and perhaps there'll be a motion coming, but before we get to motion practice let's see if there's any discussion on this agenda item? John.

**John Ugoretz** [00:00:31] Thank you Mr. Chair. I appreciate the discussion so far from Nathan and others. With regard to the bulk of these applications for deep-set buoy gear standard and length configurations, I really don't see any issues. The team did not raise any concerns and I know that the applicants will be reviewed by enforcement and NMFS prior to issuing, so for the bulk of the applications I feel confident that we can move forward with recommending approval to National Marine Fisheries Service. I do have some concerns about additional night-set buoy gear effort prior to completion of the first EFP, and as we just discussed, you know, five sets of a brand new configuration of the gear fishing or at least a brand new way of fishing the gear is really not much to go on and I think that without having results from the current EFP on bycatch rates, gear, or navigational conflicts, unexpected enforcement concerns, and other things, we just don't have much to go on in terms of whether or not we want to further investigate this night setting of deep-set buoy gear. Some people have argued that we should be collecting effort data for night-set buoy gear at this time in terms of what does it look like when we have more than one person fishing, and unlike deep-set buoy gear, which was completely new and required a significant amount of data in order to have a protected species consultation, night-set buoy gear is doing something different now. They're testing a somewhat known deep-set buoy gear fishery in a different time frame and I feel like we should get the results of that first EFP and then have a discussion about what additional data needs we might have, whether we want to pursue additional data and whether or not additional EFP's are needed to do that, and so with that I, you know I, at this point I haven't heard things that would make me want to approve additional night-set effort at this time. With regard to the current EFP and a desire to fish a second boat, I certainly have no problem with that EFP fishing one or the other of two boats. I don't, again for that same reason of not wanting to increase effort at this time, I don't think I would want to approve fishing both vessels concurrently. Thank you.

**Marc Gorelnik** [00:03:37] Thank you John. Caren Braby.

**Caren Braby** [00:03:41] Thank you Chair Gorelnik. I wanted to ask a little bit more and talk a little bit more about the ESA authorization in particular and the way that I understood the discussion earlier is that we have authorization for one vessel and I just wanted to confirm that that's accurate? So that's a question to NMFS.

**Marc Gorelnik** [00:04:14] So Ryan.

**Ryan Wulff** [00:04:16] Yeah, thank you Mr. Chair. Thank you Dr. Braby for the question. That is correct. For night-set buoy gear are both meet by an ESA coverage is for a single vessel, the one the Council recommended in 2019, so any additional night-set EFP's would require us to review our NEPA and ESA analyses and consultations.

**Caren Braby** [00:04:43] And a follow-up question if I can?

**Marc Gorelnik** [00:04:46] Of course.

**Caren Braby** [00:04:46] Thank you. What would the timeline look like for getting further authorization?

**Ryan Wulff** [00:04:58] Thank you for the follow-up. I'm sure my colleagues in my Protected Resource Division would make me do a, give a specific time. I can say there are a couple ways we did our current ESA analyses using nighttime hook-and-line data as proxies since obviously we didn't have any previous night-set buoy gear data. We could use that same proxy data essentially moving forward for new EFP's, which potentially would be a shorter time frame, but of course you're also looking at getting data from this first EFP probably sometime in the spring, a little bit before the June meeting so if we were to wait and incorporate that data, you know you're probably looking at a consultation at the very earliest a year from now.

**Caren Braby** [00:05:50] Okay great. Thank you, and then the comments that we heard today about distinctive marking and a reporting, a consideration of a reporting requirement, I assume but wanted to confirm that those could simply be written into 20-21 permits should the Council request that?

**Marc Gorelnik** [00:06:14] Ryan.

**Ryan Wulff** [00:06:15] Yes. Thank you, yes, so we would incorporate that into any 20-21 either new or renewal Exempted Fishing Permits and their terms and conditions. We would also probably amend the current terms and conditions for those that already are permitted to fish through 2021 that are outlined in my NMFS report.

**Caren Braby** [00:06:40] Thank you.

**Marc Gorelnik** [00:06:40] Louis Zimm.

**Louis Zimm** [00:06:43] Thank you Mr. Chair. I really appreciate this opportunity to ask some further questions, but I will start with remarking on Ryan's excellent reply. It would seem that our decision on citing more permits for night setting is moot, since we will probably not have the consultation on that until next summer, however I would like to note and I may get kicked for this, but it's interesting that this swordfish deep-set buoy gear has actually morphed into a bluefin tuna deep-set buoy gear, which I think is a great idea because many of our bluefin tuna that we catch on our CBFV's are called at night, but I just wanted to comment that this is interesting and I hope that there, that the applicants won't get in trouble for doing something that is not exactly what we had in mind. Sorry for that kind of spoil the party comment but I just want to bring that up. Thank you.

**Marc Gorelnik** [00:08:03] John Ugoretz.

**John Ugoretz** [00:08:08] Thanks. I wanted to circle back to the ESA consultation for the current EFP and, Ryan, it sounded like there was one vessel, does it have to be a specific named vessel or is the coverage for essentially a single vessel? In other words, if the Council chose to approve a new vessel for the current EFP that would not fish at the same time as their original vessel, it's essentially a replacement. Is that valid within the current consultation or not?

**Ryan Wulff** [00:08:51] Through the Chair. Thank you, Mr. Ugoretz, for the question. No, I mean that would be consistent with our current analyses, right? Our analyses just looked at a single vessel fishing. If you have a single vessel fishing and it rotates between the actual vessel name, that would still be concurrent with our, that would still be within the bounds of our ESA analysis and does have coverage.

**John Ugoretz** [00:09:13] Thank you.

**Marc Gorelnik** [00:09:17] All right. Looking to see if there's any further discussion on this agenda

item? I'd just like to touch briefly on the marking requirement. It does seem appropriate to have some marking, but we could also only require the marking of the nighttime gears, since we could presume that gear without that marking is daytime gear. Also note as Nathan pointed out that he may want to fish the same gear day and night and so allowing that additional marking to be removeable would be helpful. So those are just my comments on that part. I'm not seeing any further, where there's a hand, maybe John has more discussion or a motion.

**John Ugoretz** [00:10:09] Thank you Mr. Chair. I do have a motion when you're ready.

**Marc Gorelnik** [00:10:13] I'm not seeing any other hands, so I think we are ready.

**John Ugoretz** [00:10:18] And I believe staff may be able to share it. I don't.....

**Marc Gorelnik** [00:10:27] And there it is.

**John Ugoretz** [00:10:29] Thank you. I move that the Council recommend, one, that National Marine Fisheries Service issue the following EFP's for deep-set gear as requested in the applications for both standard buoy gear and linked buoy gear. Attachments 2, 3, 4, 5, 6, 9, 11, 12, 13, 15, 16, 17, 18, 19 and 21. Two, that National Marine Fisheries Service issue EFP's for Mr. Lebeck and Mr. Wallace, (attachments 10 and 20) for deep-set buoy gear, standard buoy gear and or linked buoy gear to fish during the day but not approve night fishing or fishing at shallower depths. Three, that the above applicants be given priority for EFP issuance over previously approved applicants who did not complete the process for obtaining their permits. Four, that National Marine Fisheries Service reject the night-set buoy gear application from Mr. Haworth, (attachment 8). Five, recommend to National Marine Fisheries Service that Mr. Perez and Mr. Carson, attachment 14, be permitted to fish night-set buoy gear on either the currently approved vessel or the additional vessel, but not on both vessels simultaneously. And six, recommend to National Marine Fisheries Service that they modify the terms and conditions for all deep-set buoy gear and night-set buoy gear EFP's (new and existing) to include a mandatory lost gear reporting requirement and clear marking of gear between deep-set buoy gear and night-set buoy gear as requested in the E.2.a, Supplemental Enforcement Consultant's Report 1.

**Marc Gorelnik** [00:12:22] Thanks for that motion John. Could we go, scroll back up to number one which listed the permits. I don't know that I heard you recite the number seven, so.....

**John Ugoretz** [00:12:40] Thank you, if I did it was left out unintentionally. The screen is correct.

**Marc Gorelnik** [00:12:46] Thank you very much. So, the language on the screen accurately captures your motion, correct?

**John Ugoretz** [00:12:53] Yes it does.

**Marc Gorelnik** [00:12:54] And with that I'll look for a second. Seconded by Christa Svensson. Please speak to your motion.

**John Ugoretz** [00:13:06] Thank you Mr. Chair. We've discussed these possible applicants and I think I've made myself clear as to why I think additional night-set buoy gear effort is not appropriate at this time, as well as the fact that, yes, a consultation needs to occur. I think we'd be far better suited to wait and see the results of that first EFP effort next year. And with regard to the Enforcement Consultants recommendation, I agree that marking requirements should make it clear which gear is being fished. I feel that National Marine Fisheries Service working with the enforcement groups and the current EFP holder can definitely come up with something that would work for the time being and then be applied

to new EFP's if we do ever approve them in the future. And with that I think the motion speaks for itself.

**Marc Gorelnik** [00:14:11] Okay. Well then, we'll look for questions for the maker of the motion or discussion on the motion? Louis Zimm.

**Louis Zimm** [00:14:20] Thank you Mr. Chair, and thank you, John, for putting forth this motion. I will be supporting it however I would like to say that I would have welcomed Mr. Haworth's participation in the night-set because I know of his history and record and extensive knowledge of swordfish habits, and I would very much like to see him be involved. I also am always very nervous about having just one boat in the fleet being in a large area and not being able to have a second set of eyes. Often times when I lost gear when I was in research, it was another boat that was working with me that would find the gear, also a safety measure. However, I understand that I can see that it'd be impossible to bring him in on this one so I understand that, and I would like to encourage Mr. Haworth and his folks to continue to put forward proposals for this. Thank you.

**Marc Gorelnik** [00:15:32] Thank you Louis. Caren Braby.

**Caren Braby** [00:15:36] Thank you Mr. Chair and thank you, John, for the motion. I also intend to support the motion, just wanted to highlight that it meets my desires in terms of recognizing folks who are experienced in the deep-set buoy gear fishery for helping us collect information about night-set and stays within the authorization, the ESA authorization that we already have and so I think it's a good, solid motion for where we are. I look forward to understanding more about the night-set buoy gear performance at our June 2021 meeting and thinking about that coming in the future I'm hoping we can have some, a bit more Council discussion on what our request to NMFS might be at this meeting in terms of at least workload planning for additional ESA authorizations. Thanks.

**Marc Gorelnik** [00:16:50] Thanks Caren. Is there further discussion on the motion or any amendments? The only hand I see is Caren's, which I'm sure she intends to lower. If there's not.....Ryan Wulff.

**Ryan Wulff** [00:17:12] Thank you Chair. I just wanted to note that I plan to abstain on the motion and just wanted to explain that, that I have no issues with the content, it's just, since it's directed solely at the recommendation to NMFS, that's the only reason why. Thank you.

**Marc Gorelnik** [00:17:28] Understood. Thanks for that Ryan. All right then we'll call the question on the motion by John. All those in favor say 'aye'.

**Council** [00:17:37] Aye.

**Marc Gorelnik** [00:17:37] Opposed? Abstention?

**Ryan Wulff** [00:17:47] Abstain.

**Marc Gorelnik** [00:17:48] Ryan Wulff abstains. So, the motion passes with one, with Ryan abstaining. Thank you for that motion John. Let's see I'll ask around the table if there's further action or discussion on this Agenda Item E.2? Kit how are we doing on here?

**Kit Dahl** [00:18:18] Thank you Mr. Chair. I think with your motion you've clearly addressed your recommendations on the 20 applications that have been received so your business here is done and also more for the benefit of Mike Burner and Mr. Tracy, just to be clear I think your action today also means



that the EFP item does not need to be taken up on the November agenda.

**Marc Gorelnik** [00:18:50] Okay. Caren Braby.

**Caren Braby** [00:18:55] Thank you Chair Gorelnik. I agree our business seems wrapped up except for maybe some comment from NMFS on additional steps and considerations for teeing up ESA authorization, and I come back to this because our initial understanding of the gear with night-set buoy gear deployment is that so far so good and recognizing that it takes a lot of time to go through an ESA consultation and wanting to be able to move forward should there be no additional problems as we're projecting right now with that here?

**Marc Gorelnik** [00:19:45] Ryan.

**Ryan Wulff** [00:19:49] Thanks Chair and thanks Dr. Braby, although I'm a little bit confused by your question. I mean, with the motion that went forward there was nothing contained within it that would require additional or new ESA coverage. Are you saying should we continue to pursue and provide updates to how we might facilitate a future ESA analysis should this, should the expansion of night-set gear be pursued by the Council?

**Caren Braby** [00:20:24] Thank you. Yeah and just to clarify, I view ESA authorization and consultation that means that there not to do anything and that it might be worth hearing from the Council if we are interested in NMFS starting to think about working that into your workload for next year, not doing anything until such time as we do.....(garble)....you know having additional effort in night-set buoy gear....(garble).....so is that helpful to you? Is that something that Council has any comments to NMFS about, about at this time.....(garble)....

**Marc Gorelnik** [00:21:28] Caren, I should mention that your audio at times is unintelligible because of some background noise from the microphone so but I think what you're wondering is if the Council would like to see NMFS work into its 20-21 work planning opportunity to authorize more than one vessel to fish this gear at night. Is that right?

**Caren Braby** [00:22:01] That's essentially right. Yeah is it helpful to get any indication from the Council today in terms of our desire should the bycatch rates come back, pause with little impact.

**Marc Gorelnik** [00:22:17] So Ryan what would you like that input from the Council at this time? Would it be helpful or not?

**Ryan Wulff** [00:22:30] Thank you Chair. I always think it's helpful when the Council gives clear direction or guidance. Yeah, I mean at least from our perspective, like I said earlier, once we get the full data from this, you know, hopefully relatively early next year or early spring, you know, there's nothing that would stop us from starting to have some initial consultation. We have constant coordination meetings with our Protected Resources Division. It's not a big workload to at least start the conversations but again, it'll be a lot easier to pursue anything once we have actual data from the first EFP.

**Marc Gorelnik** [00:23:11] Understood. Let me just see if there's any disagreement around the table about the Council's interest. Next year we'd be able to consider authorizing more than one vessel for this nighttime gear again with a qualification that the experience with the current permittee is not negative. Does anyone disagree with that? Okay so I think Ryan it seems that the Council would like to see that next year, of course with the qualifications provided, you know, that the additional data that is yet to come from the one night time permittee is positive and it would suggest that we need to, suggest

that it's justified to authorize one or more additional vessels. Anything further from the Council on this agenda item? Kit, I turn to you to confirm we're completed.

**Kit Dahl** [00:24:34] Yes, Mr. Chair you are completed, I think, and you've clarified your interest with that last discussion around possible future action on recommending applications for night-set deep-set buoy, night-set buoy gear so yes, you've covered everything.

**Marc Gorelnik** [00:25:01] All right. Well thank you very much everyone for your work on that. That completes Agenda Item E.2.

### 3. Biennial Harvest Specifications and Management Measures – Preliminary

**Brad Pettinger** [00:00:00] Well I guess that concludes Council.....concludes public comment right? So, I guess it comes to Council discussion and action and with that, I'm looking for some hands. I'm sure somebody wants to say something or not. John Ugoretz.

**John Ugoretz** [00:00:22] Thank you Mr. Vice Chair and I'll save you from the unbearable silence. I appreciate the work that's gone into this item. I don't think there's really a whole lot to say about it, however I do think as we discussed under E.1, there's possibly some actions we could take in terms of directing our various advisory bodies to look at some things. I think the management teams recommendations in E.3.a, Supplemental Report are good and I think that having the Science and Statistical Committee review some of the proxies based on 2020 assessments for bigeye and yellowfin would help, and importantly that through getting the management team and advisory subpanel working on the 'what if' in case the international advisory bodies don't adopt measures so that we have something to discuss in November would be useful. That's just my general thoughts on it.

**Brad Pettinger** [00:01:42] Anyone else? Corey Niles.

**Corey Niles** [00:01:51] Yeah, thank you Mr. Vice Chair and thanks John for articulating those thoughts. They sound very sensible to me based on what we've heard, and, Kit, you mentioned the AP not having a statement. I almost asked Jessica and Celia what they had heard, but I'm just presuming that they're very much of the same view given that we didn't hear a statement from them, you know, there's not a compelling need to, for new management measures here, but is my understanding on that presentation in particular that Jessica just presented that the data is showing no need to bring the Council's attention to this albacore issue, but yet the states will continue to keep an eye on it and keep seeing if there's maybe something in the data that's not happened on a water that's not in the data, but long way of saying is, is that a correct interpretation of there being no AS statement? The E.1 statement basically covered it?

**Kit Dahl** [00:03:07] Through the Vice Chair, Mr. Niles, yeah, that's correct. They did discuss, you know, sort of concerns around perhaps participation in the recreational fishery, but they felt that there wasn't a clear need or proposal at this time to address those concerns. They may have a report under future agenda planning with some thoughts about perhaps the Council looking into this some more next year, but we'll see what they have to say under that agenda item, if anything.

**Corey Niles** [00:03:51] Thank you.

**Brad Pettinger** [00:03:54] Caren Braby.

**Caren Braby** [00:03:58] Thank you Mr. Vice Chair, ensuring you can hear me?

**Brad Pettinger** [00:04:03] I can.

**Caren Braby** [00:04:04] Wonderful. Well I just wanted to put support out for John's fine suggestions on moving forward. I think we have a request for additional review by the SSC and we'll see what the meetings this fall reveal in terms of additional action needed to address any gaps in regulation, so I feel like we've said what needs to be said today in large part, so thank you.

**Brad Pettinger** [00:04:35] Okay. Thank you, Caren. Anyone else? Okay Caren I see your hand is up. Ryan Wulff.

**Ryan Wulff** [00:04:45] Yeah, thank you Mr. Vice Chair. I agree with the points that have been made. I just wanted to put up a flag in here that in addition to all the recommendations that's for November, you know, I notice that our regular three-meeting process in November and March was not reflected on the current Year-at-a-Glance, so I just wanted to put a pin in that here and return to that in workload planning obviously. We've seen these recommendations for things that we'll be discussing in November, regardless we will probably need that March meeting as well, and I'll return to that when we get to that agenda item. Thanks.

**Brad Pettinger** [00:05:23] Thank you Ryan. Any further questions or comments? John Ugoretz.

**John Ugoretz** [00:05:27] Sorry. I'm raising and lowering my hand here. I just wanted to be sure that everybody's in agreement that in order for the SSC to review the proxies, that they just have to be sure there's time on their agenda and we can again, get to that in workload and agenda planning but making sure that everybody understands that there's a need there.

**Brad Pettinger** [00:06:00] Okay. Thank you, John. All righty, anyone else? Okay. Seeing no hands, Kit are we done with this agenda item?

**Kit Dahl** [00:06:13] Mr. Vice Chair, yes, you are. I think the guidance that you've provided to the HMS advisory bodies is sufficient and we'll be working at the staff level and are to putting something on the SSC's agenda for November in regards to the assessments and the SDC's, and then maybe we'll hear some more from you about that under future workload planning, so we're done with this one. Thank you.

**Brad Pettinger** [00:06:48] Very good Kit. Thank you.

#### 4. Essential Fish Habitat Review

**Brad Pettinger** [00:00:00] I see we do not have any public comment so that brings us to Council discussion. Do I see any hands? No hands. Okay, oh, John Ugoretz.

**John Ugoretz** [00:00:17] Thank you Mr. Vice Chair. Just to say that I think it's important that we press forward with revising EFH for highly migratory species. I think it's been more than enough time that changes as demonstrated in these reports need to be included in the description and I really think that the next important step would be for the management team to come up with a scope of work that delineates the full scale of what needs to happen in an FMP amendment.

**Brad Pettinger** [00:00:58] Okay. Anyone else? All right. Out of curiosity Kerry do we need a motion to move forward with that... or?

**Kerry Griffin** [00:01:17] Yeah, thank you Mr. Chair. I think it wouldn't hurt to have a motion and the Council might want to think about when to ask the HMSMT to come back with a proposed scope of work and then, yeah, so that doesn't hurt to get it in writing.

**Brad Pettinger** [00:01:39] Very good. I see Ryan and John here for my life ring. John.

**John Ugoretz** [00:01:46] Thank you and I do have a motion when we're ready. I think maybe just a little discussion on the timing of this. I think perhaps an update in November but asking for a full scope in March would give the team the time they need to do this adequately. I don't think there's a huge rush here, but I do think that we want to press forward on a timely fashion.

**Brad Pettinger** [00:02:14] Okay. Thank you for that. Anyone else? Corey.

**Corey Niles** [00:02:22] Thanks Mr. Vice Chair. Sorry my mute button is a little waggy today but I would, the extent of my comment was about John is full of good ideas today so I will yield to Chuck because I'm sure he has more detailed thoughts, but I think John's idea sounds good.

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

**Chuck Tracy** [00:02:50] Yeah, so I would agree with Corey that John is full of good ideas today, so I like his approach. Yeah, and as far as the timing goes, you know, if the Council wants to put some ideas out there now I think that's fine but I would think that under workload planning is probably when we should make the final decision. We've got a lot of moving parts for our workload planning this time around and so in addition to just the normal business, we've got the Executive Order that we're supposed to put together priorities to address the requirements of that order and including a plan to implement those priorities you know with an initiation by May of next year so, so in reality almost everything the Council's thinking about doing, it kind of needs to take that into consideration so I guess I would, while I agree that there's no, I don't think there is any great rush on this and I think an amendment process starting with a scoping agenda item is appropriate. It's just a timing question, I think. I guess I'd like to see the Council have all the information it needs to sort of make those decisions which I think will occur later on in the meeting.

**Brad Pettinger** [00:04:24] Thank you Chuck. Okay, and I do see that Caren said she's having problems with her mute button, but she is good with the direction were going here. Okay, so seeing no more hands. John, do you want, did you want to do that motion of the submissions that Chuck has just went over?

**John Ugoretz** [00:04:49] Thank you Mr. Vice Chair. Yes, I'm happy to.

**Brad Pettinger** [00:04:53] Proceed please.

**John Ugoretz** [00:04:53] See if we can get something on the screen here. Okay thank you. I move that the Council proceed to phase two of the EFH review for HMS and direct the HMSMT to develop a scope of work including but not limited to consideration of the Habitat Committee's E.4.a, Supplemental Report 1. An updated bibliography, revised maps, and a markup version of the FMP with proposed EFH revisions.

**Brad Pettinger** [00:05:29] Okay John, the language on the screen reflect your motion?

**John Ugoretz** [00:05:33] Yes, it does thank you.

**Brad Pettinger** [00:05:34] Do we have a second? Christa Svensson. Thank you. Okay John, speak to your motion.

**John Ugoretz** [00:05:45] Thanks. I think we've gone over this. I omitted a timeline in the motion I think, as Chuck points out, we're going to be hearing more about various commitments of the Council and our advisory bodies later during the meeting and I think we can cover a timeline for this in agenda planning for future meetings. I think this gives the HMSMT the proper direction to continue the process and keeps us on the path to revising EFH.

**Brad Pettinger** [00:06:20] Okay, very good. Any more discussion on the motion? Okay... Christa please.

**Christa Svensson** [00:06:30] Yes, thank you Vice Chairman. I am appreciative of the motion, thank you, and I just want to say that I'm supportive of it. I think it is timely in terms of all the documentation and some of the changes that have gone on since we had one of these quite a while ago. I'm also appreciative that we don't have a strict timeline in this particular motion at this moment in time when we do have so many things, so thank you for your thoughtfulness and I will be voting in favor. Thank you.

