

**DRAFT COUNCIL MEETING TRANSCRIPTS**  
**259<sup>th</sup> Session of the**  
**Pacific Fishery Management Council**  
**April 6-9 & 12-15, 2021**  
Online Meeting due to the COVID-19 Pandemic

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## Meeting Transcript Summary

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

## A. Call to Order

### 4. Agenda

**Marc Gorelnik** [00:00:00] Let's go to Agenda Item A.4, which is approval of the agenda. As was mentioned there was interest in perhaps amending the agenda to move up the Legislative Committee report so that Council staff has an opportunity to, or the Council and Council staff have the opportunity to hear from the advisory bodies and the public and then to go forward with direction from the Council so that the Council can approve the letters, presumably on day last rather than dealing with all of that on day last. So, at this point I will look for a motion to approve the agenda and perhaps with changes. Mr. Anderson.

**Phil Anderson** [00:00:58] Thanks Mr. Chairman. Good morning everybody. I have a question on the agenda and it has to do with F.4, the gear switching item and there are, the way the Council action is worded, and there's also some other verbiage that indicates similar action for the Council is to select gear switching level to guide development of the gear switching alternatives and in the next to last paragraph above the Council action, it says at this meeting the Council is scheduled to identify a level gear switching that will be used to guide so on and so forth. So I think there's some confusion out there and I include myself in that as to whether or not we are, now we certainly could select a phase one level, but the way this is worded it also suggests that we may consider identifying more than one level that could be used to guide further development of the action alternatives, and I just want to make sure that I understand the intent there and whether that flexibility is provided to the Council, so that's the first thing. And then my second question relative to your suggestion Mr. Tracy, on moving the Legislative Committee matter forward in the agenda, I thought I heard you suggest that we may want to move it to Tuesday, April 13th and I just wanted to confirm that I understood that correctly.

**Marc Gorelnik** [00:03:16] Chuck.

**Chuck Tracy** [00:03:17] Thank you. So, to your first question, yes, I believe the flexibility there is, you know, it's not just one level. If the Council sees utility and identify more than one level or defining level in different ways, I think that is within its purview, so I don't think there's any constraints on that for the Council. For your second question, yes, I did suggest moving opening legislative matters up on Tuesday, April 13th. My suggestion was prior to moving it to the sablefish gear switching issue. So again, salmon is scheduled for first thing that morning but... so if that is the case then we would, I guess my suggestion was we would proceed with salmon to get that out of the way so that the analysis and the next iteration can continue. That is the penultimate opportunity for changes to the salmon management measures so that's an important one that, so I think that, should have priority, but thought we could deal with legislative matters prior to getting into a lengthy gear switching issue.

**Marc Gorelnik** [00:04:44] Does that answer your questions, Phil?

**Phil Anderson** [00:04:47] Yes, thanks Mr. Chairman and with that clarification I would move that the Council adopt the agenda as listed under Agenda A.4, April 2021 with the addition of moving H.3, the Legislative Committee matters to Tuesday, April 13th following D.5, which is the further direction for 2021 management alternatives relative to salmon.

**Marc Gorelnik** [00:05:27] Well, let's see I want to give Sandra an opportunity to catch up with you.

**Phil Anderson** [00:05:45] That looks correct. Thank you, Sandra, and good morning.

**Marc Gorelnik** [00:05:49] Is that language accurate Phil?

**Phil Anderson** [00:05:51] Yes, Mr. Chairman, it is.

**Marc Gorelnik** [00:05:53] All right, so I look for a second. Seconded by Butch Smith. Thank you Butch. Phil, do you want to speak to your motion?

**Phil Anderson** [00:06:05] I think it's clear.

**Marc Gorelnik** [00:06:06] All right. Is there any discussion on the motion? I'm not seeing any hands so I will call the question, all those in favor of this motion signify by saying 'aye'?

**Council** [00:06:21] Aye.

**Marc Gorelnik** [00:06:21] Opposed, no? Abstentions? The motion passes unanimously. Phil thank you very much for the motion. Is there any other Council business on Agenda Item A.4? I am not seeing any hands so that concludes our, this portion of our agenda.

## **B. Open Comment Period**

### **1. Comments on Non-Agenda Items**

**Marc Gorelnik** [00:00:00] That concludes public comment on the Open Public Comment agenda item. I will pause here to see if anyone from the Council wishes to offer anything and if not, we will move directly into habitat issues, Agenda Item C.1. Bob Dooley.

**Bob Dooley** [00:00:25] Thank you Mr. Chairman. I didn't have a question for Kevin or Kristen on the Science Center Reports, but I just wanted to comment that I really appreciate the thoroughness on the Covid vaccine issue and the surveys, and how much attention they gave to that and how much clearer it was this month than it was last month at the Council meeting, and really appreciate their attention to that, and I feel much better this month about the confidence of the surveys. I'm a little concerned about the Shimada's repairs, but that is what it is. Boats are boats and so.... but I just wanted to make that comment and thank you.

**Marc Gorelnik** [00:01:09] All right. Thanks for that, Bob.

## C. Habitat Issues

### 1. Current Habitat Issues

**Marc Gorelnik** [00:00:00] That concludes public comment on habitat issues and takes us to Council action, which is to consider the comments and recommendations developed by the Habitat Committee and I will look for someone to get us started. We have a very specific recommendation provided to us that we should address. Marci Yaremko.