**Brad Pettinger** [00:07:04] Thank you Christa. Anyone else? Okay seeing none I'll call for the question. All those in favor?

**Council** [00:07:20] Aye.

**Brad Pettinger** [00:07:21] Opposed? Abstentions? Okay motion has passed. All right. Kerry how are we doing? Are we done with our business here?

**Kerry Griffin** [00:07:37] Yes Mr. Vice Chair, I think that very efficiently and appropriately concludes your business here. We got good direction to the HMSMT and it was good discussion so that concludes this agenda item.....and you might be muted.

**Brad Pettinger** [00:07:54] I'm sorry. Okay thank you and we've done well, and with that I will pass through gavel back to our Chairman.

## F. Ecosystem Management

### 1. Climate and Communities Initiative Update

**Brad Pettinger** [00:00:00] Okay, well that concludes public comment and which brings us to Council discussion and any action that would come out of that. Looking for hands. I'm sure somebody wants to start. John Ugoretz.

**John Ugoretz** [00:00:20] Thanks Mr. Co-Chair. You know I think I'm torn in regards to pushing forward with workshops in a virtual environment. I think in particular at this stage we're at in this process, the type of input we need is much more suited towards small in-person conversations where people can really engage in a meaningful way. That said, I am very concerned that we are going to be stuck in this virtual world for longer than any of us chooses to even think about at this point, and as such, I think that we should move forward, that I trust the facilitator and the core team's ability to work through this situation and I feel that depending on what happens we can adjust the schedule later if needed. So given that, I think the one bit of advice that I would give to the facilitator is that, yes, I do feel that a succinct and clear description of what he is looking for in those workshops needs to be developed and I'm hoping that he's already got that on his schedule.

**Brad Pettinger** [00:02:03] Thank you John. Caren Braby. Caren.

**Caren Braby** [00:02:08] Good morning. I have similar thoughts to the ones that John just shared. I do want to start with just echoing what we've already heard, which is that the scenario planning reports and description of the scenarios really has come a long way and I appreciate all the work that the Council family has put in to further development of those scenarios and feel like we are ready to proceed to that next stage of reaching out to the communities that are overlapping but beyond the Council family. I have the same concerns that John has about remote meetings but I have successfully participated in a number of remote platforms, including this one, but outside of this one, and because of the uncertainty about the timeline of COVID, I think in order to maintain momentum I'm interested in proceeding, recognizing that what we can achieve right now in remote meetings is only part of what we were originally hoping for, and that at some point in the future, we want to come back to that and it could be even a couple of years down the road and in revisiting the scenarios and seeing how those have held up over time, for example. So, I feel like we're in a good place in terms of preparation for the workshops. I think what we're hearing is that the remote is not ideal, but I think we have ways to get through that, and then in terms of the final adjustments to the report, I do agree that it would be nice to add in that purpose and utility concept of scenario planning so that new participants or participants who are new to this process really understand what the description of those scenarios is intended to convey, and how they should be reading those and thinking about those in preparation for workshop discussions, so appreciate the advisory body reports and I think there are, that we are ready to proceed. That said, I'm fine thinking about this is as moving towards the March 2021 timeline as originally suggested but if there are alternatives to that, that slightly delay that, you know I'm open to that but I think we're going to be able to get to March and have that conclusion.

**Brad Pettinger** [00:05:21] Okay. Thank you, Caren. Anyone else wish to speak to...? All right, so our Council action is to provide guidance for next steps. We've heard some comments from John and Caren. Kit, do we have enough? I still have my Vice Chair training wheels on here. What do you have to move forward here, what else do we need to do?

**Kit Dahl** [00:05:59] I think if....so, I should say that the core team does have a meeting scheduled in a week or so and I expect they will take into account all of the great input that we got from the advisory bodies and I would, I guess we might assume that without objection from the Council that the core team

can proceed flexibly to take that, those recommendations and advice into consideration, and perhaps refining the structure of the workshops, and we did have this specific comment that was brought up about just creating either an introduction to the document, the scenario description document or perhaps a standalone document that gives some background and context on what this process is about, and a third thing I heard from advisory bodies was the encouragement to look at other ways of presenting the information in, you know, visually in some form or another, whether that's additional written materials that are more accessible or videos or whatever, so I think that's another option that the core team can explore in terms of developing additional accessible materials for the workshop. So, having said that and sort of trying to pull out some things that I saw in the advisory body reports, I think we can proceed under the guidance of the core team.

**Brad Pettinger** [00:08:11] Okay. Well that sounds good to me and unless anybody else has anything to add we'll consider this item finished for the day.



## 2. Fishery Ecosystem Plan Five-Year Review

**Brad Pettinger** [00:00:00] All right. That concludes public comment, which brings us to Council discussion and action, so I'm looking for hands. Ah ha! Caren Braby.

**Caren Braby** [00:00:24] I will start off some Council discussion. First of all I wanted to just extend appreciation for all of the progress that's been made on Chapters 2 through 5 in really fleshing these out and helping bring these revisions into focus for us, as well as all of the really thoughtful and detailed comments that have come from our advisory bodies on those drafts. I have some thoughts about our fundamental approach that might generate some concurrence or some alternative views from the Council members and it really is based on our vision of the role of the FEP and how that integrates with and connects with the other FMP's in the Council portfolio, and I feel like we have a kind of two different ways of looking at the FEP. One is that it's a comprehensive and directive document and the other is that it's a document that provides context for the details and the mandates that are held in other FMP's, not in the FEP itself. And so my vision of where this is headed right now, and that I encourage more progress towards, is that the FEP is a streamlined description of the context. It is creating a document that we can use as reference for more specific actions that we take under the FMP's, the other four FMP's and so I'm interested in all of the comments in particular that can help us support the EWG in continuing to streamline the information contained in it. We heard from a couple of the teams that there were inaccuracies in some of the really specific stats that were in the draft, not as a point towards outlining errors, but it highlights the difficulty of making sure that real specific information in this FEP that is pointing to another FMP's specific stat is difficult or it is prone to errors. It takes a lot of very detailed cross referencing and I think leads us towards an outcome that isn't, at least, my intent. I want to have an FEP that is generally a useful reference and describes the basics of the CCE and then relies on things like our annual ecosystem report, where we have annual and extensive analysis of the CCE that describes more real time up-to-date information for the Council to use, so I'm interested in brevity, I'm interested in the other FMP's connecting to the FEP through regular analysis of and end review of what the FEP goals and objectives are and how those are being implemented through the FMP management for the other four FMP's, and having those discussions happen simultaneously in a high level way at the FEP level and then in a detailed and prescriptive way through each of the FMP's. It's really kind of a fundamental approach set of comments, and I have some other more specific thoughts, but I'll bring those in later, so I'll stop there.

**Brad Pettinger** [00:05:11] Thank you Caren. I appreciate you getting out there what you're looking for and I'm actually looking for some hands if possible. Ah ha! John Ugoretz.

**John Ugoretz** [00:05:25] Thank you Mr. Vice Chair and thanks Caren. I agree that several of the advisory body comments emphasized the fact that including specifics and details that change frequently makes for a plan that we have to update on a very regular basis and in my mind the FEP should not be the same as a stock assessment or even an FMP that has to be changed and updated annually or as new regulations or information come to the table, rather it needs to be a streamlined guidance document, and I do think some of the comments about using references to information that changes or references to other sources of information and then the annual California current ecosystem updates can really provide those details. So, I think the one bit of guidance we could give to the EWG is to take a hard look at Chapter 3 and streamline it, strip out information that changes rapidly and rather include references. Thanks.

**Brad Pettinger** [00:06:50] Thank you John. Pete Hassemer. Pete.

**Pete Hassemer** [00:06:54] Thank you Mr. Vice Chair and I, too, would like to express my appreciation for all the work that's gone into this. Each time we've come over this topic it's something I'm quite sure

I said in the past but I think it bears repeating here as I view this Council as the real leader or trendsetter in this fishery ecosystem planning, and what makes the job difficult is that you can't look out there and see what others have done in this arena. You're creating the model or building it and it's a difficult task and I guess maybe if this Council needed a mantra it would be that the difficult we do right away and the impossible just takes a little bit longer. I guess I view this as somewhere between the difficult and the impossible so it's going to take some time. I agree with the comments that both Caren and John made about a streamlined guidance document here. A different piece that I've been thinking about is as I look back to the purpose of the FEP and, you know, it's to enhance the Council's species specific management programs with more ecosystem science to paraphrase it, and the streamlined document could do that, that part I agree with. Where I keep thinking about this, though, is in our vision statement, that part of the reason or the reason for doing this is to have a California Current ecosystem that contributes to the well-being of fishing communities, and including the fishing communities in that statement was very important. I remember the discussions at the time we agreed on that so I looked through this and see how it addresses well-being of fishing communities and maybe it's just some general comment that might be more specific guidance here, but in the Ecosystem Work Group report I see they mentioned that in Chapter 4, section 4.5 is really where it addresses the goal 3 we have, which looks at well-being of West Coast communities and the nation, so there's a linkage to the well-being of communities and maybe the guidance piece of this is looking at both the EAS report and the SSC report. In the EAS report they make this statement, it was specific to I think section 5.3.1 that says 'a critical analysis of the viability of ports, including how communities are sustaining infrastructure necessary for participation in fisheries', so it's looking at the ports and maybe more specifically the communities, and then the SSC had this statement in their second paragraph, a more human-centric way of organizing this section, and they're referring to section 3.42 current fisheries, but a more human-centric way of organizing this section that relates more closely to how fishermen or fishing communities group or utilize fisheries may be preferable and, you know, I think this gets at the GMT had a comment about how the Columbia River ports could be organized there, so I think as this has developed from my perspective to bring this, well what the SSC called a human-centric way, but I hope characterizing it as a community-centric approach is synonymous with their thinking that that be brought into this document so we can start to gauge the well-being of fishing communities and organize this not necessarily on a port by port basis, but this community basis and see how the fisheries interact there and bring that focus into it some way. So I guess that the bottom line is just to look closely at the EAS and SSC recommendations about the community aspects and see if that could be built into this document, whether it be in chapters, Chapter 4 or 5 specific places but streamline the document as was suggested by others but focus on community-centric and well-being of the community's approach. Thank you. That concludes my comments.

**Brad Pettinger** [00:12:30] Thank you Pete. Good input there. Anyone else? Anybody else? Okay, well seeing no hands, Kit what do you think? Do we have enough there to move forward?

**Kit Dahl** [00:12:49] Thank you Mr. Vice. Chair. Well speaking for the EWG, certainly we've received a lot of detailed and very valuable comments from the advisory bodies to help revise Chapter 3 and think about how to draft Chapters 4 and 5 so I think we definitely have a lot of recommendations to chew over and then we've just heard from Council members. It reminds me of an aphorism, it's possibly apocryphal from Mark Twain. He said, 'I didn't have time to write a short letter' and so I think certainly recognizing that Chapter 3 is in a perhaps rough or preliminary draft state, one of the things that the EWG can focus on based on the Council guidance, is how to tighten up that chapter. Also there was mention, and I think this is something the EWG has discussed on numerous occasions is rather than including a lot of specific information or data, have the components in the FEP document itself linking to sources that would exist online and perhaps in ways that would facilitate keeping that information up to date but also so that the FEP sort of doesn't get lost in the weeds and we have a succinct description of the ecosystem that is helpful and furthers the Council's goals as far as ecosystem based management.

So having said all that, the bottom line is I think we have a lot of guidance here and I expect the EWG will take it on board and, and be coming back in next year in March with a close to final draft of Chapter 3 and some drafts of Chapters 4 and 5 for the Council to consider.

**Brad Pettinger** [00:15:30] Okay. Well fantastic. I see Caren Braby. Caren.

**Caren Braby** [00:15:36] Yeah thanks. Just a couple of other thoughts. I feel as one of the Oregon folks I wanted to address the specific question about Astoria being singled out and we heard from the EAS that that wasn't necessary. I just wanted to support that statement in particular and I think that a more regional approach rather than splitting out ports makes sense, and I think that the team also wanted to hear feedback on Chapter 5 being a separate document and I didn't hear a lot of comments about that but I think, you know, thinking about this FEP as being a communication tool and a synthesis tool, I think getting the information in usable packets to the intended audience is a key goal and outcome of this process and so if the team feels that Chapter 5 as a separate document is the way to do that, then that achieves my goal of making sure that this work and the information that's being brought together is most accessible to the audience that it's intended for. So just wanted to make those much more specific comments before we leave this agenda item.

**Brad Pettinger** [00:17:02] Okay, thank you Caren. Okay anybody else? Okay well I think we are done with F.2.

## G. Coastal Pelagic Species Management

### 1. Pacific Sardine Rebuilding Plan – Final Action

**Marc Gorelnik** [00:00:00] We are back on Agenda Item G.1 and we are, we have completed our reports and our public comment which brings us to our Council action, which is there on the screen. I see Briana Brady has her hand up. Please go ahead Briana.

**Briana Brady** [00:00:21] Thank you Mr. Chair. I just thought I'd offer some thoughts. I'd like to start off by acknowledging all of the hard work done by Doctors Kevin Hill and Andre Punt on the modeling in addition to Dr. James Hilger on the economic analysis for this agenda item and all the work done by the management team, the advisory subpanel, of members of the public. I very much appreciate the opening slides given by Greg Krutzikowsky from the management team and noting that this stock in particular is known for long term cyclical fluctuations in abundance. Additionally, the management teams presentation included information from the rebuilding analysts noting the various limitations of the modeling, stating that long term projections for this stock are not realistic when considering the outputs of the model and that the sardine population will rebound once environmental drivers favor recruitment and survival. The rebuilding analysts also noted that it's not possible to project the population forward for decades because the environmental factor is still an unknown. The modelers recognize that the model can't account for environmental variability and that status quo, as it was originally modeled, is vastly different than the actual management measures the Council has in place, and did not reflect the actual catch being on average 22 hundred metric tons or less than one percent of the actual northern sub-population. As I was saying, if we look at this population in the long term, we see that the population declined and increased prior to any fishing pressure and that the stock can stay low even with no fishing, but in comparing the alternatives that were modeled, especially as noted in management team report 4, where they did an additional modeling run to more adequately represent current management, we see that alternative 1 allows for rebuilding in a similar timeframe to alternative 3 but without the severe economic impacts of alternative 3. It appears some might be getting confused on the terminology as opposed to the nature of these stocks in saying that the Council will use status quo management. That might imply that nothing will change in response to changes in the stock or the environment and that's simply not true. The Council has a mandate and desire to ensure that this stock rebuilds as quickly as possible while considering fishing needs. Correct management allows the Council to impose annual restrictions and other measures in response to stock status and the environment and if sardine continues to decline, the Council can and should adjust allowed catches. For these reasons, I support alternative 1 for the rebuilding approach because it will not prevent the stock from rebuilding when conditions are right. It is not significantly different from the rebuilding time for all three and any small potential rebuilding benefits are not outweighed by the potential negative economic impacts. Alternative 1 provides for rebuilding without hardwiring something that is unlikely to be feasible given current levels of take, and that would have significant negative economic impacts to both fisheries and the coastal communities that depend on them. Additionally, I also support NMFS discussing international management and research options as described in some of the advisory body reports and from public comment. Thanks.

**Marc Gorelnik** [00:04:12] Thank you very much Briana. Further discussion? We had quite a bit of public comment, both written and verbal. We have a number of reports and I have to think there's some additional discussion to be had around the table but if there is no discussion perhaps a motion might stimulate some discussion. Briana.

**Briana Brady** [00:05:02] Thank you Mr. Chair. I have a motion, but I need to get it through the ether if you'd give me a minute, please.

**Marc Gorelnik** [00:05:09] Sure. No problem.

**Briana Brady** [00:05:17] Hopefully Sandra has it by now.

**Marc Gorelnik** [00:05:19] Okay. I know she'll take a moment to do what she knows to do.

**Chuck Tracy** [00:05:25] She does not have it yet but, she'll let us, it'll take a minute once she gets it to post it but she doesn't have it, hasn't received it yet.

**Marc Gorelnik** [00:05:40] Is there any further discussion people want to have to fill this void? Have any good stories to tell Chuck?

**Chuck Tracy** [00:05:53] Brad's got a story. Brad's got his hand up.

**Brad Pettinger** [00:05:58] Yes, I do. Yes, I do. I'll fill some dead air here. You know many aspects of this stock stand out to me. You know the undercounting of the nearshore biomass has been discussed over numerous meetings. The recruitment of this stock is, you know the variability of it over decades or centuries I should say and how it's overwhelmingly environmentally driven. I would like to say that I did go on a live boat or live bait trip last year thanks to Chair Gorelnik setting it up, and really I went not necessary to catch a fish, which I didn't, but I would say that it was a great introduction to a fishery that I've heard so much about and that's really why I wanted to go and I saw the value of the sardines to that fishery and to those communities and it was worth every cent to see it. You know one thing about stock assessments are trying to figure out how much fish in the water, so they're basically mathematical models and you have inputs and outputs and you know the removal of stock takes away from the biomass and I think that one aspect I had kind of joked about somewhat, but I know the industry down there has talked about that they're not taking those fish out of the ecosystem, they are all returned in one manner or another and which I witnessed and in my mind I think there should be a credit given to that somewhere in the system. You know I think for, in the groundfish fishery we get survival credits for small Black cod, small Ling cod returned to the ocean and I'm not saying it's, it's one to one with the sardine fishery, but it has to be a number and it has to be a plus and I think that needs to be explored in the future. With that vein or that same vein, that fishery is removing predators out of the ocean that eats sardines and so there is a plus there to the stock because we are taking predators out of the ocean and that's something that it's not one to wonder. It is a number and it is a positive and I think that leads to this being much more, the number we're throwing out there is being removal is much lower because of those, those two things, and I will say that there's a great comment today, great testimony about the needs of the fisheries and that's, it's a variable on a given year to year basis. I'd just like to say that you know highways, the lanes on our highways are about two to three times bigger than the width of the car for a reason, the average car is six or seven feet wide, we don't make lanes six or seven feet wide because stuff happens and I think that to say that the fleets really needs X or it needs Y, that may be so, but I think we need to be very careful about making those lanes too narrow and have people crash, and these are our coastal communities we talk about, and these are people, and they matter in this equation otherwise we'd be called the Pacific Fish Management Council. Fisheries is fish and people and I think that we need to consider that as we go forward and I await Briana's motion and okay.

**Marc Gorelnik** [00:09:47] I see that Phil has his hand up. Thanks for those comments Brad. Phil.

**Phil Anderson** [00:09:58] Yeah, thanks Mr. Chair. Given that I now have a pretty good idea of what the motion is going to be, or at least the guts of it, I thought I could share my thoughts either before or after it's on the table. First and foremost I think, is that like many of the issues that we deal with, I think there's a lot of unanimity around the desire to see sardines rebuilt in as short period of time as possible. I think there's a recognition that the fisheries do play a role in that. I'm sure there is disagreement around

the virtual room here as to what, how much it plays a role but my guess is most people think that it does play a role and that we can through our actions, we can influence the rate at which it rebuilds and but at the same time, think we're all trying to figure out how we do that and respect both the conservation responsibilities that we have as Council members and at the same time respect our responsibility to look after the fishery and the coastal communities and the fishery dependent folks, and so I think we start, you know, kind of from a common place and while we oftentimes disagree on how to get there, one of the things that I think has kept this Council strong is that we all have very similar goals in terms of the outcome we want from our management and I don't find this situation any different than that, regardless of which alternative you support. I think the, same as Briana, I want to acknowledge the work that our modelers did to try to create a model to help us understand how we might move forward, what in terms of rebuilding this stock and what could be expected under different conditions. I think the variability in recruitment is one that we all struggle with in terms of how to try to project out into the future what's going to happen and we have, I would argue, very little to do with that or relying on mother nature to help us out in a big way if we're going to achieve the kind of rebuilding of this stock that we'd like to see, and the other thing is that there's just no denying that there, this stock is cyclical in terms of its abundances and time periods which is when it is in low abundance and I doubt that there's much that we're going to do to change that. I am struck by some of the limitations the modeling results have and when I compare it to maybe some of the models that we use for things like whiting for an example and other groundfish that we're trying to adapt that kind of a rebuilding model to a species that has a considerably different life history characteristics and there are obvious challenges with that. I appreciated the fact that the team looked beyond the modeling results and they, as they went through their rationale for their recommendation they covered some of those considerations, including the historical information on the range of sardine recruitment and population dynamics and understanding of modeling its assumptions and uncertainty. The historical information about the sardine fishery, the fact that a relatively small proportion, based on the information that I've seen, is coming from the northern sub-population and so I think in this instance and as in others, it makes sense to take into consideration other factors that our models may not be able to represent, and I'm also, as I said a little bit through my questioning of in particular, Gilly, was the recognition that alternative, the differences between alternative 3 and 1 in terms of the relationship to what would the ACO would have been in the 19-20 timeframe versus what the catch was would have resulted in a reduction of about, I haven't done the exact math, but somewhere in the order of 30 percent, and I think about the restrictions that we've placed on our fisheries in response to the status of the stock and we are down to the point where there is a lot of blood going to be left on the ground as we take, as we cut from where we are now, and I think that I would rather have a little bit more available now to keep from having to cut arms and legs off the fishing communities even though I recognize that, maybe that in the long run that these stocks may not rebuild quite as fast, maybe to the extent that we, that our actions have an impact on that result so I'm going to be prepared to support alternative 1 when that comes in front of us here for those reasons, but again I would just go back and would say that I have complete respect for those who would like for us to take a more aggressive approach in terms of further restricting removals by our fisheries to try to get us to a point where we have a faster rebuilding of the stock. I'm just not convinced that the difference really is going to, and what we do between those two alternatives with our fisheries at the end of the day is going to make the difference, but I am convinced that a further reduction of the kinds that I see in the analysis I know are going to be extremely detrimental to the fishery and that's what I really struggled with, so I'll close there. I don't have an analogy that even comes close to comparing to our Vice Chair and the width of the lanes on a highway and the width of his car and all that sort of thing so I'm not even going to try to top that and I'll close there. Thanks.

**Marc Gorelnik** [00:17:59] Maggie Sommer.

**Maggie Sommer** [00:18:01] Thank you Chair. I would support the comments just made by Phil and a few minutes ago by Briana and share the perspectives and concerns expressed therein. Maybe I'll just

add following on a little bit. One of the things that I am thinking about in this is a statement in the preliminary environmental analysis, attachment 1 for this agenda item under that ecosystems section 4.4, that the sardine harvest control rules are already conservatively designed to limit sardine harvest such that adequate forage remains in the ecosystem for dependent marine predators by reductions in allowable harvest in conjunction with biomass declines. Therefore, none of the proposed management alternatives are expected to adversely affect forage availability. Sardine removal would be according to status quo removal or less, and that's, just wanted to I guess highlight that is as an additional thing that we haven't raised in discussion today but that's certainly one of the factors I'm thinking about in the mix. Thank you.

**Marc Gorelnik** [00:19:30] If they're no further discussion we do have the motion ready to go, so not seeing any hands I'll ask Sandra to put up Briana's motion and then ask Briana to speak to it. Well to not yet, to just speak to it just to confirm it. We'll go through that process. All right, go ahead Briana, you want to read your motion into the record?