**Marci Yaremko** [00:00:35] Yeah, thank you Mr. Chair. Just first I'd like to send out a huge thank you to the Habitat Committee for a very succinct yet detailed report of current events surrounding Klamath Dam removal and the situation with the Solicitor General opinions. The topic is obviously of huge concern to many of our agencies that are involved in the Council process, as well as organizations that are active and in our ranks, so that makes it important for the Council as well. This is a great example of the role that the Habitat Committee fills for us to be following along in these issues that are kind of outside of our normal domain, and to bring that expertise to us and report to us on the development, so I really want to acknowledge their work to do that here today. As the report explains, the Hoopa and the Yurok have weighed in with Interior directly, and then likewise, PCFFA and the Yurok it sounds like are suing to overturn on the basis that the opinions violate existing ESA requirements along with tribal water rights that support our salmon runs both for ESA-listed stocks as well as for our important Klamath Fall target stock. However, I'm pausing here, I'm a little I think hesitant to jump in with a letter from the Council on this topic, recognizing they're recommending a quick response process and some additional homework would probably need to be done. I'm feeling like, first of all there's no comment period that we'd be providing a response to, and I think I would be concerned that a letter from us might suggest that we might be interested in jumping into the litigation that's now pending. I also had a chance to check in with our CDFW Office of General Counsel, who is very closely following these specific matters, as well as the broader water operations issues in the Klamath Basin and their read was that a letter from the Council may not be useful or necessary at this time. Recognizing that we have some of our agencies already involved in hotly pursuing this issue, as well as the litigation that's now pending with PCFFA and the Yurok, I think I'm comfortable with letting those activities proceed and let's stay closely tuned to what follows. I appreciate the request and I appreciate how important this issue is, but I think I'm a little uncomfortable with jumping in the fray right now. Thank you.

**Marc Gorelnik** [00:04:49] Thank you Marci. Pete Hassemer followed by Chris Kern.

**Pete Hassemer** [00:04:54] Thank you Mr. Chair and thanks, Marci, for those comments. I believe I pretty much agree with those, you know, especially with respect to the legal issues that are going on and what our standing would be. At this point what's still troubling me, though, is if we have an obligation under MSA to comment on EFH impacts that could result from this federal action, and that was brought up in the public comments there, so maybe we have to discuss that a little more. I know the Habitat Committee's comments here to us did not address in any detail what those EFA, EFH impacts would be that would result from the reduced flows, but that's something I think we should consider if there is a Magnuson Act obligation to comment on the EFH impacts, but I agree on the legal aspects of this. I'm not sure, I don't believe that's the place where we weigh in and as Marci stated that's being addressed by the tribes and the PCFFA so forth. So right now, I would support the Habitat Committee coming back with a draft letter that focused on the EFH aspects of that, the impacts to EFH and it would give us a chance to look at that and we still have that decision point then. You know the fast-track process isn't the best way, but it's an opportunity to look at that and then make our decision regarding sending or not sending the letter. Thank you.

**Marc Gorelnik** [00:06:57] Thank you. Chris Kern followed by Joe Oatman.

**Chris Kern** [00:07:02] Thank you Mr. Chair. Can you hear me?

**Marc Gorelnik** [00:07:04] I can.

**Chris Kern** [00:07:05] Excellent. Thanks. Yeah, so I want to echo the comments that I definitely appreciate the seriousness of this issue as well as the Habitat Committee digging into it and I think Marci and Pete as well captured that so I totally agree. From an Oregon perspective there's, you know we've got a recent drought declaration in the Klamath Basin from Governor Brown. We all know the water issues and water rights are extremely complex in general. I'm not well versed in that. I had to do some scrambling yesterday myself to catch up on this particular issue. Something that's not captured, and this is just in the interest of sort of illustrating some of the complexities, some of the things that's not captured in the Habitat Committee comments, nor do I necessarily think it was necessary that they do, is it that there is also, and this is not something I'm super familiar with but I know a little bit, there's also ESA-listing considerations in Klamath Lake for listed suckers that are reliant upon water issues and have a treaty, a tribal trust nexus as well, and so there's even a third layer to this beyond just the sort of Klamath River flows relative to salmon and the needs for irrigation, agriculture. There's a third, at least a third layer and then, of course, you know it's the west. Water rights are pretty complicated, pretty contentious areas. As has been pointed out, the legal action underway. From my perspective it appears there are a lot of folks working this issue and it seems reasonably likely to me that it might be resolved with or without a Council letter in this regard, but I don't know that. So the bottom line for me is it's an issue that's being handled by our Governor's office and other entities under the direction of the Governor's office, so as the agency's rep on the Council, I'm going to not go get in front of them on this issue but I do want to make it clear that doesn't mean I think that it's not an important issue nor does it imply any support for the action that's occurred so far or anything of the sort. It is simply just that complexity and the fact that it's in a legal area now so interested in some of the conversations. I think what Mr. Hassemer raised might be something that's worth looking into if it's not, if it's going to keep us away from the legal part of the realm, and of course, if we as a Council resolve that this is something we do need to comment on given our responsibilities, that's fine. I just want to give you some thoughts as to where I'm coming from on it, so I appreciate it.

**Marc Gorelnik** [00:09:59] Thank you Chris. Joe Oatman followed by Sheila Lynch.

**Joe Oatman** [00:10:03] Thank you Mr. Chair. I appreciate the information that was provided to the Council by the Habitat Committee. I think what I heard in the presentation as well as in some of the public comment on this matter that this is an issue that is particularly important to the Hoopa Valley and Yurok Tribes given the issues that are present relative to Klamath River salmon runs to water rights to tribal treaty rights and habitat type aspects, and so when I look at this recommendation from the Habitat Committee, it is requesting that we develop a letter requesting that the Interior Secretary Haaland withdraw these two solicitor opinions. I'm not familiar enough with respect to whether the Council has done something like this previously or otherwise commented or provided letters regarding the Klamath Dam removal matter itself. So, I think with respect to the issues as it relates to the tribes that I represent here on the Council, this is something that they do support. I understand and I would certainly appreciate looking into some of these details that have been pointed out by fellow Council members with respect to how this may intersect with MSA, essential fish habitat, and I think what Mr. Kern just mentioned with respect to tribal trust nexus. I think that might be an area that would be particularly important to me in terms of how the, you know, under the MSA for the Council, the federally recognized rights that tribes have here on the West Coast that I represent, how that might factor in. So, I think I would be supportive of a draft letter that looks at some of those details. Thank you.

**Marc Gorelnik** [00:12:39] Thank you Joe. Sheila Lynch.



**Sheila Lynch** [00:12:43] Thank you Mr. Chair. I just wanted to weigh in on the question that was raised earlier about whether the Magnuson Act obligates the Council to comment on the solicitor's opinions. I don't believe it does. The Magnuson Act refers to activities that would impact EFH and the solicitor's opinions really just state the opinion of the solicitor's office on the legal landscape so I don't think those would qualify as activities and I don't think the Council has any obligation to comment on them.

**Marc Gorelnik** [00:13:26] Virgil Moore.

**Virgil Moore** [00:13:28] Thank you Mr. Chairman. So, I've had information provided to me that is from, that says each Council shall comment on and make recommendations to the Secretary and any federal or state agency concerning such activity that in the view of the Council is likely to substantially affect the habitat, including essential fish habitat of an anadromous fishery resource under its authority. So, I am not a student of the Magnuson Act or the direction to the Council, but when my, when our staff provides that information to me, it suggests that we do have an obligation to make some comments relative to an action that could substantially affect our anadromous fish.

**Marc Gorelnik** [00:14:26] Thank you Virgil. Chuck Tracy.

**Chuck Tracy** [00:14:32] Thanks Mr. Chair. Yeah, so I, just kind of pursuing that a little bit more. Maybe this is a question for Sheila or for NMFS but so it seems like the question's coming down to whether a solicitor's opinion is a federal action or is the action actually, you know, changing the flows? So maybe that's one question, and then I guess so it's kind of related, so at some point if there is a federal action that presumably NMFS would be conducting an EFH consultation on that action so is that, is there a link there and when you know so, maybe when would that consultation occur? Under what circumstances would that consultation occur?

**Marc Gorelnik** [00:15:33] Sheila, do you, could you respond to Chuck?

**Sheila Lynch** [00:15:38] Thank you Mr. Chair. You know I'm not up to speed on the details around these particular activities and you probably need different people to weigh in on the timing and what's expected to occur here. Generally, Chuck's characterization is accurate that, you know, at the time there is a federal action under contemplation, that would be subject to a consultation under the ESA and probably associated EFH consultation, but again I don't, I'm not up to speed on the specifics around the Klamath situation.

**Marc Gorelnik** [00:16:30] Frank Lockhart.

**Frank Lockhart** [00:16:32] Yeah, I think, I'm basically going to say the same thing as Sheila. I don't know the specific timing of this. I can try to find out a little bit, but it's not going to be in the time that we're still on this Council agenda. I think maybe I'm misstating this, but I think the Council could potentially comment on this. I don't think they have to, and as was pointed out, you know, if we do go forward with the consultation on this that there will be other opportunities, but I think I'll just stop there. So, if this is important for the Council to come back to, we could potentially find out more details about the timing related to this and get back to the Council at some future point in the, during this meeting.

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

**Pete Hassemer** [00:17:36] Thanks Mr. Chair. Well, on the timing piece of it, yeah, I'm not aware how that rolls into everything. On the must we or could we, I agree based on the language that the Council certainly could provide a letter, we have that opportunity. On the should we or should we not piece, I'm still leaning right now more towards the we should at least review look at a draft letter and make our

decision then. I understand that distinction between opinions and the MSA addressing a comment on activities, but this opinion I would interpret that as an end result of the opinion. It will clearly or most likely result in activities that will affect EFH and so it's more an issue should we be preemptive in comments now and highlight the likely effects of actions that would be implemented as a result of this, or wait till later and comment that actions that are proposed and are likely to be put in place, and so there's our decision point and if it is appropriate for the Council, then I'm in favor of being preemptive at this time and at least asking the Habitat Committee to draft that letter that addresses the actions that could result from the opinion that would affect EFH and ESA-managed species and anything else and then have an opportunity to review that. They're poised to do that and if we need to put it in the file and save it for a later date when actions occur, then we can do that at that time. So, I would support them providing us with the draft at least at this time.

**Marc Gorelnik** [00:19:47] Thanks, Pete, and I'll point out that it's not simply the salsa.....let me start over again, the solicitor's opinions, but there's also a subsequent guidance document on actions to be taken there, so I think the difference between an action and a guidance document on action is an awfully fine distinction to be made, and so I think the concerns that I have with the recommendations of the Habitat Committee is that, you know, aside from comments on EFH, there is a discussion, you know, wanting to raise the issue of legal precedents and taking a legal position on that and I don't think it's, I wouldn't be comfortable with the Council doing that, but I do think as Joel Kawahara had said and as you've pointed out Pete, as well as Virgil, that reference to essential fish habitat is probably within our portfolio. Louis Zimm.

**Louis Zimm** [00:21:14] Thank you. Do you hear me, Marc?

**Marc Gorelnik** [00:21:16] Loud and clear Louis.

**Louis Zimm** [00:21:17] Oh, that's a relief. Thank you. I agree with you and I agree with Pete and I'm thinking about some of the things that we have responsibilities to. We have responsibilities, of course, to the southern resident killer whale situation. We have responsibilities, we've been talking about this very difficult situation between Oregon and California regarding the Klamath distribution of chinook stocks in the upcoming season and you'll see we'll be wrestling with that soon enough, and so I'm very concerned that if we move to not do anything at all that we may lose confidence of some of our stakeholders, especially the ones along that coast, and so I agree with Pete that we should ask the Habitat Committee to come up with something that we could review and make the decision whether to send at that time. Thank you.

**Marc Gorelnik** [00:22:21] All right, thank you Louis. Marci Yaremko.

**Marci Yaremko** [00:22:28] Yes, thank you Mr. Chair. Just a question here I guess of process. So, is the thinking that the Council will task the HC to draft this letter on a short turnaround timeline and that we're holding this agenda item open to take this up later in the week to consider whether we support sending a letter, sending the draft letter or not so that we would do that as part of an open public Council process or what? I just want to make sure I understand what the, what the thinking is.

**Marc Gorelnik** [00:23:14] I think that's an excellent question. I think the quick response method was mentioned in the Habitat Committee report, and I guess the presumption there is that you would not have a draft for Council discussion before the end of the meeting, but I don't know if that is certain and I guess I would, if Lance is available to perhaps opine on whether a draft could be available before the end of the Council meeting for consideration.