**Briana Brady** [00:20:05] Thank you Mr. Chair. I move the Council adopt alternative 1 for rebuilding sardine. The rebuilding target of 150,000 metric tons of one plus biomass, the T-min equal to 12 years, the T-max equal to 24 years, and a T target equal to 14 years.

**Marc Gorelnik** [00:20:26] And.....(garbled)....your motion.

**Briana Brady** [00:20:34] Yes, it does.

**Marc Gorelnik** [00:20:42] Seconded by Bob Dooley. Please speak to your motion.

**Briana Brady** [00:20:48] Thank you. So I'm thinking about this action, I'm coming from a place of needing to protect this stock in the ecosystem while balancing needs for the fishing communities, especially in the face of the economic hardships of the COVID-19 pandemic and already having the primary directed fishery closed. Magnuson does not require that the Council choose the fastest path to rebuilding and importantly, the model is not reflective of actual real-world situations. Differences of a few years or even a few decades are within the bounds of uncertainty, especially given the models inability to account for environmental fluctuations. Although alternative 1 does not explicitly set catch at some level below the ABC, the management measures in place restrict catch well below that level. Additionally, this framework allows the Council, in the face of new information or greater uncertainty about the population, to set ACL's, ACT's and allow catch allowances differently than we have as necessary. As noted in the management team report, the existing management framework for Pacific sardine has already closed the primary directed fishery when Pacific sardine biomass drops below 150,000 metric tons, and that's a level three times higher than the overfished level. Noting importantly that the primary fishery has been closed since 2015, which is six years before the implementation of an actual rebuilding plan. The framework also includes automatic actions that reduced the incidental take of sardine from 45 percent down to 20 percent. The issue is status quo versus current management, quote unquote, is important. The Council has clearly shown a willingness and ability to reduce take in this fishery as needed. We look at the table in the preliminary environmental analysis from the management team, table 1, it shows that the OFL and ABC and ACL values have gone down with biomass and to add to all the various restrictions already in place, the actual catch of the northern sub-population portion has been less than one percent, or about 470 metric tons of the biomass over the past five years. In considering the targets that are listed in the motion, the CPS Management Team recommended a rebuilding target of 150,000 metric tons, one plus biomass, and noted that this level aligns well with the BMSY proxy from the modeling. The MT also stated that part of the rationale for utilizing a 150,000 metric ton one plus biomass level as the rebuilding target is that this rebuilding target is the same biomass metric as the overfished threshold and annual stock assessments, therefore

using this metric would facilitate tracking the progress towards the determination of rebuilt status and avoid confusion in comparing different units of biomass. Additionally the use of static value is consistent with the CPS FMP for specifying the overfished status, and as for T-min, T-max and T-target, the management team has outlined the rationale behind those values to meet the requirements of MSA. To me the Council's and the state of California's goal is to rebuild this stock as quickly as possible while considering the needs of the fishing communities, and in closing, as the Council continues to keep the sardine fishery closed and continues to limit incidental catch, to me that signifies our intent to limit fishing mortality due to the need for rebuilding, while also taking into account the needs of the various sectors and the small amounts of live bait incidental catch that keep the industry going to minimize the loss of commercial processing capacity and recreational fishing opportunity, and just to address the discussion we had earlier during the sitsum, I'm comfortable with the Executive Director working with his staff to draft the language needed for the amendment and transmittal to NMFS and I also note that the management team statement that they would like to develop a process for reviewing the rebuilding status with the SSC CPS subcommittee, and I support that coordination among the groups on how best to move forward for review.

**Marc Gorelnik** [00:25:35] Thank you Briana. Questions for the maker of the motion? Discussion on the motion? Bob Dooley.

**Bob Dooley** [00:00:00] Thank you Mr. Chairman. I have been following this as close as I possibly can through the last few months and years even and listening to all the testimony on this issue and all of the comments coming forward. I really appreciate the work of the GMT, or the HMT in the clear presentation they gave to us on this issue and really brought clarity to me and appreciate the advisory subpanel as well, as well as all of the comments on this. I won't go over a lot of the details that my fellow Councilmen who already put forward. I agree with Council members I should say. They've really hit all the points that I would hit. The one that I would like to add to this that really makes a difference to me, I think this Council has shown over the years to take the high road, has shown that they take management of the fisheries and consideration of communities and fishermen and all of that to heart and they make the right choices. We've always, it's a long, long history and many, many examples I could cite where that's the case and the thought of putting in an automatic function that takes the decision making out of the Council's hands to a large degree was very disturbing to me. I didn't see much difference in the rebuilding schedules that would make a difference. It's really well documented that this stock is really dependent on environmental conditions and not in, a lot of things aren't in our control. It's not like rebuilding a lot of the other species we've done so to that I think we need that flexibility. I think Phil spoke to it well and I think the Council, you know, has been trusted to do that and has proven over time that we can so I will be supporting this motion.

**Marc Gorelnik** [00:02:24] Butch Smith.

**Butch Smith** [00:02:28] Thank you Mr. Chairman. I, too, without trying to repeat a bunch of stuff and get in trouble from the Executive Director, I would like to thank everybody that testified today and especially the NGO's and Gilly for their testimony. You know I do like to see the comparison and I do take conservation and rebuilding the stocks very seriously. I don't know a fisherman or a person in this process that doesn't, so for their testimony I'd like to thank them, and Miss Diamond, I think she's a graduate of MREP if I'm not mistaken, and the other charter offices and landings and the bait people and it's important to rebuild these stocks as reasonably as possible to keep the coastal communities intact, and I believe in we're doing this to make sure that.....in a coastal community, every fishery touches everyone and there's not one more important or less important than the other, but they're all needed to be as healthy as possible, and I believe that we've looked at our conservation in this matter and thinking of maybe a possibly a little slower rebuilding. I know we've been surprised in the past on other species that how fast they've rebuilt and I think possibly with some of the comments on the coastal



nearshore sardine populations that currently, for whatever reason, aren't being looked at, we could be surprised and, hopefully, we'll be surprised again but I think we've got conservation in this motion, plus keeping the fishermen on the water also and so that's why I'll be supporting option 1, or I mean, excuse me, the motion that's on the floor. Thank you.

**Marc Gorelnik** [00:04:54] Corey.

**Corey Niles** [00:04:54] Yeah, thank you Mr. Chair and thank you, Briana, for the motion. I'm going to speak in support of it as well. I really appreciated the comments spoken to by everyone so far and yeah, Brad, I don't think I've ever heard that one before about the width of the lanes, so I like that one. Might be the second-best thing I heard today. The first one being someone making a joke on the GMT about having to run up to their hotel room at lunchtime to grab something but much funnier, I'm sure, when it was spoken in the moment, but, yeah, a lot of thoughts, I'll try to keep it brief. I think I would say this Council has a long tradition of following the science. When we heard that we were going to have to do a rebuilding plan for sardine I was not expecting it to look like a rebuilding plan for rockfish. You know a lot of us here have spent a lot of time with rebuilding rockfish and, oddly enough, this rebuilding analysis looks a lot like a rockfish rebuilding timeframe so, yeah, a lot of questions about the science. But we heard from the SSC today that they believe it's the best available science and that's what I'm following here with these thoughts, and I think Mr. Anderson spoke to it really well in terms of the needs of the fishing community side of things. This is, I won't repeat all that we've heard but this is, you know, it strikes me as very much in line with how we rebuilt rockfish and striking that balance between the shortest time to rebuild and the needs of the fishing communities is there's probably no clear cut answer, but to me this is well within the bounds in my mind of that balance and of meeting that need to rebuild while keeping sure that the communities are around when it is rebuilt. I guess just a couple more thoughts that you know this is also, I don't know that the rebuilding really fits the situation, that's what we're following, but we've, the Council has been rebuilding the stock more or less since it crossed cut off and has taken that progressive strategy to close directed fishing when biomass gets low, and so I do think that should be recognized and the Council has been doing the right thing following the science in a precautionary manner ever since we've dropped below cut off. I guess another thing we've, we saw on groundfish and, yeah, on Brad's width of the lane issue we had, and yelloweye rockfish is the one we worked with most maybe in Washington, you know we had a situation where we were on paper allocated all the way up to the ACL but then every year, pretty consistently catch would come in below, and below that it would come in like 60 percent of the ACL and at one point in time that really mattered to how long the stock was going to rebuild, whether you assumed, you know, contrary to experience that the full ACL will be taken, or if you assume that you're going to continue to see 60 percent of that based on your precautionary management measures, and I'm seeing that here, too, that's what's going on the team and thanks to the team for the hard work this summer and to Greg, for the presentation, and I think one of the slides, slide 15 pointed out, you know, the status quo management were averaging recent harvest of 2200 metric tons and what were not the ABC and Briana mentioned this too, and every time we talk about this I get confused about the accounting between the southern and northern stocks, and on the slide here it says if, you know, if it may be just 472 metric tons of the northern stock and I believe Briana said, and I again could be mixing up which is which here, but that's less than one percent, a harvest rate of less than one percent, so I do think that's important that we're talking about the actual catch and the effect of our precautionary management measures and not just this idea of hitting the ABC every year. And last point on that, there's a tendency in our CPS fishery management plan to try to manage out decades in the future and decide things ahead of time, and in some cases I can see that's a good thing, like with cut off, but what we really have is what you want and like with what you do with whiting and other stocks is you get a stock assessment every year and we look at it again and look at how the fishery happened and we can look at the communities every year so by setting this through a rebuilding plan, I don't see it changing too much how we do that, how we listen to the science every year and I think the management team have pointed that out well and

looking really a lot to the team here and the rationale and the evidence they produced on things like the age 1 plus biomass. So again, I really appreciate their work, but we will be looking at the assessment annually and if trends aren't going the right way, I believe I have confidence that this Council will take a look at that and see if there is something that we should be doing better, and I will stop there Mr. Chair.

**Marc Gorelnik** [00:11:03] Thank you very much Corey for your comments. Louis Zimm.

**Louis Zimm** [00:11:09] Thank you Mr. Chair, and I think it'll probably come to no surprise that I, being from Southern California and being really from the CPFV fleet, will be supporting this, but I want to make one comment, and that is last year I was involved in a fact finding mission on challenges to West Coast fisheries, chaired by Representative Jared Huffman, and we had one person in the audience that asked whether the Council is precautionary enough and I jumped to answer on this, and John Ugoretz may remember, that the California Department of Fish and Wildlife has a mandate to be precautionary and wouldn't let us be anything else but precautionary and so I want to thank the department for their hard work on this and I want to acknowledge that this is a very precautionary approach as we have had in the last few years, ever since reaching cut off and then reaching the overfished level, so thank you very much California Department of Fish and Wildlife.

**Marc Gorelnik** [00:12:33] Thank you for your comments Louis. Any other comments before we call the question? I will note here, it's often said that mother nature bats last, and that's especially true when we're dealing with these species or we can do what we can to essentially do no harm while you know nature takes care of recruitment and spawning and I do recall seeing just only a few years ago when we were having similar discussions or at least analogous discussions about anchovies and then the anchovy abundance jumped tremendously so, and we really can't take any credit for that, that was mother nature so with that, I guess I'll call the question on the motion that's before us. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:13:46] No? Abstentions? The motion passes unanimously. Thanks Briana, for your motion.

**Briana Brady** [00:13:53] Thank you. Have a great day.

**Marc Gorelnik** [00:13:56] Well, before we wrap this up, Corey Niles has his hand up.

**Corey Niles** [00:14:03] Sorry Mr. Chair if you had somewhere to go next, I just do, I did want to raise one more thing but I will yield to you if you were going to guide us here further.

**Marc Gorelnik** [00:14:12] Well, all I was going to say is did anyone else have any further business on the agenda item so you're up.

**Corey Niles** [00:14:22] Okay, thank you Mr. Chair. I just, I want to maybe just flag an issue to talk about in the future or if NMFS is prepared to comment now, fantastic, and I believe the AS and others in public comment were raising the matter of how we work with Mexico on this issue. It does, according to this analysis, look like, you know, Mexico catches are something we should be paying attention to possibly and, again, I find the stock structure confusing but, yeah, that suggestion just caught my eye again and it seems, and I know there have been efforts and don't want to suggest there haven't but I want to just express interest in hearing more at some point and thinking about how we do our best to manage the stocks and the populations across these international boundaries.

**Marc Gorelnik** [00:15:28] Well that's a good question. That was mentioned. We have a transboundary stock and no agreement with Mexico so was that a question directed at NMFS in which case I'll call on Frank Lockhart.

**Corey Niles** [00:15:43] To be clear, sorry if NMFS prepared yes, but if I'm just flagging as something as we proceed, you know not at this meeting necessarily, but in the future it is an idea I think we should be talking about more, but if Frank had thoughts, that would great to hear but no, don't mean to.....

**Marc Gorelnik** [00:16:05] I think Frank is ready.

**Frank Lockhart** [00:16:06] All I'm going to say is that we would be glad to give a more thoroughly answer to this at a future agenda item under the NMFS report.

**Marc Gorelnik** [00:16:19] Is that an acceptable response Corey?

**Corey Niles** [00:16:23] For me, yes sir.

**Marc Gorelnik** [00:16:26] Okay, and I guess, let me just see if I can try to capture the sense of the Council, is there anyone who disagrees with the notion that it would be helpful to have some discussions with Mexico on this? I don't think we have a State Department representative here but Briana.

**Briana Brady** [00:16:48] Thank you Mr. Chair. Yes, we would support a long-term approach to consider international management and science work.

**Marc Gorelnik** [00:17:05] Okay, thank you for that Briana, and my sense is that is the sense of the Council. If anyone disagrees please speak up and I'm not seeing any hands so let's make sure we capture that. Is there, before I turn back to Kerry on this, is there any other business from Council members on this agenda item? Anything I missed? I'm not seeing any hands. Kerry, how are we doing?

**Kerry Griffin** [00:17:45] Thank you Mr. Chair. I think you're doing quite well. I would say you have completed the business for this agenda item. If you'll indulge me, I'll just do a very quick summary of what I hear. Obviously, the motion is in writing to adopt those rebuilding reference points and the preferred alternative. What we'll do next is work with staff and the Executive Director to develop appropriate FMP amendment language. If my accounting is correct this would be Amendment 18 to the CPS FMP and we will transmit that to NMFS. We also need to take the analytical document and turn it into what I think is going to be an environmental assessment and add the requisite sections that were not in it yet that you see in EA's, and we will transmit that as well, and then there was direction for the CPSMT to work with the SSC CPS Subcommittee on a plan for reviewing progress and so we will get to work on that coordination too, and then the last thing was a general vote of support for international management and science. There weren't specifics on that, but I think that's sort of a clear policy statement that we can all pursue, so that's what I take away from this. If there's anything that I missed, now's your chance but with that, without seeing any hands raised, I think you did an admirable job in working through this and considering all the reports and the science and you've completed your business under this agenda item.

**Marc Gorelnik** [00:19:43] All right, thank you very much Kerry. Good work everyone, and that concludes CPS work, that's ended G.1 for this meeting.

## H. Salmon Management

### 1. Reintroduction of Salmon Above Grand Coulee Dam

**Marc Gorelnik** [00:00:00] This completes our reports and there being no public comment brings us to our Council action, which is to consider the report and the express request so let's start with some Council discussion keeping, being mindful of the time. Phil Anderson.

**Phil Anderson** [00:00:27] Thanks Mr. Chairman. Again, I just really want to express my appreciation to the Colville Tribe for bringing this forward. As you can see from the material, it is an effort that has been going on for a couple of years. It's an exciting, I think, really exciting project and prospect to reintroduce salmon into areas where they once were plentiful and have since been eliminated as a result of the construction of these impassable barriers to an awful lot of spawning habitat. So, in general I am very supportive of the project. I know there's a lot of interests, a lot of government entities that have an interest in this project and I want to be respectful of those entities and mindful that there are a number of tribes, as well as other governmental entities within the state of Washington, including the state itself that are interested in the project. I can get my arms around having the Council draft a letter of support for this project. I think we need to do it carefully and we need to take some time to put that letter together. The timeline that I'm thinking about is if we tasked our Executive Director with working with the appropriate folks to pull together a draft that we could potentially have something to bring back to consider at our November meeting, understanding that this is a long term project. We have some time to carefully construct and think about what we would want to put in the letter and ensure that we are not stepping in areas where other government entities may have concerns, so that's why I would want to do it carefully, but those are some thoughts that I have. Thanks.

**Marc Gorelnik** [00:02:59] Phil thanks very much. Joe Oatman.....and Joe, we're not hearing you. I can see you've unmuted your microphone but we're not hearing anything.

**Joe Oatman** [00:03:21] Can you hear me Mr. Chair?

**Marc Gorelnik** [00:03:21] Oh, yes. Yes, it's better now.....but now we've lost you again. Whatever you're doing now, we're getting some audio.

**Joe Oatman** [00:03:45] Can you hear me now?

**Marc Gorelnik** [00:03:45] Yeah. Why don't you go ahead and if it's not working, we'll come back? Please go.

**Joe Oatman** [00:03:57] .....(audio breaking up).....

**Marc Gorelnik** [00:03:57] Joe, I'm going to interrupt you. It's really, we really can't understand what you're saying because it's cutting in and out. If you don't mind, we'll come back to you. I've got a couple of other hands up and I don't know if the Secretariat might be able to help you with that offline here but let me call on Dani Evenson followed by Kyle Adicks.

**Dani Evenson** [00:04:40] Thank you Mr. Chair, and I do want to echo the comments of others for bringing forward this interesting material today, Chairman Cawston and Mr. Baldwin. This is a stock, particularly the chinook stocks is near and dear to my heart. I spend a lot of time early in my career studying this particular stock complex and I want to point out this stock complex in particular does drive a lot of the fisheries on the seaboard from Alaska, British Columbia down to Washington and

Oregon, not just the inriver fisheries so really excited that this work is happening and would be in support of a Council letter with the caveats that Phil added, and also do have some concerns about the harvest sharing arrangements piece as well, so yeah supportive of a Council letter. Thank you.

**Marc Gorelnik** [00:05:44] Thank you Dani. We'll go to Kyle Adicks but Joe, if you check your e-mail. I think you were sent some troubleshooting tips in your e-mail so take a look there. We'll go to Kyle Adicks and then we'll come back to Joe Oatman. Kyle.

**Kyle Adicks** [00:06:00] Thank you, Mr. Chair. As you both probably inferred from the presentation today and seeing WDFW mentioned in there. We have been supportive of the feasibility studies for salmon reintroduction above Chief Joseph and Grand Coulee Dams and supportive of allowing the science being developed to guide the path forward through the reintroduction. Success of the reintroduction project will ultimately require a broad regional support if it's going to be successful. It's a huge project. I recognize that there'll be some uncertainty of the effects of reintroduction on fisheries downstream in the Columbia River, as well as in the Council fishing areas, and then Pacific Salmon Treaty fisheries and those effects will have to be better understood as reintroduction progresses. I appreciate the acknowledgment that we heard today that the intent is not to disrupt those other fisheries as that reintroduction progresses. There are likely some other factors Council members are considering, including implications in support of this project versus others that may receive request for Council support and potential effects on ESA-listed stocks and other populations as reintroduction progresses. So WDFW continues to be supportive of this effort and I acknowledge that the Council would have to be careful as they approach writing a letter of support for the reasons that Mr. Anderson described.

**Marc Gorelnik** [00:07:20] Thank you very much Kyle. I'll go back to Joe Oatman now and see if we can hear him. I notice that his mic's muted. I do want to hear from Joe. Joe, you want to, looks like you're on the phone now, you want to....yeah, there you go. Why don't you go ahead?

**Joe Oatman** [00:07:48] Thank you Mr. Chair. Can you hear me okay?

**Marc Gorelnik** [00:07:48] Yes, please, much better thank you.

**Joe Oatman** [00:07:52] Okay. Again, I apologize for the difficulties online, but I did want to, had some thoughts on this agenda items. I can certainly understand and appreciate the desire by the Colville Confederated Tribes to get support for this effort. In concept I generally support reintroductions of fish to areas they historically inhabited but are no longer found given changes or destruction of habitat or possible failures to access habitat. You know the Nez Perce Tribe that has recently developed policy for dams in our territory such as, Hells Canyon Dam, Wallowa Lake Dam ? I can certainly understand the interest that the tribes have for their areas. So, with respect to this report as presented to us today, I am not aware that there is expressed policy support from all tribes in the Columbia basin, especially those that I represent. I understand there may be differences in perspectives of this phased approach. My interest for today is to hear the updates, but I'm not in a position to provide a support or a letter at this point. From my perspective, this is a very complicated issue with this, but just one facet to it that are the Colville Confederate Tribes. This has larger implications and potential issues, as this is one piece in a much larger effort as we have heard in the presentation. Regardless to say there is many more perspectives and issues that are not provided to the Council at this time for a more comprehensive depiction. I understand this effort for fish passage and reintroductions occur within three forums as we have heard in the presentation. Those forums being the Columbia River Treaty, the Northwest Power Conservation Council Fish and Wildlife Program and Tribal Initiatives. I do note that there is the H.1, Attachment 1, which is the fish passage and reintroduction into the U.S. and Canadian upper Columbia Basin and this represents a broader view. I understand that the Colville Confederated Tribes is in phase two and looking to continue to call for support and build upon the momentum that they have to initiate

it. I'm not adverse to hearing more on this topic. This may result in opportunity of others involved to also share their perspectives with the Council. With that Mr. Chair and Council, that is the comments I wanted to share at this time. Thanks.

**Marc Gorelnik** [00:11:02] Thank you very much Joe. Further discussion? We've heard some words of support talking about asking the Executive Director to put a letter together, but I think we've heard some reservations from our tribal representative, so what is the pleasure of the Council here? Virgil Moore.

**Virgil Moore** [00:11:37] Mr. Chairman. Certainly, I'm interested in understanding this project more. Within the Columbia Basin certainly we have a lot of blocked habitats. Understanding the feasibility of being able to get use out of those blocked habitats I think is important relative to the entire Columbia Basin. Resources are not unlimited in the Columbia Basin relative to doing these kinds of works and while I can support a letter from the Council wanting to stay informed and understanding what's going on, I'm stopping short of saying that I could support that activity without an understanding. As Joe noted, how's this fit into the bigger picture to the entire Columbia Basin and what is relative to feasibility? I would like to hear about how the reintroduction in Lake Billy Chinook has done? One of the few high dam projects that's been in place and how is that progressing and what's the cost? That doesn't mean that we are not in favor of doing and accessing these habitats as we gain more knowledge. I believe we have to do that, but I don't know that the Council, relative to what we believe is important out of the Columbia Basin for our oversight in the coastal fisheries can play favorites here until we have a better picture of what's going on. So I'm not saying I can't support a letter, but I would like to see it very carefully worded relative to our support for continuing studies, not so much the support for the project as I'm not sure what we've been asked for. Thank you, Mr. Chairman.

**Marc Gorelnik** [00:13:54] Thank you Virgil. Well, if I can try to synthesize what I've heard and I'm not usually successful but I'll try anyway, it's that there's general support and interest in reintroducing salmonids to habitat from which they've been extirpated and that perhaps this effort by the Colville Confederated Tribes is a promising piece of that but that the Council is really looking at the big picture and so, you know perhaps we can support that as part of a larger consideration because it is one piece of many. Chris Kern.

**Chris Kern** [00:14:59] Thanks Mr. Chair. I was sitting here trying to decide whether to say anything or not because often I think something that might be helpful turns out to not be, but I see maybe there is some avenue here to, and it's sort of, I'm hoping to link it to what you were saying in a degree that.... there's a number of aspects of potential positive outcomes from this reintroduction or any other, as well as any other sort of restoration activity that certainly the Council would be interested in, and I think Mr. Moore was talking about that as well in a lot of ways, and so if we were able to focus on, you know, reiterating the Council's interest in those sorts of activities as they benefit salmon in a way that is a little more general than the specific approach of reintroduction even or the specific project of reintroduction at this site, maybe recognizing that we are just sort of getting our feet wet on this particular project or potential project, as it were. Maybe that is an avenue to think about, if that makes sense.

**Marc Gorelnik** [00:16:13] I think it does. Let me see if there's anyone around the table here that would object to that approach, at least for purposes of a draft letter. Keep in mind, we're not approving a letter here. We're merely tasking the Executive Director and his staff with putting a letter together but obviously, we need to give them a direction. Does anyone object to that sort of direction? Okay I'm not seeing any objection. Let me ask Executive Director Tracy if he feels like he has enough direction here to go forward with a draft, and then perhaps when the Council might be able to review that draft keeping in mind we don't have any specific deadline here.

**Chuck Tracy** [00:17:08] Thank you Mr. Chair. Thank you, Council members. Well I think I can envision an approach, obviously it would require a lot of coordination with all the agencies and that are on the Council, all the states, the tribal folks, Fish and Wildlife Service, National Marine Fisheries Service. I mean everybody, you're talking about, you know, all the Council, including, you know, Alaska and Fish and Wildlife Service, non-voting members of the Council too so, you know, it's going to take a lot of coordination to put something together and I think it would have to be, well, my guess is it would have to be something that's probably at a fairly high level but, you know, sort of makes allowances for other considerations that, you know, maybe are not necessarily related to the Council's management but would be related to management that the other entities that those other agencies are involved with, so that's a bit of a delicate balance and again, there's a lot of.....you're required to balance a lot of interests there and perspectives so I don't think it would be.....it'll either be a very difficult task or a very easy task with not much to it, I guess, is what I'm kind of thinking but I think, you know, we could take a shot at it. I would be, I don't think November is very likely, particularly if you're looking to get something prior to the briefing book deadline, which is, you know I don't know when that is, it's not very far away, mid-October or something like that. I just don't really see us considering all the other follow-up we're going to have out of this Council meeting and things that are already on their agenda and the tremendous.....we still have a lot that's going to come out on day last here on workload planning, but I think perhaps, you know, over the course of the winter we might be able to bring something back at the March or April meetings, which are salmon-centric, after all, and probably have some more opportunity for engagement there and feedback. So, I guess that's my thoughts about it. I'm certainly willing to take any more specific guidance from Council members that we might get. Virgil's comment that, you know, support for conducting the studies, the research, trying to determine what the potential for the reintroduction would be and I think is, I suspect that is something that most folks could get behind. Another question is are the overall goals and objectives of the project something we want to address in the letter or not? And I guess.....maybe I'll stop there, see if there's any more specific guidance that people are willing to give now or if that's just something that we'll need to work, work with folks once we're done with this meeting.

**Marc Gorelnik** [00:21:15] Well let me see if there are any hands up to offer any specific guidance. If not, then I think that it, I would encourage all the other management entities on the Council and those with an interest here to communicate their specific concerns to Chuck so that he's not pulling teeth to try to get the information he needs to put together a letter. I also think, Chuck you mentioned, you know, it could be a general letter would be more easily drafted than a more specific letter and I guess we don't want to burden staff too much here so I'll let you draw that balance but, you know, and we'll take a look at this in March or April. Is that acceptable to folks around the table? And I'm not saying any hands. Is that a good place to leave it Chuck?

**Chuck Tracy** [00:22:24] I think we can work that if there's no objection to that approach that I'll just be sort of solicit some input from each of the entities and see what I can pull together. It seems to cut across most of the lines and go from there and then, yeah, but I think it's definitely a springtime product.

**Marc Gorelnik** [00:22:50] Thanks. Anything else around the table on this agenda item? Robin. Are we done?

**Robin Ehlke** [00:23:03] Good afternoon Mr. Chairman. Yes, we're done. I think the Council has had a really good discussion on this topic that the Colville tribes has brought to us and it sounds like we'll be looking to draft a letter that balances some of the perspectives and we'll look to get that complete for the Council review in March or April.

**Marc Gorelnik** [00:23:24] All right. Thanks very much.

## 2. Amendment 20: Management Schedule and Klamath Management Zone Boundary Change – Final Action

**Marc Gorelnik** [00:00:00] That completes public comment on this agenda item, which will bring us to our Council action, which is to adopt a final preferred alternative and housekeeping edits to the FMP and I will turn to Mr. Wulff.

**Ryan Wulff** [00:00:17] Thank you Mr. Chair. I do have some initial remarks here but before I do that, if I could I'd like to ask a question of Robin, and I apologize if I missed this but did you introduce attachment 3 and, if not, or even if you did, could you just remind me about this document as it does have some slight revisions or at least proposed changes to language for some of the alternatives we'll be discussing?

**Robin Ehлке** [00:00:50] Thank you Mr. Chair. Mr. Wulff, thank you for the reminder. I probably did overlook the fact that we do have a supplemental attachment 3. The intent of this document was to help the Council members identify where potential changes may occur given the alternatives at hand. There is in no way meant to imply a preference of the project team who developed this document but just to try to put things in places so we have language in front of the Council of what the alternatives might look like. It is true that I think especially in section, scrolling down here, in section 9 in the table of page 6, we made reference to the transmittal date. It doesn't quite reflect what the alternative is but again, the intent is to just show where language might be inserted and does not imply a preference of any way, and I will apologize for not making the language exact in the sense that they follow the alternatives but was hoping that this would be used as a tool for the Council as they move forward with their motion.

**Marc Gorelnik** [00:02:21] Ryan, follow-up?

**Ryan Wulff** [00:02:23] Yes. Thank you, Mr. Chair. Thank you, Robin, that's very helpful. I do want to refer to that document as well in my remarks and I appreciate the work that's gone into that, as well as all of the work that has gone in to the materials that we have before us today. I think it's no secret that NMFS strongly supports changing the effective date for the annual management measures for quite a number of reasons. This has been a challenge both regionally and from a national perspective with our current timeline being so compressed, and even though an additional 2 weeks or 15 days might not seem like a lot, it really has some significant impacts for our ability to commit to greater certainty, so don't have necessarily a preference between the 15th and the 16th though obviously the 16th gives you one more day, but I do want to note about the transmittal date. I would encourage the Council to adopt the alternative 4.15 which basically is, basically is an actual date in the FMP, a date certain. In Robin's presentation she had April 21st, May 15th, so April 22nd, May 16. In recent years that transmittal has occurred about an average and nine days after the Council meeting, therefore we really don't think this will cause undue strain upon Council staff and the STT in most years, whereas in contrast, having this in the FMP would give NMFS the comfortability it needs to really commit to implementing these management measures as expected, and as we've noted throughout this process, we've determined through lengthy discussions at the regional and national level that requires us having 24 days between transmittal date and all of those various processes we have to go through regionally and nationally to get that through and then published. This concerns been augmented a little bit too recently as well, well not recently, I guess over the past two decades, we've kind of observed a slow shift in the overall data to the Council meeting to slightly later and even though it says not that it won't extend past April 15th, I think at least twice in the last five or six years the April meeting has ended after that. Now NMFS recognizes there may be some years where hitting that exact transmittal date, if included here, would be challenging. So one way we could address that would be if we at the November Council meetings



when the annual preseason schedule is discussed if any issues were raised then of anticipated difficulty in the timing of transmittal so that we can try to build in flexibility as we develop the regulatory package and kind of work there over the winter and into the spring. Regarding the boundary change, we understand the desire for the boundary change. We can support that if that's what the Council wants to put forward. We do have some concerns about the uncertainty of fishery impacts on overfished and ESA-listed stocks if it's open to commercial salmon fishing for the first time in 30 years, which is why we appreciated the Council's consideration of an alternative for a conservation zone when they're managed under de minimis provisions. You know again, our concern is with commercial fishing impacts to the power of them and the unknown impacts from that fishery that's been closed for 30 years, and just to clarify, weren't trying to address the recreational fishery, which has already been open during commercial closures. I do understand that the Council may want to use a different term than 'conservation zone' or have a little bit more flexibility built in and that's why I wanted Robin to highlight attachment 3. There is, it's a revised language there that has those de minimis conditions having the Council should consider alternate or, excuse me, should consider additional conservation measures, I think is the language and if that's what makes the Council more comfortable, that's also something that NMFS can support. Regarding housekeeping, again, it's a reminder from NMFS perspective, and I appreciated the STT report and their revisions, you know, we feel items that fall in the housekeeping category are spelling corrections or factual corrections such like the language that's updating to reflect the merger of our northwest and southwest regions into the West Coast region. Anything that brings the FMP into consistency with already passed regulatory actions such as updated status determination criteria, all of that is acceptable housekeeping items and we can support those changes as put forward, and I'll stop there. Thank you, Mr. Chair.

**Marc Gorelnik** [00:07:33] Thank you Ryan for those thoughts. Brett Kormos followed by Kyle Adicks.

**Brett Kormos** [00:07:46] Thank you Mr. Chairman. I'll begin by saying that I think I'll go out on a limb here and say I think we all appreciate the need for a schedule change amendment here to the FMP. We've run into trouble on this issue at least for the last two consecutive years and all acknowledge how challenging it has been for National Marine Fisheries Service staff, both regionally and nationally, to promulgate the regulations by May 1st and I'll take this opportunity to once again thank those people for all of their hard work and for the amount of effort and energy it's taken them to get things set by May 1 or even May 6 in the recent years. So, I would just suggest to the Council that given there isn't a significant difference between May 15 and May 16 that we consider the May 16 date. It does offer an additional day, which is good. It makes a nice clean split between down the middle of the month of May and provides a nice, clean and neat split between spring fisheries that we will set in regulation in the year prior and summer and fall fisheries that we will ultimately craft in March and April of the same year. It also is going to offer 15 days or close to 2 full work weeks of additional time for NMFS to promulgate the regulations, or at least 10 days greater than they've been able, well 10 days greater than we've seen the regulations put into place in the last couple of years. Regarding the transmittal date and deadline, I tend to agree with the concerns of the Salmon Technical Team and have a couple of other thoughts regarding why we might not want to set a transmittal date, but first I'll point to something that Robin and I think Mr. Wulff alluded to already, which is that in attachment 1 we have language around this, the two alternatives that essentially equates to a yes, set a transmittal date deadline or no, do not, and the language in attachment 3 is something more of a middle ground where it's saying the Council will strive to submit the package such that there are 24 days for NMFS to promulgate the regulations, and I will point to the fact that the Council is already doing that and has done that for as long as I've ever been involved at least, and I'm sure that those before me, that who came before me did the same thing and so I'm also a little bit concerned about establishing a submittal deadline and some rigidity in the FMP itself around this concept that would ultimately require a fair amount of work through another amendment process to remove if we ultimately decided it was problematic or for some reason down the road it became apparent that it was not a necessary feature in the FMP, so I'll suggest to the Council

that we don't want to set a transmittal deadline, and then, apologize for the long winded comment here, but moving on to the management boundary change. I appreciate National Marine Fisheries Service concern around the uncertainty that moving the line 5 nautical miles north might introduce to the management process and how comfortable we are with the projected results of the fisheries that we might craft, but I have a number of comments to make about the need there and I'll start by just pointing out that, number one, the trigger that is being envisioned here of falling into the de minimis provisions of the harvest control rule as a trigger suggests that adding this conservation zone or whatever else we may want to characterize it as really amounts to somewhat of a redundant and unnecessary management action. When we are in the de minimis provisions of the harvest control rule, fisheries in the northern part of California, both the KMZ and Fort Bragg are highly constrained. As an example in 2020, the Klamath Management Zone was closed entirely to commercial fishing and Fort Bragg has enjoyed only 10 days of fishing in August, well outside of the usual peak or optimal time of year to be fishing there, and so there is very little to be offered in the way of conservation and in fact, there may be nothing offered in the way of conservation by introducing another closure in a very small 5 nautical mile stretch of water at the very northern end of the Fort Bragg management zone, should this boundary change ultimately be passed. The other thing I want to point out is that as the STT has described, there are no proposed changes to the ocean harvest models for our target stocks in California and while they have described the likely effect of moving the line as being very small, I would argue that in all reality the effect is going to be entirely imperceptible. We're never going to know whether or not moving this line did anything significant in the way of our management measures unless there is a large and sudden and drastic effect, which is, I think everyone agrees, highly unlikely. There's been some discussion about concerns around certain stock types, in particular California coastal chinook. Some discussion about proximity of this new line to the mouth of the Mattole River and even some reference to our two target stocks in California that happened to be overfished at this point in time in the Sacramento River fall chinook and Klamath River fall chinook stocks. Beginning with Sac fall and Klamath fall, those stocks are of concern really for the entirety of the California fishery in all four management zones and in fact, this line change may actually offer benefits to Sacramento River fall chinook in some years and could even conceivably offer benefits to Klamath fall chinook, however that's much more unlikely. The bottom line is that those stocks distribute themselves differently from one year to a next, to the next such that 5 mile change is not going to isolate an effect from the fishery in any way that we can really measure. The closure area itself that we're talking about shrinking by roughly 5 nautical miles actually predates the California coastal chinook buy-up itself so the likely, what I'm trying to say there is that the closure was not imagined or implemented in an effort to protect California coastal chinook, at least not in any way that we've been able to demonstrate. The last thing that I want to point out about the proposed conservation area and at least my opposition to it, is that the purpose of, one of the purposes I'll say, of moving this boundary is to simplify regulations and to align the groundfish fishery management line with salmon, and that introducing this conservation zone negates the effect as the EC pointed out, and in fact, it further complicates things. While it wasn't explicitly stated in the language that this conservation zone would apply only to commercial fisheries, that is the intent and if that is the case, when we find ourselves in the de minimis portion of the harvest control rule and we do have this 5 mile closure, you essentially have, now have two management lines for two sectors of the fishery and in that 5 mile area you can have sport fishing occurring but not commercial fishing, and it adds to the complexity and the difficulty of enforcement in identifying what boats belong there, what boats don't belong there. They now have two management lines that they need to keep an eye on and that's especially difficult given the remote nature of that portion of California's coastline. It's very difficult to access. So, I will stop there and allow some other folks to join the conversation. Thank you.

**Marc Gorelnik** [00:00:00] Thank you Brett. Next Kyle Adicks will be followed by Dani Evenson.

**Kyle Adicks** [00:00:07] Thank you Mr. Chair. I'll start by echoing Brett's appreciation to NMFS for getting regulations in place as quickly as possible in the past couple years as we've been faced with a

short window to get it done and a little longer time, no fault of theirs, to get through their approval and implementation of the regulations. Also thanks to the project team for getting this as far along as they have so that the Council's in a position to look at some alternatives to fix that problem and not have to delay future, fisheries in future years. Similar to Brett I don't see any reason we wouldn't give ourselves the extra day and use the May 16th date as opposed to May 15th. I think it's clear it's got to be a later date and we might as well give ourselves the extra day that the 16th represents. I've thought a lot about the transmittal date, as Brett also mentioned the alternatives in attachment 1 do have a transmittal date or don't have a transmittal date. Attachment 3 has something that's somewhere in between, it says the Council will strive to transmit recommendations by a date certain with the 24-day period mentioned. I guess I'm inclined to think that the Council's going to know each year when that transmittal date needs to be. I don't know if that 24 days will be set in stone or if that will contract, hopefully not expand in the future, as it does seem to have expanded a little bit in the recent past. Mr. Wulff mentioned the November meeting when we set out our pre-season schedule for the following year, March and April getting things in place, it seems like that would be a logical check-in each year to make sure the Council knows what the expectation is for NMFS for transmittal and we can line that up with when the Council meeting happens and make sure we're going to make the date we need to, to have things in place by May 16th. I won't speak to the boundary line change, but again appreciate all the work the project team's done on that to that issue that's very important down in California. I think I will leave it at that. Thanks Mr. Chair.

**Marc Gorelnik** [00:02:29] Thank you Kyle. Dani Evenson from the State of Alaska.

**Dani Evenson** [00:02:33] Yes, thank you Mr. Chair. I just want to make a brief comment on the salmon FMP, in particular I want to thank NMFS, Council staff and others for providing a revised version of the Salmon FMP housekeeping changes document. As I was reviewing the briefing book prior to the meeting I noted some items of concern to Alaska that I was not expecting, particularly given that this was intended as housekeeping changes and it was rather late in the game to deal with them. Just for the record I briefly want to flag these. Alaska does have two issues that are both in table 1.1 which lists and describes the chinook stocks. First, some stocks are described as providing, quote, significant contributions to Alaska and Canada ocean fisheries. Some of these stocks do not have adequate data to do so and there was an edit in that table that was moving in that direction. Secondly, the description is 'significant contributions' could perhaps, maybe is not written as well as it could be. It is something that could be interpreted as number of the fish from a particular stock in the catch, but as many of these stocks are small, I am of the mind that this was intended to be more along the lines of the percent of the exploitation of that stock that occurs in a particular fishery, so some things to think about moving forward. Again, we really appreciate the decision to confine the changes to the FMP in this round to just housekeeping and that which is needed to support the action we're considering here today. Should there be future opportunity for revisions to the salmon FMP and particularly this table, the State of Alaska would look forward to working with NMFS, Council staff and others involved on some of that, some of these issues. Thank you.

**Marc Gorelnik** [00:04:50] Thank you Dani. So noted. Further discussion on Agenda Item H.2, Amendment 20 other aspect, and if we don't have any further discussion then perhaps someone wants to offer a motion and we can launch some discussion from that. Mr. Kormos.

**Brett Kormos** [00:05:24] Thank you Mr. Chairman. I do have a motion and I'm ready to offer it if it so pleases the Council?

**Marc Gorelnik** [00:05:32] Please do.

**Brett Kormos** [00:05:37] Okay thank you Mr. Chairman. I move the Council adopt the housekeeping

edits as presented in Agenda Item H.2, Supplemental Revised Attachment 2. Adopt the final preferred alternatives 4.1.3, 4.1.4 and 4.2.2 as presented in Agenda Item H.2, Attachment 1 and adopt the related FMP language presented in Agenda Item H.2, Supplemental Attachment 3, allowing for minor edits by the project team to ensure the intention of the action carries through to the updated FMP with the following modifications to that attachment. In the introduction section: Draft language describing Amendment 20 on page 1 strike the following language 'in response to this boundary change, additional criteria was added to the de minimis provisions for Klamath River fall chinook that would allow for a closure of those 5 nautical miles to commercial salmon troll fishing as deemed necessary by the Council'. Moving to introduction section table 1 on page 2: Strike the following language, 'Number 4, include an additional conservation measure for consideration when the de minimis provisions of the Klamath River fall run chinook KRFC salmon control rule are implemented'. Section 3.3.6 on page 3: Strike the following language, 'when recommending an allowable de minimis exploitation rate in a given year, the Council should also consider additional conservation measures for the area from 40 05 north latitude to 40 10 north latitude, which was closed to commercial salmon troll fishing for 30 years when the area was included in the Klamath Management Zone prior to the boundary change implemented in 2021'. Moving to Chapter 9: Process and Schedule Table, on page 6 at the bottom of the table, replace 'second week of May' with 'second or third week of May', and on that same page, that same table, footnote A, strike the following language, 'The Council will strive to transmit recommendations to NMFS so that NMFS will have at least 24 days to approve and implement the annual management measures, and then finally throughout the document replace 'May one X' with 'May 16'.

**Marc Gorelnik** [00:08:31] Thank you for the motion Brett. We can't really view the entire motion on one page, but can you confirm that this language accurately reflects your motion?

**Brett Kormos** [00:08:44] Yes it does. Thank you, Mr. Chairman.

**Marc Gorelnik** [00:08:46] All right. I will look for a second? Seconded by Kyle Adicks. Mr. Kormos please speak your motion.

**Brett Kormos** [00:09:00] Thank you Mr. Chairman. I'll be brief and I won't belabor all of the justification that I provided during Council discussion. I think that we've accomplished, by this motion I think the Council will have accomplished what it needs to do in order to adjust the schedule and allow for the processing delivery of the regulations package and promulgation of the regulations by National Marine Fisheries Service. It doesn't introduce any unnecessary rigidity and it does accomplish the boundary, change in the boundary line between the Fort Bragg and the Klamath Management Zones without introducing an additional conservation area that complicates regulatory process, complicates enforcement, and doesn't offer much, if any, additional conservation measures to address any uncertainty that might exist there. So, thank you.

**Marc Gorelnik** [00:10:05] Thank you Brett. Ryan Wulff.

**Ryan Wulff** [00:10:09] Thank you Mr. Chair and thanks Brett for the motion. I just have a question for you before discussion. I'm wondering if you could scroll down to the footnote language on page 6, yes there are, I'm wondering in your earlier comments you noted that that language in this document that's written here that you were proposing to strike represented kind of a nice compromise and balance as it's not a firm transmittal date, it just says strive to, and it does highlight the 24 days which we've been discussing so I'm just wondering why you're suggesting to strike that language?

**Marc Gorelnik** [00:10:51] Brett.

**Brett Kormos** [00:10:57] Thank you Mr. Chairman and thank you for the question Mr. Wulff. Yeah, I spoke to this earlier, as you pointed out, and when I was making those comments I also mentioned that this is something that the Council does every year regardless and so I'm proposing to strike it because number one, there is some confusion between this language and the language that's actually in the proposed alternatives in attachment 1. There is inconsistency there, and then the other reason is, is that it's unnecessary. Like I said, the Council is doing this year in and year out anyway and so I didn't think it was something that needed to be there.

**Marc Gorelnik** [00:11:49] Ryan, you have a follow-up? Your hand is down. Questions for maker of the motion or discussion on the motion? All right then I will call the question. All those in favor say 'aye'.

**Council** [00:12:08] Aye.

**Marc Gorelnik** [00:12:09] Opposed no? Abstentions? Motion passes unanimously, and I now see Ryan Wulff has just put his hand up. Go ahead Ryan.

**Ryan Wulff** [00:12:27] Thank you. Sorry you went quick there. I tried to get in before, but I can just as well comment at this point. I want to be clear on a few things. I supported this motion because there's nothing in here from my perspective, well I appreciate the management, the change to the management schedule like I outlined in my earlier comments and I don't see anything in here that is inconsistent with Magnuson Act or other applicable laws, therefore can support the motion. However, again, I do want to reiterate NMFS's disappointment that there isn't at least some sort of language in there referring to the 24 days or a transmittal date and I want to be very clear on the record that if we do not receive the management measures 24 days prior to May 16th, which is April 22nd, we cannot commit to those measures being in place in time for the start of the fishery, so I just want to want to be clear about that. I also did want to capture and since it was not in the motion and I understand since this is putting in FMP language, but we did I think have some discussion about utilizing the November meeting to kind of tee up the annual cycle, especially you're looking at when the meeting is, ends in April that year. What our current, you know, any kind of discussions related to that, if we think there might be a challenge in getting us the management measures 24 days in advance so I do hope that that, I did hear some support for that. I would hope going forward that we could utilize that as part of our process, and we'll look forward to working with everyone on this new cycle starting in 2021. Thank you.