**Lance Hebdon** [00:23:50] Mr. Chairman this is Lance. We, if that was the Council's direction, we

could certainly attempt to meet a deadline of, which I'm assuming would be next Friday. It wasn't, it wasn't our original intent but if that's what it takes to move this item, I'm sure the subset of Habitat Committee that agreed to take the lead on this could meet a short deadline.

**Marc Gorelnik** [00:24:25] Well it wouldn't be Friday since the last day of the meeting is Thursday and we would probably need it in the briefing book by the prior day. So, it would be Wednesday.

**Lance Hebdon** [00:24:38] That's a tight deadline, but.....

**Marc Gorelnik** [00:24:42] Well, I don't think....

**Lance Hebdon** [00:24:46] We could give it a shot if that's the direction.

**Marc Gorelnik** [00:24:48] Well, we don't really have direction yet. I'm really hoping we'll get a motion on this because I think that there have been a variety of views presented here and which may not jive completely with the recommendation of the Habitat Committee so I would, for purposes of clarity and efficiency, perhaps a Council member could put forward a motion providing some particular direction to the Habitat Committee, and if the Habitat Committee can provide us with something before the end of the meeting then perhaps we can review it, otherwise we will use the quick response method as earlier anticipated. Virgil Moore.

**Virgil Moore** [00:25:44] Thank you Mr. Chairman. I'll make, I'll take a whack at a motion. I move that the Council request the Habitat Committee to produce a letter from the Council requesting that Interior Secretary Haaland withdraw the two solicitors' opinions on the Klamath water use. I'd further move that, if possible, they produce that during this Council for our review, otherwise we use the fast-track method for approval. I know that was a lot, sorry.

**Chuck Tracy** [00:26:32] Yeah that was a lot, and it was a little fast. so.....

**Virgil Moore** [00:26:34] I'll watch as it's typed out.

**Chuck Tracy** [00:26:42] Yeah, you're probably going to have to do some editing after she takes a shot at it here.

**Virgil Moore** [00:26:51] It's the wording that's on the recommendation sheet for.....on Klamath water use. Further, that the Habitat Committee try to get a draft during this meeting. If not, we proceed with fast-track letter.

**Marc Gorelnik** [00:27:59] Virgil, let me ask you before you review the language there. Those two solicitors' opinions resulted in a formal guidance document from the bureau. Did you wish to have that withdrawn as well?

**Virgil Moore** [00:28:20] I was reading from the recommendations but Mr. Chairman, I believe that that would fit very well in there and so I believe that would be worded, 'withdraw the two solicitors' opinions and their guidance, or the guidance is probably better.

**Marc Gorelnik** [00:28:47] All right. Is the language on the screen complete and accurate?

**Virgil Moore** [00:28:53] Yes Mr. Chairman.

**Marc Gorelnik** [00:28:55] All right. Let me see if there is a second to this motion? Seconded by Louis

Zimm. Please speak to your motion as you deem necessary.

**Virgil Moore** [00:29:11] I believe we've had a fair discussion. I do believe though that the Council has some important obligations to our responsibilities to at least raise this to the level for understanding of the need for this action.

**Marc Gorelnik** [00:29:29] All right, thank you. Are there any questions for the maker of the motion or discussion? Marci Yaremko.

**Marci Yaremko** [00:00:00] Yes, thank you Mr. Chair. Guess I'll offer my thoughts and potentially follow it up with an amendment. As written, I cannot support the motion. Given the discussion we had around the table about the legal implications and the fact that litigation is already pending on the specific topic of withdrawing the solicitors' opinions. I have some discomfort with that being the content of a letter from the Council. However, I am I think interested and supportive of the discussion that we've had surrounding our interest and potential need to comment on the EFH situation as clearly that is a topic that is completely within our domain, and there's an expectation of Council commenting on EFH matters of concern, and I do I think view the guidance document as potentially being a topic that we deem affects EFH and therefore we're within our right to comment. So, I think I can get behind the idea of drafting a letter along those lines that speaks to our concerns with the guidance document as it pertains to EFH, however I think I would prefer that we steer clear of the topic of withdrawing the solicitors' opinions. The other thing here that I need to say a few words about. I want to echo what Chris Kern mentioned earlier about letting his agency and those discussions that are going on in different arenas, their voice, you know that be the voice of his agency on this topic, and similarly in California I know that CDFW is very actively engaged in discussions on this topic, and I would not want to get sideways with any of that by sending a somewhat different message out of the Council. So, I feel that it's very important to have the opportunity in the event that this draft letter says something that CDFW can't get behind that we have the opportunity to vote no on such a letter and consequently that gives me pretty great pause with the concept of moving a letter through the fast-track process because of the rules of procedure that govern that process. So, I'm very much interested in seeing a draft letter come back to the Council so that we can take it up in open discussion and have a full Council vote on whether or not the letter is sent. So, I guess with that I would amend, or I would offer an amendment to the motion that, let's see we would produce a letter requesting Secretary Haaland to reconsider those opinions and guidance documents in view of EFH needs and provide the draft letter to the Council for further consideration by Wednesday, April 14th.

**Marc Gorelnik** [00:05:14] All right, so what language would be struck under your proposed amendment?

**Marci Yaremko** [00:05:23] Beginning with the word 'withdraw'.

**Chuck Tracy** [00:05:33] Mr. Chairman or Miss Yaremko.

**Marc Gorelnik** [00:05:33] Yes.

**Chuck Tracy** [00:05:33] This is a question for Dave. I don't know if, and I know Dave is available, but just wondering if this would be more appropriate as a substitute motion than an amendment to the existing motion?

**Dave Hanson** [00:05:56] Mr. Chairman. It's not really clear that it's a substitute. I think it'd be better to make the motion, the change in the existing motion and go from there.

**Chuck Tracy** [00:06:14] Okay.

**Marc Gorelnik** [00:06:24] All right. Miss Yaremko does the language on the screen accurately capture your amendment?

**Marci Yaremko** [00:06:29] Yes it does. Thank you.

**Marc Gorelnik** [00:06:30] All right I'll look for a second? Seconded by Bob Dooley. Please speak to your amendment as necessary.

**Marci Yaremko** [00:06:37] I think I just did. Thank you so much.

**Marc Gorelnik** [00:06:39] All right. Any questions for maker of the motion? All right. Joe Oatman.

**Joe Oatman** [00:06:47] Thank you Mr. Chair and a question for Marci to clarify. So would the new language that addresses the EFH needs, does that encompass or not the comment from Virgil Moore on effects on anadromous fish?

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

**Marci Yaremko** [00:07:21] Thank you Mr. Chair. Thank you, Joe, for the question. I think as maybe, maybe it was Pete, somebody noted the HC hasn't exactly given us a lot of input or any input on kind of the realm of EFH information that they would be intending to supply in the letter, so I think, you know, in tasking them to develop the letter, I mean what I would envision they would be discussing would be EFH as it pertains to the suite of stocks that are in our FMP, which would include the ESA-listed stocks so I guess that's just my initial thinking but I think I look forward to their work product along these lines, which is another reason I think it's really important that the Council have an opportunity to review the draft and discuss it. Thank you.

**Marc Gorelnik** [00:08:36] Any further questions? Any discussion on the amendment? All right I will call the question. All those in favor say 'aye'.

**Council** [00:08:48] Aye.

**Marc Gorelnik** [00:08:49] Opposed, no? Abstentions?

**Frank Lockhart** [00:08:54] Frank Lockhart abstains.

**Marc Gorelnik** [00:08:56] Frank Lockhart abstains. So, the motion to amend passes, we're now back to the main motion as amended. See if there's any further discussion there? I am not seeing any hands, so I'll assume there is no further discussion and I'll call the question on the main motion as amended. All those in favor say 'aye'.

**Council** [00:09:22] Aye.

**Marc Gorelnik** [00:09:22] Opposed, no? Abstentions?

**Frank Lockhart** [00:09:29] Frank Lockhart abstains.

**Marc Gorelnik** [00:09:30] Frank Lockhart abstains. So, notwithstanding that abstention, the motion does pass as amended and we have clear direction to the Habitat Committee if they can to get back to

us with a draft letter on Wednesday that we can then take up on day last, hopefully not taking up too much time and we'll go from there. We'll see what happens. Pete Hassemer.

**Pete Hassemer** [00:10:01] Thanks Mr. Chair. I just wanted to take a moment here to be sure with both Jennifer and Mr. Hebdon, the Chair of the Habitat Committee, the guidance and court direction here is clear relative to the potential EFH impacts. You know, as we said and some of the comments were made, there's not a lot of substance in the Habitat Committee's comments and I understand that so if there are any questions, they have on direction for this, this gives them an opportunity to ask us here before they go off and do this.

**Marc Gorelnik** [00:10:45] Thanks Pete. That's an excellent point. So Lance, if you're available, could you let us know whether you need further direction or whether you've got enough to get going?

**Lance Hebdon** [00:10:55] Mr. Chairman, Member Hassemer, I believe listening to the discussion and reading the substitute motion we have enough to proceed on and given that the Habitat Committee spent a considerable amount of time on freshwater habitat issues associated with the Klamath Rebuilding Plan, I think we've got a good base to tie the EFH concerns into the guidance documents and solicitors' opinion, but we will try to be very concise as we develop this.

**Marc Gorelnik** [00:11:33] All right great. Thanks very much. Chuck Tracy.

**Chuck Tracy** [00:11:38] Thanks Mr. Chair. Just before we move on, I was just going to suggest that we just leave this agenda item open until such time as the letter, we get the letter back or the Council meeting ends so that we don't have to, so that it fits under this agenda item's action.

**Marc Gorelnik** [00:12:01] All right, great. So, we will not close this agenda item. We'll leave it open, and we'll have to remember to close it on day last. Anything else Chuck?

**Chuck Tracy** [00:12:11] No Mr. Chair.

**Marc Gorelnik** [00:12:12] Anything else from around the table on Habitat for now? Jennifer Gilden how are we doing here?

**Jennifer Gilden** [00:12:24] Mr. Chairman I think we are, we're in a good place. The Habitat Committee has its direction, and we'll begin working on that letter to get it into the briefing book by Wednesday.

**Marc Gorelnik** [00:12:40] All right, thanks everyone. That was a good discussion and I think we are, as Jennifer said, in a good place. So that will conclude for now agenda item C.1, Habitat issues which will resume on day last.....(BREAK - RESUMING LATER IN THE DAY)..... Thanks very much Brad. So, we left Agenda Item C.1 open actually contemplating a draft letter but events have overtaken that. As Chuck mentioned, today the Secretary of the Interior issued a memo withdrawing, apparently withdrawing the very documents that we, the Habitat Committee had wanted the Council to seek to have rescinded so it's not clear at this point that the letter is necessary or appropriate, but let's see if there's any discussion or dissent on that and then if the Council does choose to change its mind on sending a letter, we would need a motion to rescind or to amend the motion we previously passed. So let me see if there are any hands up. Pete Hassemer.

**Pete Hassemer** [00:14:13] Thanks Mr. Chair. Just for clarity, the... what was rescinded was both the opinions and the guidance documents. Sorry if you stated that I just was looking through our various materials, but everything was rescinded that the Habitat Committee had addressed?

**Marc Gorelnik** [00:14:39] That is my understanding. The memorandum from the Secretary will be added as an informational report and it certainly did withdraw the various communications from the solicitor on the Klamath. Let me see if I can go to the memorandum. It will be in the briefing book shortly. It just came out today. The....unfortunately the Habitat Committee's report did not refer to the legal memorandum by specific name, whereas this memorandum does, but it, the titles of the memos clearly refer to flows on the Klamath and the Endangered Species Act and a letter from David Bernhardt dated January 16th does seem to jive with the reference in the Habitat Committee report. Oh, I was muted. I don't see Lance in attendance here, so I don't think we have anyone here from the Habitat Committee to confirm that this memorandum from the Secretary of the Interior covers those memos but based on my review of the titles, they certainly, it certainly does appear to apply. Unfortunately, we can't delegate to the Habitat Committee to confirm this since I believe their business is done for the meeting.