**Marc Gorelnik** [00:14:34] Thank you very much Ryan. Is there further discussion or action on this agenda item? Brett Kormos.

**Brett Kormos** [00:14:44] Thank you Mr. Chairman and thank you for your comment Mr. Wulff. I do appreciate the concern that NMFS has with that transmittal date deadline and we have heard National Marine Fisheries Service loud and clear regarding when they must receive that package in order to get the regulations in place by May 16. You know in answering your question about why I proposed to strike the language, I gave my reasons, however, I did not say that I do agree that that is a relatively benign addition to the FMP and such language does strike a relatively nice balance, however, like I said before, I found it unnecessary and somewhat inconsistent and out of line with what the initial alternatives were that the public had the opportunity to review leading up to this meeting so I will offer my commitment and that of the department to do everything we can through the salmon management process and through our participation on the STT to get those regulations over to National Marine Fisheries Service in time to get the regulations in place for our Council-managed fisheries.

**Marc Gorelnik** [00:16:16] Thank you Brett. Further discussion on this agenda item? Any further action on this agenda item? Robin, how are we doing?

**Robin Ehlke** [00:16:32] Thank you Mr. Chair. Once again, I think the Council is doing a fantastic job today. I'll just recap what I heard. So the action today was to adopt the final preferred alternatives, first here that the Council is adopting all of the changes for housekeeping that were provided in the supplemental revised attachment 2 and in addition relative to the attachment 1, the Council has adopted alternatives 4.13, 4.14 and 4.25 if I wrote that down right, 4.22, can't read my own writing, and essentially what that means is that the effective date will be May 16th for the salmon fisheries, that we would maintain status quo and that there would be no transmittal date and that the southern boundary of the KMZ will be modified but without the conservation language, and I think if all of that is true you've done your work under this Agenda Item H.2.

**Marc Gorelnik** [00:17:49] Thank you, Robin, and I'm not seeing any hands challenging your summation, so I think that concludes our work here on Agenda Item H.2. Thanks everyone.

### 3. Southern Resident Killer Whale Endangered Species Act Consultation

**Marc Gorelnik** [00:00:00] So that completes public comment and takes us to Council action on this agenda item. We'll have that up on the screen shortly, and that is to adopt a range of management alternatives for public review. We received considerable input. We've had great presentation from the workgroup. We've had the tribal perspectives. We've got the perspective from stakeholders, the Salmon Advisory Subpanel and the Groundfish Advisory Subpanel and some very specific and impassioned input from the public so it's now our job to synthesize that and provide a range of alternatives for public review and will come back in November. So, let me see who wants to get us started? Such shy Council members. Chris Kern. Thank you.

**Chris Kern** [00:01:08] Well I'm unfortunately rarely shy. I do have some, a couple of, well I have a couple of things I'd like to maybe get your direction on Mr. Chair. I have some comments in response to some of the testimony that wasn't in the nature of questions so I held it, and then I also have a couple of questions that are related to a couple of the advisory reports that might spur some discussion. How would you like to proceed with those?

**Marc Gorelnik** [00:01:42] Why don't we take them in the order you have presented them here. Since we just had public comment it may be more timely to provide responses to that and then move on to your other comments.

**Chris Kern** [00:01:56] Okay I appreciate that. I'm happy to do that. I had a few. One of which, and I had really struggled with whether to even respond to this, but it was a dramatic enough sort of statement that I thought, I felt like I have to. During the testimony we had sort of a comment that, I was going to say implied, but more directly stated that chinook salmon as a species are endangered and that it also sort of implied that that statement was intended to be range wide and maybe that's not what was meant but the statement that chinook as a species are endangered is just wrong. Obviously, we have problems with certain chinook populations, and you might even say many chinook populations, I wouldn't probably dispute that, but they are not all in danger. They are not all even threatened. They are not all even listed under the ESA. I won't comment on chinook in Alaska, although I'm pretty sure they don't have any that are listed but if I stick more to the local populations that are relevant to the PFM, I'll throw a couple out. The Oregon coast has several populations of fall chinook salmon in particular, as well as some other run types, and while we've got cycles in abundance of those, they are still healthy and none of them are listed. We have two in the Columbia River that come to mind very quickly and there are others. Upper Columbia summer chinook and Hanford Reach fall chinook, both unlisted, both with heavy wild naturally produced components and in particular, the Hanford Reach fall chinook, which are in the last free flowing stretch of the Columbia and they go up and down, they always do. Very healthy and unlisted. This year's run is already projected to be significantly over its pre-season forecast as an example, although below our long term average for sure, and so I just would like to caution folks to avoid blanket statements about the species and across its entire range because there's a lot of context in salmon populations that you just, you really need to include oftentimes so I wanted to get that out. Obviously, chinook abundance is a critical factor here and that's not, my point is not to dismiss that. The other question, well the other comment I have is, is we've heard a lot and I asked a couple of questions on this topic during testimony about the sort of notion of a threshold or an allocation for the whales. There may be differences between those two and the way folks are proposing them. I view them as being pretty similar and so we've had a lot of those suggestions and they're good. What we haven't had too much of is sort of specificity in how we might derive them. I'll note that during the workgroup discussion, we did talk about sort of a nutritionally-based approach and we were cautioned to not really, that we really, there's a lot of uncertainty I think primarily in the prey ratio issue if I have it correct, that it sort of precludes us from going down that road, we did try, and we've also tried to do

a number of the model estimates, Mr. Enticknap talked about it a fair bit where we actually did try. I mean I saw some testimony that was requesting that we specifically calculate a number that would trigger a response. We, we tried to do that and in the risk assessment report, we actually did model some scenarios with no fisheries in them as one person suggested and those results are in there, so just a few thoughts I think, I appreciate, I mean I don't want to, my effort here is not to downplay any of the testimony at all, but really to try and ask for a little more detail on some of these cases where we've had suggestions for thresholds. Sometimes they do come with sort of supporting information that we could use to maybe derive them or they may even suggest a number, but oftentimes they, they don't and that, we have struggled with that so and so I'm not surprised that sometimes we don't get a direct suggestion, we've struggled with it too. I just want to point that out and I think I'll leave it at that for now. Again, I've got some questions and stuff on the advisory body reports but those can wait, or I could do them now.

**Marc Gorelnik** [00:06:22] Why don't you go ahead with your comments or questions regarding advisory body comments because I see no other hands raised. Let's keep making the progress here.

**Chris Kern** [00:06:34] Okay well there were two. There was a discussion of in the Salmon Advisory Subpanel's report about potential for flexibility and something I did find compelling was their linking of that to additional information that might come forward over the near future or not even maybe the long term future, but I also am trying to reconcile that with the NMFS report, which talks about reasonably certain to occur, and so I don't have any grand suggestions for whether there's a balance point there or not but it might be worth discussing if other Council members or if NMFS does, so that was one, and then the second was probably a bit of a process and or a technical question. In the GAP report there was the mention of the use of the draft critical habitat definitions in these, some of these alternatives and so as our report from the workgroup currently is drafted, I believe the boundaries in there are largely defined by reference to the draft critical habitat in recognizing that the draft critical, proposed critical habitat and recognizing that those being draft could conceivably change, I guess the question I would ask is should the Council choose to move those alternatives into the range of alternatives for public comment, should we also try to insert the actual specific definitions of those boundaries that are associated with it in the event that the draft document somehow changes down the road? If that makes sense and those were the two I have.

**Marc Gorelnik** [00:08:28] Great. Thanks Chris. I'm not sure who the best person to respond to that, your latter question. I don't know if it is Jeromy or Ryan but I'll, or someone else so I'll look for someone to raise their hand either to respond to that or we can continue with Council discussion.

**Chuck Tracy** [00:08:56] Mr. Chair. Oh, go ahead Ryan.

**Ryan Wulff** [00:09:01] Sorry. Go ahead Chuck.

**Chuck Tracy** [00:09:01] I was just going to say that I think those could be incorporated by reference citing the draft critical habitat designations and that probably would suffice.

**Marc Gorelnik** [00:09:22] Thank you. Does that answer your question Chris?

**Chris Kern** [00:09:27] Yes it does. Thank you. A much more simple approach.

**Marc Gorelnik** [00:09:34] All right. Further discussion or a motion? Oftentimes people need that motion to stimulate the discussion. Kyle.

**Kyle Adicks** [00:09:53] Thank you Mr. Chair. Maybe a tiny bit more discussion before a motion. I'm



prepared to make a motion that speaks to the range of management alternatives from the workgroup report. What I hadn't really thought up leading to this is that there are some recommendations from the workgroup in the report. I didn't have anything to address those and I was thinking those were something that didn't need to be in a motion but if there are other views on that, I can make my motion on the range of alternatives and then we can take that up or however you think is best to proceed.

**Marc Gorelnik** [00:10:33] Well were you going to, was it your desire to include those suggestions in the effort going forward until November?

**Kyle Adicks** [00:10:44] Thank you Mr. Chair. I guess that's, I know the action was to put out a range of management alternatives for public review. Just wasn't sure what the intent was with those recommendations, which I believe some of them even had a range of recommendations, whether the Council was going to be looking for public review on those recommendations or just on the management alternatives portion.

**Marc Gorelnik** [00:11:12] Well I don't think I can offer an authoritative answer. Brett.

**Brett Kormos** [00:11:17] Thank you Mr. Chairman and thank you Mr. Adicks. I won't pretend I can offer an authoritative answer either, but I would offer a suggestion for Mr. Adicks and the Council's consideration and that is that if we are offering a motion here to adopt the full suite of alternatives that appear in the workgroup report, we may also add language to the effect of including the recommendations there with.....(cut-off)...

**Marc Gorelnik** [00:12:01] All right. Unless I receive a better answer than that from Council staff or NMFS that should work, but again, let's see if there's more discussion. Ryan Wulff.

**Ryan Wulff** [00:12:18] Thanks. No, I was just going to support the suggestion by Mr. Kormos. You know I think it would be appropriate to have in some way incorporate those other additional recommendations out for public review since there are some alternatives in them. Thanks.

**Marc Gorelnik** [00:12:34] All right. Thank you very much Ryan. Well, Kyle Adicks.

**Kyle Adicks** [00:12:43] Thank you Mr. Chair. I am willing to do that. I'll have to make a slight modification to what I provided Sandra earlier, but I think I can do that on the fly here if she can go ahead and pull it up. So, Sandra I'll just add to the end of this sentence, comma, including the recommendations included in that report, period. So Mr. Chair my full motion would be I move that the Council adopt for public review the range of management alternatives for Council salmon fisheries as described an Agenda Item H.3.a, SRKW Workgroup Report 1, including the recommendations included in that report.

**Marc Gorelnik** [00:13:28] All right Kyle, it looks like the language on the screen accurately captures your motion.

**Kyle Adicks** [00:13:35] It does.

**Marc Gorelnik** [00:13:36] And I'll look for a second? Seconded by Phil Anderson. Please speak to your motion.

**Kyle Adicks** [00:13:41] Thank you Mr. Chair. I think we have a thoughtfully and thoroughly considered range of thresholds and potential actions and recommendations in the workgroup report. The workgroup struggled with the lack of clear linkages between chinook abundance and SRKW

demographics through their process. We consider the ideas that were brought forth by all the workgroup members and others that provided input throughout the workgroup process. There still may be some items that need a little more clarification. The regression relationship I mentioned in my question of Mr. Jording after his presentation that probably need to be spelled out as an actual equation before we get to a final adoption and maybe that's the kind of thing that the workgroup continues working on. We've got another workgroup meeting scheduled and can talk before we conclude about what else, what other workgroup there is, what workgroup work there is to be completed, but again it's been a long process with a lot of hard work and the workgroup has thought through this carefully, considered what we've heard from the public that's participated as well as a workgroup members, and I think we have a solid range of alternatives here for review.

**Marc Gorelnik** [00:14:55] Thank you very much Kyle. Are there questions for Kyle on his motion or discussion on the motion? I'm waiting an extra-long time because sometimes I miss the hand going up but I don't see anyone seeking to ask questions or to discuss the motion so I will call the question. All those in favor say 'aye'.

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

**Marc Gorelnik** [00:15:26] Opposed no? Abstentions? The motion passes unanimously. Kyle, thanks very much for the motion. All right. Before going back to Robin, I just want to see if there's any other discussion to be had around the Council table. Kyle Adicks.

**Kyle Adicks** [00:15:58] Thank you Mr. Chair. As I mentioned, the workgroup does have one additional meeting scheduled late in September, so a little Council discussion about what the expectations for the workgroup at that meeting and between now and November seems appropriate.

**Marc Gorelnik** [00:16:17] Fair enough. What does the coun.....a number of Council members are on that workgroup. Others may be participating and based on what we've adopted here, as well as the recommendations contained therein, what should be the focus of that last workgroup meeting? Phil Anderson.

**Phil Anderson** [00:16:48] Thanks Mr. Chairman, I was hopeful that you would allow our Chair Jeromy Jording to come to the mic and give us his thoughts about what additional work, given the discussion today and the status of the document that he thinks we ought to undertake.

**Marc Gorelnik** [00:17:16] That's a great idea, and Jeromy are you still with us?

**Jeromy Jording** [00:17:25] Thank you Mr. Chair. Never left. Appreciate the opportunity to once again join you guys and I think in response to Mr. Anderson's suggestion, my general thoughts align I think with Mr. Adicks initial thoughts of there are certain aspects to several other responses underneath the management measures of recommendation number 1 that indicate some clarity, probably needs to be thought about how some of the responses might actually be implemented. While I don't think that precludes the public from making comments on the responses, I do think clarity would help provide some sort of analysis as to how those might bear out along the lines of different threshold alternatives. There might also be an opportunity to describe to NMFS what socioeconomic impacts might look like across the different range of responses, and so those two topics I think would make for a ripe discussion at the end of September given the conversation we've heard today, but I would welcome any sort of additional questions the Council might have of me at this point based on this response. I don't know if that's helpful or not Mr. Chair.

**Marc Gorelnik** [00:19:09] Thanks for that Jeremy. Phil Anderson.

**Phil Anderson** [00:19:13] Yeah thanks, Mr. Chairman, and thanks, Jeromy, for that. Thanks for your leadership in this process. I do think that it would be valuable for the workgroup to talk about a few, some of the recommendations in particular that we have from an implementation perspective so in the event that the Council wishes to engage in some of that deliberation prior to selecting a preferred alternative, we would have the benefit of providing, have thought about that further in providing the Council some of our thoughts. I also think that the adjustments for error and in the modeling that you see displayed on table 3.1.a deserve some additional thinking by our modelers, as well as the balance of the committee members to think about a little further so in the event that the Council chooses to lean in that direction, we have had a fully vetted discussion and thought process that we might use to help inform the Council's decision. There's also a couple of other pieces relative to the potential expansion of areas that are currently closed for salmon fishing that are contained that might warrant a little bit further discussion on the part of the workgroup just so again if those are part of the elements that are ultimately selected by the Council, that we have had an opportunity to thoroughly discuss those and provide any thoughtful feedback to the Council prior to moving forward with those elements. Thanks.

**Marc Gorelnik** [00:21:32] Thank you Phil. I think both of your suggestions as well as Jeromy's would be good for that final workgroup meeting. Further discussion? Anyone disagree? Anyone have anything additional they'd like to see addressed at that final workgroup meeting? All right. I think there's some suggestions there for that last meeting and hopefully we'll look forward to the November meeting and hearing how the last meeting went. Anything further into this agenda item? Robin?

**Robin Ehlke** [00:22:28] Mr. Chair?

**Marc Gorelnik** [00:22:31] How are we doing here?

**Robin Ehlke** [00:22:33] Yeah, we're doing good. I think the Council has just done an awesome job all day. I just have to say thank you for that but as far as Agenda Item H.3, the Southern Resident Killer Whale Endangered Species Act Consultation topic where the Council was charged with adopting a range of management alternatives for public review, the Council has done that. They've elected to adopt all of the alternatives provided in that workgroup report 1 along with the recommendations. They've given some direction to the workgroup for discussion during their next meeting, September, before the end of September and we'll look forward to meeting with the Council again come November. In the meantime, there will be plenty of work to do to keep everyone busy to get everything in a package that the Council can work with and the public can provide input on. So, thank you Mr. Chairman we've completed your work under this agenda item.

**Marc Gorelnik** [00:23:38] All right thanks Robin for all your work on this. I want to again thank the workgroup. I'd like to thank those from the public who have spent the time to participate in the Council process. That completes H.3.

# **I. Pacific Halibut Management**

## **1. 2021 Catch Sharing Plan and Annual Regulations**

**Brad Pettinger** [00:00:00] Okay with that, that finishes up our public testimony and our reports and I guess we're looking for some Council discussion. Maggie Sommer.

**Maggie Sommer** [00:00:15] Thanks Vice Chair. Briefly I want to just acknowledge the concerns that the Salmon Advisory Subpanel raised about potential confusion or complexity with our proposal to allow long leader fishing and also acknowledge and thank the EC for their indication of willingness to work with ODFW on that should that go forward. I do want to address the proposal in the WDFW report to revise the catch sharing plan to allowing lingcod retention on days open to the all depth halibut fishery in Columbia River, north of the 46 10 line, and I want to thank WDFW, as well as Butch for some pre-council discussions on this proposal. We have given it some careful consideration and I am not in favor of forwarding it at this time. I certainly understand the desire to retain lingcod on all depth halibut trips. We hear that regularly by anglers up and down the Oregon coast. I am concerned that adding another management line that would subdivide the Columbia River subarea off of Oregon would make regulations more complex and difficult to understand, comply with and enforce, even given, as was pointed out, the prevalence of electronics and a much better ability for most anglers, there still is some, just some, I think a lot more potential than I would think about a lot of issues for confusion and misunderstanding by anglers on shore even before they get out onto the water as to what they can do where so it's more than just an issue of knowing where you are when you're on the water. As noted in a discussion with Lieutenant Howell, having the difference in allowable lingcod retention at the state line currently facilitates dockside enforcement of the prohibition in Oregon, and in addition I don't feel it would be fair to other anglers in Oregon to allow this opportunity only in a portion of the Columbia River subarea or even to the entire Columbia River subarea because, as I said, anglers across the entire Oregon coast would like to be able to retain lingcod on all depth halibut trips on a regular basis. We did consider the possibility and wisdom of extending the proposal to cover the full Oregon coast but in that case, we do have concerns about the potential increase in yelloweye rockfish impacts and possibly also lingcod under that scenario. While we acknowledge the magnitude of increase in each is uncertain, ensuring that our yelloweye impacts remain low and supportive of the ongoing rebuilding of that stock is of utmost importance to keeping our recreational fishing opportunities healthy. In recent years, I think as Heather noted earlier, ODFW has also been relaxing our regulations. We have reduced the duration of the depth restriction in our sport bottom fish fishery and we have the opportunity to eliminate it. Recall that the Council's 21-22 spex actions included a year round all depth sport bottom fish fishery in Oregon, although we will be recommending state management measures to our commission later this year, which could be more conservative and might include some period of depth restriction to continue to limit yelloweye impacts, but this is exactly the measured, careful progression toward loosening restrictions on yelloweye bycatch in our sport groundfish fishery to which ODFW committed several years ago when we revised the yelloweye rebuilding plan and these changes have been very welcomed by Oregon anglers and charter businesses. We are continuing on that path and we expect to see corresponding gradual increases in our yelloweye impacts. We would like to see how that plays out, at least with the changes possible in 2021 before considering other changes that might add more yelloweye rockfish. In addition, I'll just note that lingcod is obviously a highly valuable stock supporting many different fisheries. We are looking ahead to a new assessment in the next few years and it might be wise to see how that turns out before adding, ramping up lingcod impacts, which certainly allowing this across the Oregon coast might do. So in conclusion, with all of these concerns, I do want to appreciate the proposal and recognize that it is responsive to angler requests that WDFW heard in the discussion leading up to and at this meeting and recognize that our action today is to put proposals forward for public review and further comment. However, given the concerns I've just expressed, I don't anticipate ODFW being able to support this final action and so I am not in favor of moving the proposal forward

at this time. I do want to say that we are certainly willing to review the concept in the future when we have more information on how the changes in Oregon's recreational bottom fish fishery have affected yelloweye impacts and can move forward with an approach that would be consistent with consistent statewide regulations. Thanks.

**Brad Pettinger** [00:06:37] Thank you Maggie. Heather Hall. Heather.

**Heather Hall** [00:06:44] Thank you Vice Chair and thank you Maggie. I completely agree and appreciate the good dialogue we've had leading up to this discussion here. It's, I know when we're thinking about new management measures we are, have been for the past so many years, fifteen years, been so cautious about what we do in looking at yelloweye impacts that I know we're completely on the same page about taking small, measured steps into deeper areas and allowing more retention and taking a look see before we go ahead so I agree with that. In thinking about that though too, that's one of the things I liked about this proposal was that it does attempt to just open up some area where the expectation is that yelloweye impacts would be lower than if you were to open the full Oregon portion of the subarea. I know it makes regulations complex. I understand that. I listen to Dan Chadwick when he tells me how much he wishes he had a lot more regulatory consistency in this area and I hope we can get there soon, but I also wonder if the tradeoff there with the regulatory complexity and a small step into this, this opening might be a reasonable way to go and maybe that's for further discussion down the road. I would like to see this put forward for public review and get additional feedback, but just wanted to share the thought I had on the tradeoff between waiting until there's comfort in opening up the entire Oregon subarea to allowing lingcod retention on halibut days to perhaps just thinking about this smaller step forward and if there's an opportunity to do that.

**Brad Pettinger** [00:09:14] Okay thank you Heather. Further discussion? Okay seeing none I know we have.....oh, Butch Smith.

**Butch Smith** [00:09:20] I'm sorry Vice Chair Pettinger, a rookie mistake. I'll try to improve on my rookie mistakes, and I hope they're getting a little bit better. I'd just like to speak to this from a perspective of a coastal community person and all the opportunities that we have lost. You know we try to get back some where we can without adversely hurting the stocks of concern, and that certainly is always in anything in the past that I have brought forward to the Council and this is another one that the Ilwaco Charter Association had a lot of forethought in doing and making sure. We know where yelloweye live and between Cape Falcon and Willapa, we know that and this is not the area and I can certainly offline tell you where those areas are and I think people know. I think our Washington enforcement officer can tell you where those areas are and so but mainly I just wanted to state that I do respect Miss Sommers and Heather Hall, one of my two favorite managers that I've had to deal with over the years and know that they've always taken a lot of thought, forethought in the decisions they make and I do appreciate and respect that. What we're trying to do here is not take advantage of some other ports. You know we're not yelling party foul because, you know, it's okay to keep halibut south of Falcon or lingcod south of Falcon on halibut trips or it was on a rig a few weeks ago, and that's okay, that's an advantage they get to use that we didn't get to. This simply was a progression of what we, what the journey I started I don't know how many years ago, at least six or seven, the famous tie vote broken by the Oregon, slips my mind now, but certainly it was not to take advantage but add opportunity where opportunity exists. We have, I don't know about other areas, but we have to put up with a lot of lines in Ocean Area One, the Columbia River, you know, and so I appreciate the arguments, but I think now with the ability of electronics and all the stuff we afford us, that that's afforded to, I mean you can get a GPS on your watch so that's afforded to the smallest private angler. I just hate to lose our opportunity when we've proven that our yelloweye take has been less than a quarter of a ton, metric ton in that area. So that's, that's all I'll say and I do appreciate both Oregon and Washington managers taking up this issue and I do appreciate having the dialogue with Miss Sommers and, and Miss Hall so that's all I'll

say. Thank you, Mr. Chairman, for letting me comment.