**Chuck Tracy** [00:16:59] Mr. Chair, I guess if it pleases the Council it could be, we could read it in if people would so desire. It'll be a little bit before it gets actually posted. It's less than two pages.

**Marc Gorelnik** [00:17:25] I'm not seeing any appetite from the Council right now regarding C.1, at least I'm not seeing any hands. Pete Hassemer.

**Pete Hassemer** [00:17:35] Thanks Mr. Chair. I believe it would be good to read it in if it clarifies the question we have. Our letter was intended to address both the solicitors' opinions and the guidance document. We had that discussion and if we get a solid indication that all of that has been withdrawn or rescinded, then I think it would be appropriate to have the Habitat Committee stand down but, so we either wait, I guess, I'd prefer we just have Chuck read it. That might be the quickest way to get through this.

**Marc Gorelnik** [00:18:21] All right.

**Chuck Tracy** [00:18:25] Okay. Can you hear me?

**Marc Gorelnik** [00:18:28] Yes.

**Chuck Tracy** [00:18:28] All right. Okay, so a couple of preliminary paragraphs. On January 20th, President Biden signed Executive Order 13990 entitled 'Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis'. It affirms the new administration's commitment to organize and deploy the full capacity of its agencies to combat the climate crisis, increasing resilience to the impacts of climate change, protecting public health, serving our lands, waters, biodiversity and delivering environmental justice. Among other things EO directs agencies to immediately review when it's appropriate and consistent with applicable law. Take action to address certain regulations or other agency actions that conflict with the national objectives set forth in the EO. Biden-Harris administration has also made it, made clear its commitment to respect tribal sovereignty and self-governance and fulfill federal trust and treaty responsibilities, the tribal nations through regular, meaningful and robust consultations. Klamath Basin in southern Oregon and Northern California is facing one of the most, one of the worst drought years in four decades. Water flowing from the Upper Klamath Lake and the Klamath River is critically important to communities in the region, including farmers, ranchers, commercial fishermen and multiple tribes in the Klamath basin that depend on the waters, fisheries, and other natural resources for their livelihoods. Given the dire, unprecedented drought conditions that we are facing, we know that difficult decisions will be made in the coming days and weeks to address water shortages. This memorandum I am directing each of you to work collaboratively across our agency and across the federal government and with our state, local, tribal and community partners to identify steps that can be taken to minimize the impact of upcoming water allocation decisions and

develop a long-term plan to facilitate the conservation and economic growth in the Klamath Basin. And then more substantively, consistent with these principles, I hereby withdraw the following memoranda, letters and analyses related to the Bureau of Reclamation's Klamath Project issued during the previous administration. August 19th, 2020, memorandum to file regarding Reclamation Decision on Yurok Tribe's Request for Boat Dance Flows to the extent it may have precedential effects on future operations. October 28th, 2020, a memorandum from Carter L. Brown, Associate Solicitor, Division of Water Resources and Lance C. Wenger, Regional Solicitor Pacific Southwest to Daniel H. Jorjani, Solicitor regarding An Updated Review of Legal Issues Concerning the United States Bureau of Reclamation Operation of the Klamath Project. Solicitor Jorjani suggested, signed and concurred on October 29, 2020. Next November 12th, 2020 letters from David Bernhardt to Paul Simmons, Klamath Water Users Association and Nathan Rietmann Law PC, respectively, regarding Klamath Project Water Contracts and the Endangered Species Act. In January 2021 reassessment of U.S. Bureau of Reclamation Klamath Project Operations to facilitate compliance with Section 7(a)(2) of the Endangered Species Act. And on January 14th, 2021 memorandum from Solicitor to Secretary regarding Analysis of Klamath Project Contracts to determine discretionary authority in accordance with the November 12th, 2020 letter of the Secretary of the Interior. In January, also January 14th, 2021 memorandum from the Solicitor to the Secretary regarding Use of Water Previously Stored in Priority for Satisfaction of Downstream Rights. And finally, January 16th, 2021, letters from David Bernhardt to Paul Simmons, Klamath Water Users Association, and Nathan Rietmann, Rietmann Law P.C., respectively regarding completion of analysis based on November 20, November 12, 2020 letter enclosing January 14, 2021 memoranda and January 21 reassessment. These documents were issued without government-to-government consultation with affected tribes and do not reflect the current administration's goals for long-term water recovery and economic restoration in the region. The document, documents also conflict with longstanding departmental positions and interpretation of governing law and should not be relied upon for any purpose. My directive is made under the authority of Section 2 of Reorganization Plan 3 of 1950 (64 stat,1262), 209 DM 3.2, and other applicable authorities. And that's the end of the letter.

**Marc Gorelnik** [00:23:35] Thank you Chuck.

**Chuck Tracy** [00:23:41] I don't know if that helped or not, but.....

**Marc Gorelnik** [00:23:47] You know, there does seem to be some alignment with the documents the Habitat Committee referenced. So, what is the pleasure of the Council? Is the Council prepared to make a change here or wants to wait? Marci Yaremko.

**Marci Yaremko** [00:24:13] Yeah, thank you Mr. Chair. This announcement is certainly timely. I believe that this memo confirms that the Secretary has withdrawn the Solicitor General's opinions that were of concern of the Habitat Committee, as well as the guidance document that resulted from those opinions, so I believe that the immediate need for the Council to provide comment on EFH and how important EFH is in ongoing considerations regarding the Klamath, now is probably not the time given this new development. I think the urgency that we heard about earlier this morning has passed, and while I hold open the question as to whether or not at some point in the future, whether that future being near future or more distant future, then a comment letter from us may be appropriate. I think we can discuss that at a later time, recognizing that the Habitat Committee has already adjourned for the April meeting. So, I think the need right now for us to task them with crafting a letter has passed and I am comfortable with us rescinding the motion that we made earlier today.

**Marc Gorelnik** [00:26:13] Thank you Marci. Before you offer a motion, let me see if there are any other hands. So, I don't see any other hands so if you have a motion, please make it and then we can have any further discussion. Marci.



**Marci Yaremko** [00:26:40] Sure I'll give this a go Sandra. I move we rescind the motion made under Agenda Item C.1.

**Marc Gorelnik** [00:27:02] That language is complete and accurate?

**Marci Yaremko** [00:27:07] Sounds good to me.

**Marc Gorelnik** [00:27:08] All right, I'm looking for a second and I assume Pete Hassemer has his hand raised for the second? And if I was, okay, I guess I assumed correctly. All right, please speak to your motion as necessary.

**Marci Yaremko** [00:27:23] I think we've covered it. Thank you.

**Marc Gorelnik** [00:27:25] All right. Is there any discussion on the motion? Pete Hassemer.

**Pete Hassemer** [00:27:31] Sorry Mr. Chair. I support this motion. There is a delay between clicking lowering the hand and then actually going down.

**Marc Gorelnik** [00:27:40] Okay. All right. I understand I have that problem sometimes. So are there any other discussion on this motion and it being a motion to rescind without notice, I think our parliamentarian would confirm that we need at least a two-thirds vote, but we'll see what we end up with. Any discussion? Not seeing any I'll call the question. All those in favor say 'aye.

**Council** [00:28:08] Aye.

**Marc Gorelnik** [00:28:08] Opposed, no? And any abstentions? All right so the motion passes unanimously therefore obviously clearing our two-thirds threshold and we have now rescinded that. In view of developments, I'm very glad that that action was taken today and not after our meeting. So, is there any further business on C.1? Okay I'm not seeing any so that will conclude our revisiting of C.1 and conclude that agenda item for the meeting.

## **D. Salmon Management**

### **1. Tentative Adoption of 2021 Management Measures for Analysis**

**Brad Pettinger** [00:00:00] Well, seeing we have no, we're out of public comment and to Council action. Looking for hands. Ah ha! Kyle. Kyle Adicks.

**Kyle Adicks** [00:00:17] Thank you Mr. Vice Chair. I do have a motion ready for the Council if it's the appropriate time. I didn't know if we wanted to have any Council discussion before getting there. I also see Mr. Anderson has his hand up so maybe I'll just be on standby with a motion.

**Brad Pettinger** [00:00:35] There you go. Thank you Kyle. Phil. Phil Anderson.

**Phil Anderson** [00:00:38] Thanks Mr. Vice Chair. I was just refreshing my memory with the Salmon Framework Management Plan as it relates to deviating from the sub quotas for the ports in the area north of Falcon on coho, and I know there had been some discussion in March about the potential need to do an emergency rule to accomplish that, along with there were some other features, I believe, of Alternative 2... that there were some deliberations around whether or not an emergency rule was required or not, and I am aware that there's been some dialogue between National Marine Fisheries Service, in particular Susan Bishop and Kyle Adicks, as it relates to the alternatives and the need for an emergency rule. And after I refreshed my memory with what is in the framework plan and the flexibility that's provided, assuming that there's concurrence among the representatives of the ports, that that can be done pre-season without an emergency rule. And I also was looking at the trade arrangement that's in the alternatives north of Falcon that was presented by the SAS and similarly see that we do have the flexibility within the framework plan to do that. Those were my conclusions, at least after I read it and refreshed my memory and looked at what is in, what was proposed by the SAS and I just wondered if, and I know Kyle spoke to this a little bit and asked questions about whether there was concurrence among the port representatives on the rec side, as well as between the recreational and commercial SAS members, and I just wanted to get confirmation, if that's possible, from National Marine Fisheries Service, that they based on the discussion that's occurred between March and April, a reading of the framework management plan and the acknowledgment that we received from the port representatives and the representatives from the commercial export sectors, that we are not in a position where we need an emergency rule to move forward with the alternative that was presented by the SAS for the fisheries north of Falcon.

**Brad Pettinger** [00:03:31] Okay. Thank you. Chuck and Susan Bishop. Susan.

**Susan Bishop** [00:03:36] Thank you Mr. Vice Chair. Thank you Mr. Anderson. You are correct in that we had identified three issues that may have led us to require an emergency rule. We have managed to resolve two of those issues. I will still need to touch bases with the State of Washington with regard to whether the recent proposal for the trade would resolve the remaining concern, which had to do with the proportion sharing between the commercial and the recreational sectors. So, it is on my radar, and I have reached out to Mr. Adicks to discuss with him.

**Brad Pettinger** [00:04:18] Thank you Susan. Okay any further discussion on that or any other matters or for the Council action here before we go to Washington? Hopefully Kyle will put his hand back up. Ah ha! Kyle Adicks. Kyle.

**Kyle Adicks** [00:04:44] Thank you Mr. Vice Chair. I do have a motion that Sandra should have. I move to tentatively adopt the ocean salmon fishery management measures for non-Indian fisheries as

presented in Agenda Item D.1.e, Supplemental SAS Report 1, dated April 8th, 2021 for STT collation and analysis.

**Brad Pettinger** [00:05:12] Okay Kyle, does the language of the screen accurately reflect your motion?

**Kyle Adicks** [00:05:16] It does.

**Brad Pettinger** [00:05:17] Very good. Speak to your motion?

**Kyle Adicks** [00:05:23] Thank you Mr. Vice Chair. And this motion is for the entire coast.....

**Phil Anderson** [00:05:27] Wait... a second.

**Brad Pettinger** [00:05:27] I'm sorry. Phil?

**Phil Anderson** [00:05:27] Well, you need a second... which I am offering.

**Brad Pettinger** [00:05:37] It's early in the afternoon. We were doing so well today too. With that, thank you, Phil, for your second and Kyle please speak to your motion.