**Brad Pettinger** [00:13:21] Thank you Butch. Further discussion? Maggie.

**Maggie Sommer** [00:13:26] Thanks Vice Chair. Thank you for your remarks Butch, I really, I do appreciate your position. I did just want to add for information that currently bottom fish is allowed on all depth halibut trips throughout all of Oregon, that was beginning September 1st so you know we are, as you and Heather mentioned, looking for opportunities to provide opportunity to anglers and fishing communities when we can and so thanks.

**Brad Pettinger** [00:14:06] Okay. Further discussion? Okay I know that there's going to be multiple motions I believe on this, so I'm looking for a motion. Ah ha! Heather.

**Heather Hall** [00:14:25] Thank you Vice Chair. I have a motion for this agenda item. I think Sandra's got it. Okay I move that the Council adopt the proposed season structure and changes to the catch sharing plan for public review as described in Agenda Item I.1, Supplemental WDFW Reports 1 and 2, including allowing the retention of lingcod on halibut trips in the Columbia River subarea north of 46 10 degrees North latitude.

**Brad Pettinger** [00:15:09] Okay. Does the language of the screen accurately reflect your motion?

**Heather Hall** [00:15:15] Yes it does. Thank you.

**Brad Pettinger** [00:15:17] Do we have a second? Butch Smith. Okay. Speak to your motion Heather.

**Heather Hall** [00:15:26] Well thank you. I think we've just had some really good discussion about this. This issue, it's particularly about the lingcod retention in the Columbia River subarea. The other proposals for Washington are fairly straightforward with just moving forward the season structure we had in 2020. The lingcod retention on halibut trips in this portion of the Columbia River subarea I would just like to put forward for public review, get some more feedback on it and it's a potential idea for the Council to then finalize in November. That's it. Thank you.

**Brad Pettinger** [00:16:10] Okay, thank you. Discussion? Maggie.

**Maggie Sommer** [00:16:20] Thanks Vice Chair. Thank you for the motion Heather. I would like to propose an amendment.

**Brad Pettinger** [00:16:28] Okay.

**Maggie Sommer** [00:16:32] Sandra, when you're ready. I move the Council strike the words 'including allowing' and replace them with 'except do not include the proposal that would allow'. That concludes the amendment.

**Brad Pettinger** [00:17:17] Thank you Maggie. Does the language on the screen accurately reflect your amendment?

**Maggie Sommer** [00:17:21] It does. Thank you.

**Brad Pettinger** [00:17:25] Do we have a second? Seconded by Christa Svensson. Maggie, speak to your amendment.

**Maggie Sommer** [00:17:38] Thanks Vice Chair. I would just refer to the remarks I made earlier and won't repeat them here.

**Brad Pettinger** [00:17:48] Okay. Further discussion or discussion on this motion or amendment to the motion? Okay well since we've had plenty of discussion here so far I guess, I guess we'll go for the call for the question. Phil Anderson.

**Phil Anderson** [00:18:13] Thanks Mr. Vice Chair and Maggie I just had a question for you and I think you addressed this in your previous comments, at least a little bit, but I'm just wondering about the potential of having some additional discussion about this particular issue in this area over the course of the next year and if they're, to just to see if there is some place that we might land where we have agreement between the two States on this particular matter.

**Maggie Sommer** [00:19:06] And thanks Phil. You know certainly we are willing to continue exploring this idea and would be willing to include it in, you know as in, I guess our own internal consideration and evaluation of yelloweye impacts as we go through the next year and evaluate data that we have from after this season and next season and have more of a conversation with our stakeholders and our Oregon enforcement partners on it.

**Phil Anderson** [00:19:59] Thank you.

**Brad Pettinger** [00:20:00] Okay. Marci Yaremko. Marci.

**Marci Yaremko** [00:20:02] Yes, thank you Mr. Vice Chair. As often is the case with some of these issues in the Columbia I struggle knowing that ultimately, you know, we will be asked to vote here on the amendment and puts us in a difficult spot. I think one thing that is troubling me that will affect what to do here is the discussion that we've been having on yelloweye impacts across a number of fisheries has been very choppy, haphazard. You know I think here we're talking about small amounts of yelloweye potential impacts, but I'm not sure how that fits kind of in our overall management scheme and weighing on me, I think more than anything, is the new information we have on the yelloweye impacts in the commercial directed fishery and meanwhile the spex package that we just approved contained ongoing continued restrictions on directed groundfish fisheries due to their potential impacts to yelloweye and knowing that we need to continue to share the yelloweye impacts across three states and across a multitude of fisheries, so I think I'm a little concerned about where and when we will have a comprehensive and meaningful discussion about yelloweye again? I don't know that it's in this CSP agenda item. I don't know that we'll be doing that between now and November and at the same time I, you know, I don't know how big a deal this one piece is compared to the overall picture so I'm kind of struggling with this decision here. Public review is always a good thing and, you know, I guess that, you know, might tilt me to one side or another, but I think we do need to find a time and space to look at yelloweye in light of changes in new information and new fishery activities so anyway, thank you.

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

**Frank Lockhart** [00:00:04] Yeah, I was originally not going to say anything but just kind of Marci's comments. I agree with a lot of those about generally. I would if I'm torn at this stage, I would support going out for public review but this, I guess I need to, and then also following up on Phil's question to Maggie and her response raised another question for me. So you answered for Phil that you were open to further discussion but this motion would take it out of public review, so I'm just wondering if you could expand a little bit on why you're open to the general discussion but want to take it off now for public review for further consideration in November.

**Brad Pettinger** [00:00:57] Maggie.

**Maggie Sommer** [00:00:59] Thanks Vice Chair. Thanks, Frank, for the question. I think was not clear enough in my response. I understood Phil's question to be looking a little farther ahead into the future, I think he said over the next year and so my response and my intent would be a willingness to consider discussion and including, in fact, I think more opportunities for public input on this idea of not for the 2021 catch sharing plan, but across the next year as we have more information on yelloweye impacts to bring into the discussion and I think for some earlier opportunity to get some public input into this so I didn't mean at all to bypass a public review and input process.

**Brad Pettinger** [00:02:00] Okay Frank.

**Frank Lockhart** [00:02:05] Thank you. That helped a lot.

**Brad Pettinger** [00:02:10] Okay, and Frank your hands still up. Very good. Further discussion? Okay seeing none I'll call the question. All those in favor of the amendment say 'Aye'. Oh whoa, whoa.

**Christa Svensson** [00:02:30] No, no, no. I'm trying to get my hand lowered. There we go. Sorry.

**Brad Pettinger** [00:02:43] Go ahead.

**Christa Svensson** [00:02:43] I said sorry that was I hit the raise hand button and get it off rather than the mute one so my apologies for delaying the vote.

**Brad Pettinger** [00:02:53] It happens to all of us at some point or the other. Okay one more time seeing no more discussion I'll call for the question. All those in favor of the amendment signify 'aye'.

**Council** [00:03:05] Aye.

**Brad Pettinger** [00:03:12] Opposed?

**Council** [00:03:12] No, no, no, no

**Brad Pettinger** [00:03:24] Chuck, maybe I might ask what do you think? Did we get a count on that or?

**Chuck Tracy** [00:03:29] You know, this is a difficult forum to judge so I think we should have a roll call vote just to confirm where people stand on this one.

**Brad Pettinger** [00:03:45] Okay.

**Chuck Tracy** [00:03:45] Okay so I will be using voting sheet number one for anybody that cares and please express your vote as I call your name. Maggie Sommer. Maggie, I didn't hear.

**Maggie Sommer** [00:04:17] Aye. Can you hear me?

**Chuck Tracy** [00:04:18] Yes. Phil Anderson.

**Phil Anderson** [00:04:21] Yes.

**Chuck Tracy** [00:04:23] Marci Yaremko.



**Marci Yaremko** [00:04:23] No.

**Chuck Tracy** [00:04:25] Christa Svensson.

**Christa Svensson** [00:04:30] Yes.

**Chuck Tracy** [00:04:30] Virgil Moore.

**Virgil Moore** [00:04:34] Yes.

**Chuck Tracy** [00:04:36] Pete Hassemer.

**Pete Hassemer** [00:04:36] Yes.

**Chuck Tracy** [00:04:39] Joe Oatman.

**Joe Oatman** [00:04:42] Yes.

**Chuck Tracy** [00:04:45] Heather Hall.

**Heather Hall** [00:04:46] No.

**Chuck Tracy** [00:04:48] Butch Smith.

**Butch Smith** [00:04:49] No.

**Chuck Tracy** [00:04:51] Frank Lockhart.

**Frank Lockhart** [00:04:53] No.

**Chuck Tracy** [00:04:56] Bob Dooley.

**Bob Dooley** [00:04:59] Yes.

**Chuck Tracy** [00:04:59] Louis Zimm.

**Louis Zimm** [00:04:59] No.

**Chuck Tracy** [00:05:02] Marc Gorelnik.

**Marc Gorelnik** [00:05:03] Marc Gorelnik abstains.

**Chuck Tracy** [00:05:08] Marc Gorelnik abstains. One, two, three, four, five, six. We have seven 'yes' and five 'no'. Mr. Vice Chair the motion will pass.

**Brad Pettinger** [00:05:32] Okay, thank you Chuck.

**Chuck Tracy** [00:05:34] The amendment will pass, sorry.

**Brad Pettinger** [00:05:37] Yep, okay so any discussion on the amended original motion? Seeing that,

I will call for the question. All those in favor?

**Council** [00:05:55] Aye.

**Brad Pettinger** [00:05:55] Opposed? Abstentions? All right I believe that is, I believe we have a unanimous decision there so all right. Okay moving along. Further motions? Maggie Sommer.

**Maggie Sommer** [00:06:26] Thanks Mr. Vice Chair. I have an ODFW motion.

**Brad Pettinger** [00:06:35] Okay.

**Maggie Sommer** [00:06:35] I move the Council adopt for public review the proposed changes to the Pacific Halibut Catch Sharing Plan for 2021 presented an Agenda Item I.1.a, ODFW Report 1, September 2020. That concludes the motion.....(pause)....

**Brad Pettinger** [00:07:13] Maggie speak to your motion, sorry.

**Phil Anderson** [00:07:17] I seconded it.

**Chuck Tracy** [00:07:17] I think we need a second. Thank you.

**Brad Pettinger** [00:07:20] Oh my bad I, I was muted when I saw Phil so seconded by Phil Anderson and Maggie speak to your motion please.

**Maggie Sommer** [00:07:32] Thank you. This would move forward for public review the proposal to allow long leader fishing for groundfish on the same trip as all depth halibut in Oregon, and again we have heard consistent angler requests for this since the long leader opportunity began off of Oregon to provide additional opportunity while out on often long all depth halibut trips. As I noted earlier, we did approve this in the biennial groundfish specifications and so further consideration of it here will allow us to make a decision on it in November for the catch sharing plan. We, certainly ODFW would be working to develop effective outreach messaging to help anglers understand the regulations and working with our Oregon State Police and other enforcement partners as needed on this and so we look forward to further public comment on it at this time. Thank you.

**Brad Pettinger** [00:08:43] Thank you Maggie. Discussion on Maggie's motion? Okay Louis Zimm.

**Louis Zimm** [00:08:52] Thank you Mr. Vice Chair and I want to thank Maggie for bringing this forward. I will be supporting this. If I went out and fished for tuna at 50 miles spending somewhere around 300 dollars of fuel I would, I often on the way back stop on a nine mile bank or Mexican waters or 50 fathoms in U.S. waters and harvest some rockfish. If I didn't, I have a feeling that my family would not allow me to go out that far so I'm very sympathetic with this. Thank you.

**Brad Pettinger** [00:09:42] All right, thank you Louis. Further discussion on the motion? Okay not see any I'll call for the question. All those in favor?

**Council** [00:09:54] Aye.

**Brad Pettinger** [00:09:54] Opposed? Abstentions? Motion has passed unanimously. Thank you for that Maggie. Further motions? Marci.

**Marci Yaremko** [00:10:15] Yes, thank you Mr. Vice Chair. Sandra, I believe you have a CDFW

motion? Great. Thank you. I move the Council adopt for public review the proposed change to California recreational fishery season end date for incorporation into the 2021 catch sharing plan as presented in Agenda Item I.1.a., Supplemental CDFW Report 2, September 2020.

**Brad Pettinger** [00:10:44] Thank you Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:10:46] Yes, though it could use a 'the'. 'Review the proposed change to the California'....right before California. Thank you.

**Brad Pettinger** [00:11:07] I guess that's why we ask that question. All right. Thank you. Do we have a second? Bob Dooley. Okay Marci, thank you again and let's speak to your motion please.

**Marci Yaremko** [00:11:21] Yes, thank you. I believe the CDFW report number 2, presented by Melanie Parker here today outlines the rationale for the proposal. In our 2019 California recreational fishery, we took action to close on October 31st, which is the regularly scheduled end date and we did have quota left and there was some interest in allowing continuation of the fishery a little longer. November 15th is the regularly scheduled end date for commercial fisheries under IPHC regs and with regard to our fishery in this instance allowing a continuation of the fishery longer to mid-November could provide some opportunity in the rare years where we don't close the fishery early on attainment of the quota.

**Brad Pettinger** [00:12:26] Okay thank you. Discussion on the motion? Bob Dooley.

**Bob Dooley** [00:12:35] Yes, thank you Mr. Vice Chair. I'll be supporting this for sure. I support flexibility and it seems like the States do a very good job of intervening if there's a problem of overharvest or projected overharvest, but having flexibility in years when it's down to be able to extend the season and the opportunity for participation just seems like the right thing to do and that's in line with what our Council duties are so I will be supporting this.

**Brad Pettinger** [00:13:07] Okay, thank you Bob. Further discussion? Okay seeing none I'll call for the question. All those in favor?

**Council** [00:13:22] Aye.

**Brad Pettinger** [00:13:23] Opposed? Abstentions? Motion is passed unanimously. All right, well thank you. Are there any other motions by anyone by chance or I believe Robin are we done here? Maggie Sommer.

**Maggie Sommer** [00:13:42] Thanks Vice Chair. I don't have a motion, but I wanted to acknowledge what I think were probably Robin's efforts to make some improvements to the catch sharing plan template and really express thanks and appreciation for that. I think it is a really good step in making this document even more readable and using plain language as much as possible and just making its contents more understandable to users of the document and the public so thank you very much Robin and I certainly support all the changes that are shown in attachment 3.

**Brad Pettinger** [00:14:25] Okay, thank you Maggie. Robin do you want to? Oh, sorry Heather. Heather Hall, I see your hand, please.

**Heather Hall** [00:14:30] Thanks Vice Chair. I want to echo that kudo's that Marci offered to Robin. We talked about changing and updating the catch sharing plan for many years. It's something that we

change piecemeal every year, little changes here and there and it just got to be really clunky and awkward and the new template is really nice and I definitely appreciate the effort put into that too, so thank you.

**Brad Pettinger** [00:15:06] Okay. Further discussion? Okay Robin back to you. Let's let you do...yeah....get us out of here.

**Robin Ehlke** [00:15:12] Yep, no problem at all. It looks like the Council has worked through the proposals for the changes to the 2021 catch sharing plan. We have, we'll move forward for public review the California Department of Fish and Wildlife proposal and also the one from Oregon Department of Fish and Wildlife and the proposals from Washington, the YRCA Proposal and the midwater species retention will move forward, however the proposal for lingcod retention will not move forward for public review. I also appreciate the support for the template of the catch sharing plan. I do want to mention that those changes were reviewed by the tribes, the feds, the states, and there is updated language in there for the tribal areas and just wanted to note that is in fact in the catch sharing plan and has been reviewed by general counsel and the tribes themselves, so with that Mr. Vice Chair I think we've completed our work under this agenda item.

**Brad Pettinger** [00:16:31] Thank you Robin for that.

## 2. Transition of Area 2A Fishery Management

**Brad Pettinger** [00:00:00] That concludes the reports, and we go into Council discussion and action so looking for a hand. Frank Lockhart.

**Frank Lockhart** [00:00:12] Just some opening comments. This has been, getting to this point is kind of a good milestone post for us and I just wanted to express our appreciation working with all the states and the Council and IPHC staff. It's been a long road and there's been a lot of discussions and I know we've learned a lot about kind of this transition and how to get there from here, and I just wanted to highlight a few folks that have done just a tremendous amount of work. First off is Robin Ehlke. Her presentation today I thought was outstanding and her work on the document that's in front of the Council in the briefing book has been great. I'd also like to express appreciation for Laura Erickson, who's probably would be listening but the IPHC has a meeting scheduled at this exact same time. She's been very helpful to us on this transition, and then finally I'd just like to express appreciation for Catherine Blair's work on NMFS staff. Every, all these folks have worked really well together getting us to where we are now, and I think we're in a pretty good spot, so I'll close there. Thank you very much.

**Brad Pettinger** [00:01:39] Thank you Frank. Further hands? Further discussion? Heather Hall. Heather.

**Heather Hall** [00:01:48] Hi. Thank you. My question is for Frank and one of the bigger questions I, I'm struggling with is on the management approach, so looking at just September and November like we do for the catch sharing plan, and I certainly appreciate that that is most simple, then I'm also thinking about we're going to be operating under a new inseason approach. I know IPHC, having the management under IPHC made inseason changes really nimble and we could do that on a two-week basis. Under the transfer I understand that will be different and we'll need more time so it means we're going to have to be thinking ahead about how we look at the limits, how they might change so that we can make those changes more efficiently and then again, like the question we both asked John about was relative to using the percentage approach so in a way that might facilitate that more simpler management in November and September, rather than thinking about alternative 3 that would have us set things up in November and September and give us the option to finalize things in March and April, and so one thing I wondered about was, could, you know we are taking that incidental halibut retention questions in March and April, so the Council's already doing that, is there an opportunity to weave in that finalization into that rule, making it so a little more streamlined but allows us to then consider the number of vessels that would be or have indicated they'd be participating, and let us know how that works relative to the tacker, the SEY that the IPHC adopts?

**Brad Pettinger** [00:04:18] Frank.

**Frank Lockhart** [00:04:20] Yeah, thank you for the question Heather, and in general our guidance, there's a few things that you need to consider, so that if we were going to start a whole new ground, excuse me, a whole new rulemaking in March or April after Council action, that would delay our rulemaking schedule, we're pretty certain about that. However, I think what you're talking about is trying to fold it into some other action. I think the only way that it could be done quickly if somehow we could convert that action into some sort of inseason process. It's not immediately clear to me how we could do that right now, but generally in order for us to do an inseason action and in a tight timeframe, the analysis has to happen beforehand so that we don't have to go out and do further analysis. I, there are still some open questions here so I think overall, though, the preference for a September November decision making for the Council to provide guidance then I think is the safest way so that we can proceed on our rulemaking timeline that we currently have and be ready to go for when the

halibut season opens. So, you know all that being said, you know, every time we talk about that we learn a little bit more and have some additional insights about how this could potentially happen so glad to.....I'm not sure if I'm answering your question here so maybe if you could ask, or if that's not answering your question happy to answer a follow-up.

**Brad Pettinger** [00:06:27] Heather.

**Heather Hall** [00:06:29] Yeah, thank you Vice Chair and thank you Frank. You are getting at it and I realize it's a lot to say yes or no on now but it was just an idea I had and I understand maybe it's something that we can see how things go and maybe look at it down the road or something. I just wondered if it was maybe a, using the incidental halibut retention process in March and April as a place to finalize the directed fishery rules, I just wondered if it was an opportunity but your question answered, your answer, you answered my question. Thank you.

**Brad Pettinger** [00:07:17] Okay. Further discussion? Okay... seeing none any motion's out there by chance? Heather.

**Heather Hall** [00:07:34] Thank you. I do have a motion. I am just sending it right now so just give me one second. Thank you. Sorry for that.

**Brad Pettinger** [00:07:44] No, we're just happy you have a motion. Bob do you have your hand up? Bob Dooley.

**Bob Dooley** [00:08:06] I do. I thought I'd use this Mr. Vice Chair thank you, if it's permissible, I'd use this time to make one comment if I could?

**Brad Pettinger** [00:08:14] Please.

**Bob Dooley** [00:08:15] Okay. On paragraph 4.2.5. we heard Enforcement Consultants' Ryan Howell and we also heard John Holloway from the GAP issue some guidance on this and there was a little shade of difference in what they were talking about, and I really did appreciate the GAP's comment about the burden of proof, really relying on the fishermen or the industry or the person that's required to show it, and I like the fact that we, that the Enforcement Consultants actually acknowledge that it's okay to have it all electronic, but you know... I'm liking this whole exercise to going to the airport and printing your boarding pass on your iPhone and if you get to the gate and you don't, your iPhone battery went dead you better have printed your boarding pass on paper or you're not getting on the airplane. So, I see that. I see that like this, and I appreciate the maybe melding the two together. I like the fact that, you know, taking out the paper proof of permit from the that the Enforcement Consultants have suggested and make it proof of permit, but I also like what the GAP suggested, that the burden is on the fishermen and I think that that is, that's an important thing and I think, you know, I know in my own case had all your documents stored away in safe, dry place but if you had the ability to show it on some electronic device and, you know, that would suffice, that was good. If it wasn't available, if your electronic wasn't working you had the paper so I would just make those comments and I see that as a real good transition to getting a lot more data electronically rather than having paper everywhere, so thank you.

**Brad Pettinger** [00:10:19] Thank you Bob. Okay are we....Sandra do you have it?

**Chuck Tracy** [00:10:36] Yes, Sandra has it.

**Brad Pettinger** [00:10:41] Okay.

**Heather Hall** [00:10:42] Thanks and I apologize I had to send it as a.....she's probably.....send it as a copy and paste into my email. Our agency is still having some issues. We're dealing with the cyber security issues so we can't send attachments quite yet.

**Brad Pettinger** [00:11:00] Understand.

**Heather Hall** [00:11:01] There it is.

**Brad Pettinger** [00:11:08] Okay. Please proceed.

**Heather Hall** [00:11:09] Okay. I move that the Council adopt the following as preliminary 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 I.2, Attachment 1 at the September 2020 meeting. 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. Section 4.2.1, alternative 2: Issue permits for all area 2.A halibut fisheries.....what's that supposed to say..... let's see. Sorry about that.

**Phil Anderson** [00:12:24] Including?

**Heather Hall** [00:12:31] Yes, thank you. Sorry about that, including commercial directed incidental salmon troll, incidental sablefish and recreational charter halibut fisheries. Under section 4.2.2 select alternative 2: allow NMFS to determine the appropriate application deadlines for all commercial halibut applications set to coincide with the Council meetings and NMFS processing time. Alternative 4.2.5, alternative 1: and this is revised and includes the suggestions I think that we heard from the GAP and EC and I tried to show it in track changes, but it didn't stay like that when I sent it so let me just, I'll read it but I'll point out what I've done. So alternative 1, Status quo, revised language would require proof of permit to be onboard fishing vessel and made readily available upon request regardless of the type of permit, example, paper or electronic. NMFS to provide access to permit in a printable format or send paper copy directly to participant. So what I did to revise it was to just strike 'the paper copy of' right after 'require' and then I inserted 'readily' so made readily available and then I just specified that regardless of the type of permit and the two types allowed, this is an insertion there providing the example for paper and electronic.

**Brad Pettinger** [00:14:29] Okay Heather, does the language on screen reflect your motion accurately?

**Heather Hall** [00:14:37] Yes it does. Thank you.

**Brad Pettinger** [00:14:39] Okay, and while you spoke to it all somewhat, do you wish to speak further to your motion?

**Heather Hall** [00:14:44] Sure I'll just briefly. So as I mentioned in my questions....

**Chuck Tracy** [00:14:51] Mr. Chair, I don't think we have a second yet.

**Brad Pettinger** [00:14:53] Oh my bad. Maggie Sommer I believe is... I'll ask for a second and I believe Maggie's hand is up. My bad.

**Maggie Sommer** [00:14:59] Yes thanks.

**Brad Pettinger** [00:14:59] Okay seconded by Maggie Sommer and now Heather speak to your motion.

**Heather Hall** [00:14:59] Great. Thank you, Vice Chair. So, as I was getting to all my questions to Frank and the GAP, I was real... I struggled with alternative 2 versus alternative 3 in terms of the timing for the management framework and I appreciate the simplicity of September and November, but also realize that sometimes things come up in it. It's nice to have a little bit more information, which is why I was somewhat attracted to alternative 3. I realize we're not taking final action right now so I think identifying this as the preferred alternative is a good place to be for now and we can think more about it between now and November and then just again, trying to incorporate the good suggestions from the GAP and the EC on this proof of permit and how that dysfunctionally works in a way that is workable for both fishermen and enforcement. Thanks.

**Brad Pettinger** [00:16:24] Okay. Thank you, Heather. Discussion on the motion? Okay with that I will, seeing then will call for the question. All those in favor? Excuse me, I heard somebody so.....okay let's go back to the calling the question. All those in favor signify 'aye'.

**Council** [00:16:57] Aye.

**Brad Pettinger** [00:16:59] Opposed? Abstentions? Motion passes unanimously. Okay Robin, I guess back to you. Have we finished up this agenda item?

**Robin Ehlke** [00:17:18] Thank you Mr. Vice Chair. I wish you could see the smile on my face right now but yes, it sounds like the Council has done their work under this agenda item. I know it's been a long haul. Thank you everyone for the conversations so that we could get this in front of the Council in a way that was digestible and not too overwhelming. We have adopted the preliminary preferred alternatives and as I understand them, they are alternative 4.1.2, 4.2.1, 4.2.2, and then 4.2.5 proof of permit with some adjustments and so I look forward to the time when we can get to the final preferred alternatives. I do hope it is soon on your future agenda but thank you Mr. Vice Chair. We've completed our work under this agenda item in record time.

**Brad Pettinger** [00:18:17] Thank you, Robin ,for your great work and getting us here so quickly. So, all right well we're a little ahead of schedule...

**Phil Anderson** [00:18:25] Vice Chair.

**Brad Pettinger** [00:18:25] Yes, Phil. Sorry I didn't see your hand.

**Phil Anderson** [00:18:29] Sorry. I just wanted to say I know others have as well big thanks to the team that took this from where we started with the IPHC essentially saying that they were no longer going to participate in the same way that they have in the past in terms of managing this fishery and they were looking to the Council and National Marine Fisheries Service to take this over, and it took us a while to kind of get our arms around that and accept that that was the thing we needed to do, and there's just been a whole lot of great work done by a lot of people but I think, in particular, Robin has kind of been the glue that has held all of this together and been the author in some cases and the shepherd and others to bring this along to this point and so just kudos to everybody that worked on it with the special kudo to Robin for her leadership and dedication to bringing us to this point, so thanks very much.

**Brad Pettinger** [00:19:50] Yeah, thank you for those words Phil. Anyone else? Okay.



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

**Brad Pettinger** [00:00:00] Okay, seeing we have no public comment cards submitted, we'll go straight into Council discussion and action so looking for hands. Looking for hands with a motion. Maggie Sommer.

**Maggie Sommer** [00:00:26] Thank you Vice Chair. I could offer a motion if there's no discussion first.

**Brad Pettinger** [00:00:32] Please.

**Maggie Sommer** [00:00:33] Thanks. Sandra should have the I.3 ODFW motion to put up. There we go. Thank you, Sandra. Appreciate your assistance with the motions as always. I move the Council adopt for public review a preliminary recommendation to the International Pacific Halibut Commission for the non-tribal directed commercial fishery in Area 2A in 2021 as follows: 58-hour fishing period duration (0800 hours day 1 to 1800 on day 3) to be open either: Option 1: Mondays through Wednesdays, or Option 2: Tuesdays through Thursdays, and season start fourth Monday in June.

**Brad Pettinger** [00:01:45] Thank you Maggie. Does the language of the screen accurately reflect your motion?

**Maggie Sommer** [00:01:50] Yes.

**Brad Pettinger** [00:01:52] Okay, looking for a second? Heather Hall. Thank you. Okay Maggie, speak to your motion.

**Maggie Sommer** [00:02:01] Thank you Vice Chair. The proposal to recommend the status quo 58-hour fishing period duration, again, is based on public input. We described in ODFW report 1 in which a majority of input favored the 58-hour periods that were used this year and I'll note we also had some input via the WDFW report and the GAP on this. There are two options here for which days of the week to recommend to IPHC based on the GAP report and WDFW report 1. Several pros and cons of changing from Monday through Wednesday to a Tuesday through Thursday opener were noted and putting out both options in this preliminary recommendation would allow for more public input to inform the Council's deliberations and final decision in November. Regarding the season start, again as I noted earlier, we found that the concern that an earlier season might lead to higher participation and lower trip limits, a compelling reason to recommend status quo season start at this time, fourth Monday in June, and I'll note the preference expressed by some of our stakeholders and some in the WDFW report as well to keep it status quo to avoid or minimize overlap with the recreational fishery and this could, this could certainly help reduce the potential for conflict between the commercial and recreational fisheries and also the potential to stretch enforcement resources even further if both sectors were overlapping more. Thanks.

**Brad Pettinger** [00:03:59] Thank you Maggie. Questions for Maggie? Let's see Ehlke, or Robin Ehlke. Robin.

**Robin Ehlke** [00:04:07] Thank you Mr. Vice Chair. Just a point of clarification, if I may. I'm assuming that with status quo that would include the fishery continue at that two-week interval until the quota was reached, I'm assuming that's correct, just wanted to confirm.

**Maggie Sommer** [00:04:25] Thank you for the question Robin. That certainly was my intent. My understanding is that IPHC manages it with that interval timing so that there is enough time in between

the openings to make some catch estimates and see where we are or see where the fishery is in terms of progress toward the quota.

**Brad Pettinger** [00:04:50] Okay. Further questions for Maggie? Discussion? I'm not seeing any hands. Heather.

**Heather Hall** [00:05:07] Thank you, Vice Chair, and thank you, Maggie, for motion and I appreciate you including the idea of a Tuesday through Thursday look. I'm interested to hear what we hear from the public on that so just wanted to thank you for including that in your motion.

**Brad Pettinger** [00:05:31] Okay, thank you Heather. Looking for hands. Seeing none we'll call for the question. All those in favor of the motion?

**Council** [00:05:47] Aye.

**Brad Pettinger** [00:05:47] Opposed? Abstentions? Motion passes unanimously. Okay. Okay I guess.....are there any other motions on this item? Robin, are we good to go? Oh sorry... Marci Yaremko.

**Marci Yaremko** [00:06:19] Yes. Thank you, Mr. Vice Chair. I don't have a motion on this item, but this appears to be the only agenda item out of two weeks' worth of Council work where we're going to have any opportunity to talk about the yelloweye impacts in the DC fishery and yes, we're in the middle of a transition of active management of this fishery to National Marine Fisheries Service from the IPHC but I feel that we have been alerted to a situation with this fishery now with the new information on the yelloweye bycatch and the scorecard presented to us an attachment 1 of the GMT report under the NMFS item that we need to not put our head in the sand. This fishery is accounting for 25 percent of the West Coast impacts of yelloweye as of now, and that's pretty significant and based on Mr. Holloway's response, the GAP had only a very narrow discussion on the DC fishery limited to only the recommendations that we'll be providing to the IPHC but again, in two weeks of Council business here, it seems to me that we somehow need to dedicate some time to talk about 2021 fisheries and the allocation of yelloweye impacts. I'm thinking about our California recreational fishery, which for eleven hundred miles of coastline and almost a million licensed anglers participate in that fishery, we have 9.4 tons of yelloweye allocated to us as an ACT for 2021 or for 2020, so I'm just thinking about how we consider this as we look forward to our agenda planning discussions. I acknowledge the GMT's reference that we aren't in any trouble with the ACL for 2020 and that's because of the good and hard work that we have done over the years to constrain our fisheries significantly and painfully so that we avoid yelloweye impacts. I appreciate the EC's remarks about some of the things that we might want to put on the watch list or the need list with regard to the DC fishery and VMS and the question about seabird avoidance measures and whether or not they apply in the DC fishery, to me these are kind of, it seems to me that we are not.....we need to consider these things for consistency with our other groundfish measures and the high standard of accountability that we have established for our West Coast fishery management, so I just want to make those remarks here now and I will maybe offer some suggestions as we get on toward some of our agenda planning and other discussions later in the week. Thank you.

**Brad Pettinger** [00:10:07] Okay, thank you Marci. Pete. Pete Hassemer.

**Pete Hassemer** [00:10:11] Thank you Mr. Vice Chair. To your relief I don't have a motion on halibut here, but I did want to just express my opinion on this topic about multiple offloads for a continuous upload because it did catch my attention. As I think about it, it's not the regulation for a continuous offload that really prevents people from cheating the system, taking fish home or something, you know

I think the intent of that is to ensure the catch accounting that we need, and in my thinking there's other ways to ensure catch accounting while allowing multiple offload sites. We just have to be creative and I know this isn't the agenda item to floor that, but I just wanted to say that and it sure seems to have some process, especially in light of some of the other things we've heard, not only at this Council meeting, but past ones a day or two or three ago, I think it was Dan Platt who was talking about the amount of fresh fish sales that was occurring off of boats in California this year. You know some of it may be in response to COVID, and I know we're not necessarily trying to encourage off-the-boat sales, but just the fact that the fresh fish markets are getting so strong and at past meetings we've had presentations from several different groups trying to encourage local markets, fresh markets and improving the net economic value of fisheries, so there's promise here to do that but that's, you know, that's one item multiple offload sites that I'm adding to my little list of things here that might fit under the Executive Order that we're talking about later on to encourage domestic fisheries and increase the value of them actions the Council might take so, anyway, I was very intrigued by that and it certainly seems like there's some opportunity there, so thanks for that opportunity to state that.

**Brad Pettinger** [00:12:36] Okay. Thank you, Pete. Maggie.

**Maggie Sommer** [00:12:39] Thanks Vice Chair and thanks Pete for those remarks. I did just want to also express my ongoing interest in exploring how we could make this a possibility. It's important for vessels who want to sell to multiple small buyers, not just off their boat, so certainly willing to and very interested in continuing with some of the discussions on how to allow this, and I also wanted to just note in the additional comments and recommendations in the Enforcement Consultants' report for things to keep in mind as we move through the management transition, and I guess I'm hoping that Council staff, Robin and others involved will help keep track of those and I'm sure we'll keep those on our radar and hope to see those come up at the appropriate point. Thanks.

**Brad Pettinger** [00:13:44] Phil Anderson. Phil.

**Phil Anderson** [00:13:51] Thanks Mr. Vice Chair. I guess I just wanted to offer support for the issue that Marci's bringing forward in terms of the yelloweye bycatch that we're seeing in the halibut directed fishery. I don't have any recommendations to make in terms of anything we might do to try to see if we can reduce the take of yelloweye in that fishery but they are taking a significant portion of the total mortalities that we're seeing across the board in all of our fisheries, and as Marci said, we've been to hell and back trying to rebuild this stock as many of our fishery participants have and there are still lots of restrictions in place, no retention and other things in place here to try to reduce and minimize yelloweye interactions in all of our fisheries, so I appreciate her bringing that topic to the table and making sure that we're aware of it and causing us to give some thought to making sure we watch that, and encourage the participants in the fishery to do whatever they can to minimize yelloweye interactions that are associated with the directed halibut fishery. Thanks.

**Brad Pettinger** [00:15:35] Thank you Phil. Marc Gorelnik.

**Marc Gorelnik** [00:15:42] Thank you Vice Chair Pettinger. This is not a fishery that I typically follow very closely but I am sensitive to the issue that Marci raised and the options that we've put forward so far for review may very well raise the yelloweye impacts beyond a level that would be reasonable, so it seems to me that maybe we ought to add an additional option here that will allow us to consider the impacts, at least from at least one more option. I don't know procedurally if this is the right time to do it, but I guess there's no time like the present so I don't want to, maybe perhaps I can make the motion and then we can have discussion on it. Would that be acceptable Vice Chair?

**Brad Pettinger** [00:16:50] Please proceed.

**Marc Gorelnik** [00:16:52] Okay. I move the Council.....I'll wait for Sandra to catch up with me here. I move the Council adopt for public review a 10-hour fishery period option.

**Brad Pettinger** [00:17:24] Thank you Marc. Does the language of the screen accurately reflect your intent?

**Marc Gorelnik** [00:17:31] It does.

**Brad Pettinger** [00:17:32] Very good. Looking for a second? Seconded by Marci Yaremko. Marc, speak to your motion.

**Marc Gorelnik** [00:17:45] I don't think I need to speak much more. I think the reason here obviously is to have a broader range of alternatives for review and in particular, as it may be needed to address yelloweye impacts.

**Brad Pettinger** [00:18:01] Okay, very good. Thank you for that. Maggie Sommer has a question for you. Maggie.

**Maggie Sommer** [00:18:10] Thanks Vice Chair. Not a question, just a comment on the motion, so if I'm jumping ahead of any questions I'll pause.

**Brad Pettinger** [00:18:21] Actually, well Marci's right behind you so, Marci, do you have a question for the maker of the motion?

**Marci Yaremko** [00:18:27] Yes, just a question of clarification. Marc, do you mean one 10-hour fishery period option?

**Marc Gorelnik** [00:18:38] Well, that's a very good question Miss Yaremko. It seems to me that, well I guess that may not be reasonable, but if we have successive ten-hour periods then we can address bycatch issues as they arise so just for purposes of clarification, let me just say, yes, a single 10-hour fishery period and then if someone wants to amend that they can.

**Brad Pettinger** [00:19:18] Marci.

**Marci Yaremko** [00:19:24] Thank you Mr. Vice Chair, I guess I think I understand the intent of your motion, which is to return the fishery to a period where there is better on the water enforcement and hopefully compliance with the hundred fathom requirement, which might improve our yelloweye bycatch, but I guess what I was getting at is if we have a single 10-hour period, the way the fishery normally operates is once the fishery is prosecuted, then there is the stop and count activity conducted by the IPHC and then a determination of whether there's enough fish to proceed with the second period and then so on down the line until the fish is all fully utilized out of the DC fishery pot and maybe others around the table can help me here. I believe the observer activity that resulted in the bycatch estimate of the seven something tons from the DC fishery was back from the 2018 fishery? I'm sorry I don't have that handy, but I believe whatever year it was, 18, 19, it was during a time when we had 10-hour fisheries so I just want to I guess ask for some clarification on that point but from others but the question for you Marc is, you know, would your intent be that we only have one 10-hour period and then there would be no additional season dates. Is that what you would look to recommend?

**Marc Gorelnik** [00:21:35] Well, thank you for the question. I don't know that a single 10-hour period would be appropriate. We don't know what the weather is going to be. We don't know... it does make it easier for management to sort of a stepwise, we take it one bite at a time, and we can see where we

are. It seems to be a better way to manage this at least for public review, at least to get this out for analysis and so I guess I would say it's successive 10-hour fisheries until we have used up the resource. I don't know if that answers your question or not.

**Brad Pettinger** [00:22:32] Marci.

**Marci Yaremko** [00:22:32] I think I'm clear. Thank you.

**Brad Pettinger** [00:22:37] Thank you Marci. Phil Anderson. Phil.

**Phil Anderson** [00:22:41] Thanks Mr. Vice Chair and thanks Mr. Gorelnik of the motion. I think, you know, I believe that what stimulated this and you can correct me if I'm wrong to look at an alternative such as this that more mirrors the way the fishery has been managed in the past is the concern about the yelloweye bycatch, and if that is true, I share that, as I mentioned, I share that concern as was raised by Miss Yaremko, but I don't think that this is the way for us to get out that concern. It might be but I would rather try to see if we can get some additional information about the yelloweye bycatch. Where it occurred? You know what depths, whether you know, any additional information that we can get to glean, you know why the yelloweye bycatch is at the level it is in this fishery and then perhaps determine some change or modification in the structure of the fishery that would help alleviate those encounters or reduce those encounters. So, I would prefer that approach so and if I understand correctly that that is the intent essentially of the motion is to address that yelloweye bycatch concern then I think that would be a better way to get at it and we could make a more informed decision about what changes we thought would address the concern. Thanks.

**Brad Pettinger** [00:24:38] Okay. Marci.

**Marci Yaremko** [00:24:43] Yeah, thank you Mr. Vice Chair. Thank you, Phil. Actually, you know, I agree. As I mentioned in my remarks, what I am hoping that we do is thoughtfully consider how we discuss this item, this issue between now and our agenda planning discussion and think about what we might look to do in November so that we act appropriately with our decisions on managing 2021 fisheries in their entirety. The concern here is that, I mean, this agenda item is limited to the recommendations that we provide to the IPHC about their management of the DC fishery and so we're a little bit kind of caught in a little bit of a conundrum here in the sense that the DC fishery is managed by IPHC and we're working to transition that management, so I think we were kind of very limited in the tools that we have available to us at this time. That said, I think we need to heighten this issue on our priority list because of all of the years of hard work we've done to manage our directed groundfish fisheries and other fisheries to make sure we minimize our yelloweye impacts, so I appreciate the spirit of the motion that was brought. I didn't think of alternatives in this particular agenda item that would really help us in the discussion about managing the DC fishery because, you know again, it's not something we manage directly yet so I think, you know, Mr. Gorelnik's making an effort here to, you know, isn't there something we can do right now? Can we put a placeholder in so that we don't lose this thought, and I a hundred percent appreciate that and I think we do need to put a placeholder here and try to figure out something we can do but I don't know if it surrounds the recommendations that we're providing to IPHC, so with that I am again willing to think about what we do in agenda planning and what work we need to do in advance of our November agenda.

**Brad Pettinger** [00:27:28] Thank you Marci. I think we'll go to our Executive Director. Chuck, are you ready to help us out here?

**Chuck Tracy** [00:00:01] Thanks Mr. Vice Chair. Yeah, I do. So, I guess a couple points here. I think the issue of whether it's a single 10-hour or multiple 10 hours, I guess the way I see this, it's framed the

same way that the previous motion was adopting 58-hour fishery periods so I think that was, my guess is that's the intent there, that these would be 10-hour fishery periods, basically status quo prior to this year or whatever the last one, when we had the 10-hour periods, but I think the main thing that this does is it provides a range of alternatives for the Council to consider when they make their final recommendations in November, so right now the range of alternatives are the recommendations that are out for public review, this 58-hour fishery and that's it, two different, you know Monday to Wednesday or Tuesday to Thursday, so this seems like this would provide the Council, preserve the Council's flexibility to choose something lower than that. It would give an opportunity to take a look at the, you know the 2020 fishery impacts or other years to see if there's a concern with the additional hours that were allotted, or the additional time on the water that occurred in this year, and, you know, see if there's any analysis that could bear on the Council's decision on what to finally recommend to IPHC at the November Council meeting, so I guess that's the value I see in this motion. It doesn't....yeah, this is just another option for public review that provides a broader range for the Council to consider further and an opportunity to look at the impacts if there is some analysis that might be available to further inform the Council's decision.

**Brad Pettinger** [00:02:21] Okay Chuck. Thank you for that. I see Louis, do have your hand up?

**Louis Zimm** [00:02:25] Yes, Mr. Vice Chair. Thank you very much and I would like to ask what the level of observation is on this, in this particular fishery? Could I have an answer from somebody?

**Brad Pettinger** [00:02:44] Heather.

**Heather Hall** [00:02:49] Well thank you Vice Chair. I didn't raise my hand to answer Louis' question. I had a question of my own, but I do think it was in the GMT's report and I believe that, I probably shouldn't say it, but I believe it's in recent years, it's in.....actually I'm not going to try to answer.

**Brad Pettinger** [00:03:18] Okay. All right, so okay. So being no one wants to answer Louis, Heather give me.....

**Chuck Tracy** [00:03:28] Maggie's got her hand up.

**Brad Pettinger** [00:03:28] Maggie, are you going to answer Louis?

**Maggie Sommer** [00:03:35] Thanks Vice Chair. My GMT representative let me know that it was 13 percent. Thanks Lynn.

**Louis Zimm** [00:03:43] Thank you Maggie.

**Brad Pettinger** [00:03:46] Oh, there you go. Thank you, Maggie. Okay Heather.

**Heather Hall** [00:03:50] Thank you. Stepping back, thinking about what the, appreciate the idea here and then tend to look at yelloweye and how that, how that works in this fishery. So one thing, I appreciate that at a series of 10-hour openers like which we just transitioned from might be an option here but if we're just talking about a range of alternatives Chuck brought up, we could easily put in the two-day fishery that the Enforcement Consultants brought in too, for just looking at a range of alternatives, but going back to what I think Phil was getting at is the real thing were hoping to find is what happened in 2020 that bumped up the yelloweye interactions and maybe that's just asking the GMT to look at it and rather than analyzing these different seasons or maybe a combination of the two but some maybe a bit scattered thoughts about where we're, what we're trying to accomplish here. Thank you.

**Brad Pettinger** [00:05:14] Okay. Frank Lockhart.

**Frank Lockhart** [00:05:19] Just on that comment by Heather, we've been having some behind the scenes discussions here during this and so we'll work with the Science Center to try to get as much information as we can on this. I thought that there'd been a lot of good comments here and we've been having similar thoughts. It's an important issue if they really had 25 percent of the yelloweye catch coming from this relatively small fishery, it seems like something that we need to try to get more information on so we will contact the Northwest Fisheries Science Center and try to get as much information as we can and bring it to the Council in November.

**Brad Pettinger** [00:06:02] Well, thank you Frank. Maggie Sommer.

**Maggie Sommer** [00:06:09] Thanks Vice Chair. I'm really appreciating the discussion on this and the intent of the motion, you know I would love to see more information in November that might allow us to better evaluate whether the greater length of the fishing periods this year contributed to yelloweye bycatch. I don't know if that's possible, but I don't want to presume. I really appreciate the approach that Phil and others laid out as well toward trying to determine how to best minimize yelloweye impacts in this fishery. Certainly share the concern about the amount taken in 2020. I think that where I am landing is that including a 10-hour option for fishing periods, and in my mind that it does not mean there will only be one 10-hour period necessarily, but just that for the openings that occur they would be 10 hours long. I think that seems like a reasonable option to include here because it is, again in my mind, it is a potentially viable recommendation that the Council could choose to make to IPHC. Quickly there is, you know... I'll leave it there. Thanks.

**Brad Pettinger** [00:07:51] Okay Maggie, thank you. Marci.

**Marci Yaremko** [00:07:55] Thank you Mr. Vice Chair. I just want to say thank you to Frank for his offer of assistance from his staff to dig a little deeper into the information that's available on the bycatch. I would like us later to consider the idea of an agenda item for this topic for November and I think the issues in front of us with regard to our recommendations to IPHC are a narrow and different topic so I just look forward to further discussion on that, but I appreciate Frank's mention very much.

**Brad Pettinger** [00:08:39] Thank you Marci. Butch Smith. Butch.

**Butch Smith** [00:08:44] Thank you Mr. Chair. I was just wondering if this might move this along a little bit, if the maker of the motion could make fisheries periods, period plural, and then that would take care of in case there's more than just one 10-hour period once they got through counting fishing periods option. Just something to think about. Thank you, sir.

**Brad Pettinger** [00:09:09] Okay, thank you Butch. Frank.

**Frank Lockhart** [00:09:11] I just wanted to follow-up on what Marci said, appreciate the appreciation and you know, I can't, I think also following up what Maggie said, can't promise that we'll have a complete report by November, but we will get as much to the Council as possible. Also wanted to just comment on Marci's thought that maybe we need a whole new agenda item. I don't know if that's necessary. I'm assuming that a similar agenda item to this, you know, with a final recommendation on the commercial directed fishery will be on the agenda for November and it seems like this discussion is directly relevant to that so you may be able to put any further discussion on the yelloweye issue under this similar agenda item for November, but I must admit I didn't look at the agenda item, or agenda for November so I don't know if a similar agenda item is on there already. That's it. Thank you.

**Brad Pettinger** [00:10:18] Thank you Frank.

**Chuck Tracy** [00:10:20] Mr. Vice Chair just to address that. Yes, there is a similar agenda item in November for this to come up with final recommendations, so that is on the November agenda and I think reviewing the options and their merits is fair game under that agenda item.

**Brad Pettinger** [00:10:46] Okay. Marc Gorelnik. Marc.

**Marc Gorelnik** [00:10:49] Yeah, I just wanted to respond to Mr. Smith's suggestion that the word period be made plural here. The language there is as Chuck pointed, is somewhat parallel to the language in Heather Hall's motion that was adopted by the Council so I don't know that it's necessary to change that because of the parallel construction here, and it's that we could have successive 10-hour fishing periods but I would ask the parliamentarian whether that's a change that could be made without having to go through a formal process.

**Dave Hanson** [00:11:41] Mr. Chairman, I think it should be changed by an amendment to be very clear.

**Brad Pettinger** [00:11:51] Okay. So, with that we need to have someone amend the motion then, and who might that be?

**Louis Zimm** [00:12:14] Mr. Vice Chair, I would like to make that.

**Brad Pettinger** [00:12:15] Louis Zimm. Yeah.

**Louis Zimm** [00:12:18] Thank you Mr. Vice. Chair. Yes, I would like to amend the displayed motion to add the letter 's' to period.

**Brad Pettinger** [00:12:36] Okay, very good and do I have a second? Butch Smith. Thank you. Okay Louis does that reflect your, accurately reflect your motion or amendment to the motion?

**Louis Zimm** [00:12:50] Yes, it does. Thank you.

**Brad Pettinger** [00:12:52] Okay, very good. Okay, speak to your motion.

**Louis Zimm** [00:12:58] Well, I think we've had much Council discussion on this. I appreciate Marc's original motion however I fear that the optics and the perception by the public that we were really talking about ratcheting back to just one 10-hour fishery period, we may have difficulties with that and so this putting this 's' in here signals to the public that we are considering a multitude of options and not just this one, one thing in Mr. Gorelnik's motion. Thank you.

**Brad Pettinger** [00:13:42] Thank you Louis. Discussion? Okay, well seeing none, I'll call for the question. All those in favor?

**Council** [00:13:52] Aye.

**Brad Pettinger** [00:13:54] Opposed? Abstentions? Motion passes unanimously. Okay we'll go back to the original motion as amended. Further discussion?

**Marc Gorelnik** [00:14:12] Mr. Vice Chair. I don't think.....never mind.

**Brad Pettinger** [00:14:21] Okay. (Laughter) Seeing that I still have.....I guess given that is, I don't see



the previous motion, is there an 's' in Maggie's motion and if there isn't do we need to address that? Maggie.

**Maggie Sommer** [00:14:52] Thanks Mr. Vice Chair. My previous motion read that we adopt for public review a preliminary recommendation of 58 fishing period duration to be open either Mondays through Wednesdays or Tuesdays through Fridays.

**Brad Pettinger** [00:15:12] Ah ha. Okay thank you for that clarification. Okay further discussion? Louis Zimm.

**Louis Zimm** [00:15:25] Thank you Mr. Vice Chair. This is very confusion, confusing for me. I see that the Council has passed a motion discussing 58-hour openings with no intent or mention of any other motion, period, opening periods and so now I see that these two motions are opposed to each other and as it is now written now, I am considering voting no on Mr. Gorelnik's motion even though I did amend it. Thank you.

**Brad Pettinger** [00:16:11] Thank you Louis. Maggie Sommer

**Maggie Sommer** [00:16:14] Thanks Vice Chair. It was my understanding that this motion would add another option for public review which would not be in conflict with the option we already adopted under the last motion. We would simply have multiple choices now and need to make a decision on what to recommend in November.

**Brad Pettinger** [00:16:38] Okay. Butch Smith.

**Butch Smith** [00:16:42] Yes Mr. Vice Chair, and I agree with Miss Sommers on her explanation. That's how I view it also. Thank you.

**Brad Pettinger** [00:16:53] Okay. Louis Zimm.

**Louis Zimm** [00:16:58] Thank you Mr. Vice Chair. If that clears up the record, I would be satisfied with that and I wish to thank very much the Council representatives, both of them from Oregon, to clear up this matter. Thank you.

**Brad Pettinger** [00:17:18] Okay. Looking for any more hands. Seeing none. Louis, your hands up. Okay, seeing no further hands we'll call for the question on the motion. All those in favor?

**Council** [00:17:42] Aye.

**Brad Pettinger** [00:17:42] Opposed? Abstentions? Okay motion passes unanimously. Okay Robin, how are we standing here?

**Robin Ehlke** [00:17:56] Thank you Mr. Vice Chair.

**Brad Pettinger** [00:18:06] Excuse me Robin... I see Bob Dooley had his hand up.

**Bob Dooley** [00:18:09] Thank you Mr. Vice Chair. I don't want to drag this out, but I just wanted to make a comment on we've heard some proposals that weren't included in the motions to my knowledge and, you know, and concerns about yelloweye bycatch, which I really believe is, you know, it's a concern of every, almost every sector on the coast and has constraints and it's quite enlightening to hear that there's 25 percent of the yelloweye being caught in this fishery. I think that, you know, we we've

put conditions in here that might address that but we haven't, I haven't heard it other than Frank's going to look at it and bring some evidence or bring some more data to us in the future, but also, you know, I see this the split delivery issue and some thought process to that. Those are all to me, really, you know, industry coming forward with their concerns and I think that we haven't really directly addressed that as something we want to see in the future and be worked on proactively, so there's comments so I don't know if we need to do anything more there or not, and I would defer to fellow Council members to weigh in on that, but I just wanted to bring it to, it's a concern of mine that we proactively work on this. Thank you.

**Brad Pettinger** [00:19:41] Thank you Bob. Marci.

**Marci Yaremko** [00:19:45] Thank you Mr. Vice Chair. I don't want to belabor this much, but with regard to Frank's agreement to bring back information to us and the placement of that on the agenda, I just, you know, because of the implications to all of our fisheries, I feel like information that comes back to be either in a NMFS report or somewhere else, because we might consider inseason actions, for example, to our groundfish fisheries in response to the information we see so burying it in an agenda item about recommendations to the IPHC, to me, doesn't seem like a great fit so I'm hoping that NMFS will consider that in their submission of material. Thanks.

**Brad Pettinger** [00:20:31] Yeah, thank you Marci. Okay anyone else? Okay seeing no hands. Robin.

**Robin Ehlke** [00:20:44] Thank you Mr. Vice Chair. Under this agenda item your goal was to adopt proposed 2021 regulations for public review. You have done that by adopting 58-hour fishing periods and also an alternative for 10-hour fishing periods for that fishery, and then in addition we will look for a Northwest Fisheries Science Center report to the Council in November helping us understand the yelloweye bycatch concerns that were discussed today, and if I've captured that correctly then your work under this agenda item is complete, and with that, I do want to make one more comment if I may. Just a reminder, and this might come under workload planning, but the IPHC interim meeting in November is the 18th and 19th, which falls midweek with the Council November meeting as well, so just FYI on that but with all that said, I believe you've completed your work here under Agenda Item I.3.

**Brad Pettinger** [00:21:57] Well, thank you Robin. Yeah great, great work. Okay well folks let's see we're done with this item so I'm going to pass the gavel back to our Chairman, Chair Gorelnik. Marc.

## J. Habitat Issues

### 1. Current Habitat Issues

**Brad Pettinger** [00:00:00] Well seeing that she's not there, I guess that brings us to Council discussion. Do we have.....okay sorry.....do we have a hand up and I just lost my screen. There we go. Okay. Louis Zimm.

**Louis Zimm** [00:00:26] Thank you Mr. Vice Chair. I just wanted to discuss a couple of things that have been suggested by the various MT and AS's here. First ,I think we need to have a discussion on the way we go ahead with commenting to the Corps of Engineers it looks like. I think Chuck's point about the scheduling of the various comment periods and meetings is important but I think I need advice from Chuck or anybody else on the Council that could help me here with whether we should proceed with this and to get a letter out on this subject.

**Brad Pettinger** [00:01:30] Thank you Louis. Marci Yaremko. Marci.

**Marci Yaremko** [00:01:33] Yeah, thank you Mr. Vice Chair. I agree, with regard to the Corps nationwide permits, as Lance reported to us, that free pub notice is out and involves a 60-day comment period that will end before we meet again. I think this topic is uniquely important. These are new permits that the Corps will be creating, and I think it's important that we put ourselves on their radar by submitting comments to them through our quick response process, as the HC recommends. As I understand from Eric Wilkins in my discussion with him after the HC meeting, the letter will address Council concerns with streamlining the permitting process and the exemptions that the permits may involve. We'll remind them about our authority and responsibility under the Magnuson Act and some of our thoughts on the content of the new permits that are being proposed. So I very much support that idea, plus getting out in front and getting ourselves on their radar, so I don't know if we're taking all these items one by one, or I do have some remarks on other agenda items but just wanted to respond to Louis' point on this.

**Brad Pettinger** [00:03:33] Thank you Marci. Anyone else? I'm looking for hands. Ryan Wulff. Ryan.

**Ryan Wulff** [00:03:43] Thank you Mr. Vice Chair. Just to clarify, looking at the notice the comment deadline for the Corps nationwide permits is November 16th is the end of the comment period. It was put out on September 15th and this would be two new permits, one for finfish, one for seaweed and also it highlights they already have an existing one on shellfish aquaculture, so thank you.

**Brad Pettinger** [00:04:13] Yeah, thank you Ryan. Further discussion? Marci.

**Marci Yaremko** [00:04:27] Okay, well moving on to a few other things in the Habitat Committee report. I just want to I guess encourage the HC with regard to the salmon rebuilding plan work to make sure that they're communicating. It sounds like they are with the folks at the Science Centers and we want to make sure that the folks that are doing very similar work or maybe the same work and the IEA process that there's some coordination there so we don't have redundancy. On the finfish aquaculture in California, as the HC reports, the NOI regarding Pacific aquafarms has been released and is out for comment. The HC is not recommending comment at this time, one, because we have already commented on the earlier version of this proposal when it was Rose Canyon and this notice is just basically stating that they're intending to prepare the DEIS and there will be plenty of opportunity as the work proceeds for us to issue a comment and possibly we've, I mean we've heard from them in the past when the proposal was in an earlier stage, and it might benefit the Council from hearing from them again. I know there's been some interest in that within our California delegation that we might receive

an update when the time is right and so perhaps a comment letter later on down the road would be more appropriate, so I support the HC's recommendations on how to proceed there and that we continue to monitor this on the front burner but a comment letter just now is maybe not necessary. I want to thank the HC for the discussion on the call areas in Monterey Bay and the role of the sanctuary staff in our Council's Habitat Committee and for bringing the discussion to that forum. I appreciate their tracking that and keeping it, keeping us all up to date on that and appreciate their work there. Regarding the FERC letter on Klamath Dam removal, there is a recommendation from the HC to provide a draft letter for the November briefing book if the Council desires. We have made a number of comments over the years on Klamath Dam removal. I appreciate that there's a new ruling out about PacifiCorp being a co-licensee of the dams, but I'm not feeling like that is something new that we need to, that should result in a comment from us. I think that given our staffing limitations and our need to prioritize what is on the immediate work plate, I'm not supportive of another letter on dam removal for the November briefing book and appreciate the desire and the importance of this issue but I think we've, now is not the time for more work on that one. Appreciate the update on the Delta tunnels and the interest on that one and I note that the HC is recommending a letter on this project, which would require a quick response process due to a deadline of October 20th. Sounds like that one is, they've identified it as a near-term priority and I don't have any reason to question that other than maybe to find out, unfortunately I didn't ask Lance this earlier, but do they have a team assembled in the Habitat Committee to work on such a letter for the, so that we would be able to approve it on a quick response timeline. Apologies for not asking Lance that upfront, but I think I support their recommendation, but would just like a little more information that they can support the work and have it to us in a timely manner so we can approve such a letter by the deadline.

**Brad Pettinger** [00:10:03] Lance are you still on the mobile?

**Lance Hebdon** [00:10:06] Yes Mr. Chairman, member Yaremko. We have identified several Habitat Committee members who would be able to work on the Delta tunnel letter. We have not established a timeline for that work yet pending Council direction.

**Brad Pettinger** [00:10:28] Okay, thank you. Marci.

**Marci Yaremko** [00:10:31] Yeah, thank you Mr. Vice Chair. So if I may, Lance, recognizing that I'm recommending that you not proceed with the Klamath Dam remove letter, dam removal letter and instead proceed with the Delta letter. Do you believe you can assemble the team to get that work done on the timeline you've indicated?

**Brad Pettinger** [00:11:03] Lance.

**Lance Hebdon** [00:11:03] Yes Mr. Chairman, member Yaremko. Yeah, with the comments due a month out we, and pulling the Klamath project, or Klamath comments off the list we can complete it and I don't believe we would have put forward this recommendation if we didn't believe we could complete it, so that's more of a general kind of statement.

**Brad Pettinger** [00:11:33] Okay. Thank you. Thank you, Lance. All righty so Marci's put out a few recommendations there... two letters to the, on those nationwide permits. Maybe a letter to the Corps on the Delta conveyance project. Any more recommendations from the reports given or comments? Jennifer.

**Jennifer Gilden** [00:12:00] Yes, I would, Mr. Vice Chair, I would also remind the Council that there is the letter, the CEC letter, which is on attachment 1.

**Brad Pettinger** [00:12:10] Okay. There's that too. Marci.

**Marci Yaremko** [00:12:16] Yes, thank you Mr. Vice Chair. I didn't know how we were taking the CEC letter, if that required a motion or if we can just verbally approve it. I guess I'll go ahead and speak to it now since the letter, or the topic has come up. Support sending the letter. There were some comments from a few folks about maybe some additional information being needed to be added to it and I think our assessment is that the letter is fine as it is. There, but the comments that folks are looking to include are probably better incorporated into other comments to other forums. So, you know, they're not necessarily relevant to, some of the remarks wouldn't be relevant to the CEC directly. So that's our take on it but I welcome other input from others around the table. Thank you.

**Brad Pettinger** [00:13:25] Yeah thank you, Marci, and thank you, Jennifer, for pointing that out. So I'm looking for discussion on the further action here, and we can also, I guess the letters been introduced here to comments on that or should we send it out the way it is? Okay everybody's still hung over from last night from the....(laughter). Okay with that, Corey Niles.

**Corey Niles** [00:14:07] Sorry Mr. Vice Chair, and sorry to be quiet here, but silence was agreement with Marci and deferring to her judgment here on what's relevant to the various forums in her state and if she's comfortable with the letter I would very much support that as well and I do have comments on the idea of the ad hoc advisory group which I will hold off on if that comes up later.

**Brad Pettinger** [00:14:45] Okay, thank you Corey. I guess maybe I'll just say this. Is there anybody against sending out the CEC letter as it is right now? Okay we'll check that one off as a go, also good recommendations in the EWG as far as decommissioning, addressing the decommissioning projects in the future, updating their non-fisheries pressure list, expanding and revising the process on reviewing new activities. I guess that doesn't necessarily need a letter sent but certainly that gives good recommendations like the ad hoc working group on ocean wind projects is something that maybe Corey you want to speak to that?

**Corey Niles** [00:15:44] Thanks Mr. Vice Chair. Yeah, like I think you're saying there's some good ideas for the future and Chuck kind of spoke to the idea. In questions to the Habitat Committee, he mentioned folks in Oregon and California, Caren, and another thing on the task force, we don't have a task force in Washington but I just wanted to let folks know that in Washington we do have a marine spatial plan that went into effect two years ago. As part of that the legislature mandated that my agency play a role in, if projects were proposed off Washington such as wind energy projects that we have to look into how they might minimize fisheries impacts, so I guess we have a process in Washington. We don't have a task force but we have not had proposals yet, but just wanted people be aware of that and I think the ad hoc committee, the ideas put forward by folks here, advisory bodies, are good ideas to keep in mind but, yeah, we've spent at least probably depending on when you start the clock, probably 10 years or so thinking through that issue without a real prospect for a project, but the ideas sound good and just probably ones to take up in the future and I was grateful to hear Chuck say that they been working at the staff level to be in contact with BOEM and alert us to new developments, and so I think in the future we'll be able to take these questions up and they're good suggestions and very much in line with how Washington expects to approach it if it ever comes to be.

**Brad Pettinger** [00:17:42] Okay very good. Okay, so right now we've got Marci's recommendations on the letters to the two nationwide permits. A letter to the Corps on the Delta conveyance project and maybe some stuff that could be addressed down the road. I guess so we have some recommendations. Does anybody want to add to that and if not, I'll go to Jennifer. Louis Zimm.

**Louis Zimm** [00:18:13] Thank you Mr. Vice Chair and I am very interested in Mike Conroy's proposal

to create some sort of ad hoc committee to inform the Council on these various siting proposals, both aquaculture and wind. I think we've been fairly successful in our discussions on wind and we had some representatives to the various wind groups, however I think aquaculture has been lacking and there's been a lot of questions and I would hate the Council to not be informed regularly and the newest information. Thank you.

**Brad Pettinger** [00:19:02] Yeah, thank you Louis. Perhaps that's something that could be done at the next meeting or down the road. I'm just thinking of just moving this thing along and getting these letters out. Okay so looking for hand for more discussion, if not, Jennifer do you have enough information here to go forward with or what else might we need? Oh, Marci.

**Marci Yaremko** [00:19:26] Yeah, thank you Mr. Vice Chair. I just want to go back to the nationwide Army Corps permits for a second just to flag that with regard to that letter writing effort, CDFW is prepared to play a major role in the preparation of that letter. We're working stateside on that issue as well and we do have expertise to lend on this topic so thanks very much and we'll look forward to that work.

**Brad Pettinger** [00:19:55] Thank you Marci. Okay Jennifer.

**Jennifer Gilden** [00:20:02] Yes Mr. Vice Chair. So, it sounds to me that the Council is in favor of the Habitat Committee drafting letters to the Army Corps, actually two letters to the Army Corps, one on the nationwide permits and one on the Delta conveyance project. Those will both be under the quick response process, and also sending the CEC letter as it is written but not following up on the Klamath Dam letter, so if that's correct then that would wrap up this agenda item.

**Brad Pettinger** [00:20:35] Marci, I see your hand up.

**Marci Yaremko** [00:20:40] I'm so sorry.

**Brad Pettinger** [00:20:42] Okay. All righty. Well then, if that being said, any more discussion on this item?

**Chuck Tracy** [00:20:50] Mr. Vice Chair this is Chuck again. Just to remind the Council of our, sort of our marine planning process here. We do have a regularly scheduled March agenda item to discuss marine planning. As I mentioned we had, we have reached out to BOEM as, actually as the Council directed I think back in March or April of this year and started sort of a little bit more staff level coordination so that we're aware of what's coming. If the Council has an opportunity to comment on something, you'll notice there was several, three or four or five informational reports this Council meeting having to do with wind energy siting, including the letter, the notice of the comment for the letter that is being proposed here, as well as some other workshops and opportunities to get some input from the fishing community. So please, if you're interested in that, take a look at those and we will continue to do that outreach and again, like I say, we have Dr. Braby on the Oregon Task Force and we have a nexus with the Habitat Committee through Eric Wilkins to track those wind energy items and so I think for now we have a reasonably good lines of communication. Mr. Zimm brought up that aspect of aquaculture and how there may not, we may not have quite as strong a line of communication there so that's something worth exploring... we'll be interested to hear any ideas on that, so that's, I just wanted to give the Council overview of where we're at with that business. Thanks.

**Brad Pettinger** [00:22:49] Yeah, Chuck, thank you on that. So, okay, well I think Louis Zimm, your hand's up.

**Louis Zimm** [00:22:55] Well thank you, Mr. Vice Chair, and thank you, Chuck, for that. I'm just trying to understand the comment about we need to have further investigations into the aquaculture situation and information so, Chuck, could you illuminate me on what that would entail and what responsibilities some of us may have along that line?

**Chuck Tracy** [00:23:26] Thank you Mr. Vice Chair. Mr. Zimm that was actually, I thought that's what I heard from you. So I was just saying that if there is a feeling that we do need more communication, then I would be happy to have some discussions about how to accomplish that, so that was not my suggestion that we do need it, that was just what I thought I heard you suggest so....

**Louis Zimm** [00:23:48] Well yes, I did and thank you and I would like to see more discussion. I see Bob Dooley may have some input. Thank you.

**Brad Pettinger** [00:23:56] Bob.

**Bob Dooley** [00:23:57] Yeah, thank you Mr. Vice Chair and thanks, Chuck, for that. I would hope that we would get some more input from more complete and more detailed input from the sighting work that's being done by NOAA and, you know, for aquaculture and we touched on it a bit. Council heard a little bit about it from Diane Windham I believe that we could benefit from understanding how that process is going forward. It looks to me like through the, you know, in the Habitat Committee report they, that we have two different things going on there, we have one with planning and one that will be a future process and we have one with that is, you know, the permits that are already in the works and have gone forward and I think it would be really interesting to understand how much that aquaculture planning tool was used in these permits that are already issued and what the benefit would be if they weren't used, you know, how it would have made a different result or a better process, so I'm real interested in understanding that better and maybe trying to influence the process as it goes to wind if I understand it correctly, because I think we're looking at a process in aquaculture that maybe having some input in the front end of it before they ever assign these permits in areas as opposed, you know, in aquaculture we will have that ability it appears, and I would like to maybe take that example and move it into wind too so that BOEM isn't, you know, just putting us in a position where we have to grow a lot of work to catch up so, anyhow thank you so much.

**Brad Pettinger** [00:25:53] Yeah, thank you Bob. So okay, so with that anymore discussion? If not Jennifer, you kind of summed it up, are we done here now?

**Jennifer Gilden** [00:26:04] Yes, Mr. Vice Chair. I believe, yes, your work is complete on this agenda item.

**Brad Pettinger** [00:26:11] Okay thank you Jennifer and everybody's input on that, with that we're going to go into our 20-minute break.