**Kyle Adicks** [00:05:46] Thank you again Mr. Vice Chair. This motion's actually for the entire coast. I'll just speak to the north of Falcon portion and we can see if my colleagues to the south have anything they'd like to add. As you heard in the discussion just a minute ago, when we left March we believed Alternative 2 would require emergency action to implement with some discussions in the interim. This is not the same package that was in Alternative 2. Alternative 2 included just a sort of direct allocation into the recreational fishery in the Columbia River area. This package involves a trade instead of just a direct injection of fish into that allocation, so it is a trade that was agreed to by the sectors and then a reallocation among the sport ports that was agreed to by those ports. So, I don't believe this would require implementation by emergency rule. I don't believe it deviates from the FMP. It does result in the same allocation outcomes that Alternative 2 did, so all of the ranges are within what was out for public review. I wanted to thank the Columbia River Tribes and the Quinault Nation and Mr. Oatman for delivering the Quinault testimony this morning. As always, we've had a month of working through issues with all our co-managers and the spotlight this year has really been on coastal coho in Washington and working with the Quinault nation on the Queets River, where we have a forecast that's below our escapement floor on trying to find a balance of harvest and a statement that makes sense given the combination of forecasts we have this year, so we'll be continuing that work. With Quinault and the Queets and with all of our other co-managers in the watersheds around Washington over the coming week to try to get to an ocean package and matching inside packages that meet all of our conservation objectives when we conclude next week. Thanks to the SAS, the STT, and everybody else who's gotten us this far. I think this is a good package to get us down the homestretch here and look forward to working on it with everyone over the next week.

**Brad Pettinger** [00:08:04] Thank you for that Kyle. Discussion? Questions for Kyle? Okay seeing none I'll call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:08:17] Opposed? Abstained? Okay, motion passes unanimously. Thank you Kyle. All right. So, I guess moving down the coast. Chris, you have something for us?

**Chris Kern** [00:08:50] No, Mr. Vice Chair. I think the motion covered.

**Brad Pettinger** [00:08:53] Oh, I'm sorry.

**Chris Kern** [00:08:55] And I don't have anything to add.

**Brad Pettinger** [00:08:55] Okay. I'm sorry. I see Joe Oatman. Joe?

**Joe Oatman** [00:09:01] Thank you Mr. Vice Chair. I do have a motion for the Council. I think Sandra has that. I do want to note that what's being presented is identical, has already been in place. I move the Council adopt for STT analysis the following initial treaty troll salmon management measures. First being Makah Tribe, Alternative 1: 50,000 chinook and 50,000 coho. Alternative 2: 35,000 chinook and 35,000 coho. Alternative 3: Zero chinook and zero coho. For the QTA Tribes, Alternative 1: 35,000 chinook and 16,500 coho. Alternative 2: 25,000 chinook and 10,000 coho. Alternative 3: Zero chinook and zero coho. The alternative's consistent of a May 1 to June 30 chinook directed fishery and a July 1 to September 15 all species fishery. The chinook quota should be evenly split between the two time periods.

**Brad Pettinger** [00:10:21] Thank you Joe. Does the language on the screen actually reflect your motion?

**Joe Oatman** [00:10:25] It does Mr. Vice Chair.

**Brad Pettinger** [00:10:28] Okay. Looking for a second? Seconded by Kyle Adicks. Thank you Kyle. Joe, speak to your motion?

**Joe Oatman** [00:10:38] Thank you Mr. Vice Chair. I can't provide much comment on this. These alternatives across the Makah and QTA are the same from what was considered back in the March meeting. I want to be, the purpose of this motion is to provide some additional time for the tribes to meet and work on these alternatives. Thank you Mr. Vice Chair.

**Brad Pettinger** [00:11:08] Very good. Thank you. Christa Svensson? Go to discussion here. Christa.

**Christa Svensson** [00:11:23] Sorry there. Double mute. I was a backup second, so I'll lower my hand if it's still raised.

**Brad Pettinger** [00:11:29] You're fine. We heard you, but not now.

**Chuck Tracy** [00:11:42] She was just saying that she had raised her hand to second the motion, but it's already been seconded so she has nothing to say at this point.

**Brad Pettinger** [00:11:49] Or Butch were you a second also?

**Butch Smith** [00:12:05] No, I had some discussion but I can wait till the seconds are done Mr. Chair.....(laughter)...

**Brad Pettinger** [00:12:16] Proceed.

**Butch Smith** [00:12:16] Okay, thank you. Thank you Mr. Chair. And Councilman Oatman, I obviously support your option, but we did hear some testimony from the Confederated Tribes of the Columbia River today and Wilbur on some concerns, and I was wondering if the STT could talk about one of those concerns while we were doing the analysis on potentially mismarking or mismarking of an area where the fish were caught potentially between buoy 10 and the ocean, and maybe the STT through

Chairman O'Farrell could come back. As you know a few tags showing up in odd places can really skew the future modeling and stuff one way or the other, so I would just like to add just to see if we could you know, maybe when Mr. O'Farrell gets to talk, maybe he can talk to that a little bit, see if they could look at that during the week. That's all Mr. Chairman. Thank you.

**Brad Pettinger** [00:13:35] Yeah, thank you Butch. So, you're wanting to, was that question for him to talk at, speak to us now or address that later in the....

**Butch Smith** [00:13:43] Speak to us now. I was just recognizing Wilbur's concerns and I, and when I miss all you guys in this process, sitting down talk. I do miss Wilbur yelling at me first and then having nonchalant talks in the hallway, so I just thought it would be a good placeholder for this to be looked at also while we were doing the analysis.

**Brad Pettinger** [00:14:07] Very good. Mike, are you available?

**Mike O'Farrell** [00:14:13] Yes, Mr. Vice Chair I'm here.

**Brad Pettinger** [00:14:16] Yeah, so you heard Butch's question. Your thoughts?

**Mike O'Farrell** [00:14:22] Yes, I did hear the Butch's question and I'd be happy to bring this up with the STT. We can, the team can have a discussion about this issue and potential ramifications of it in the future and we'll report back to the Council on what we find.

**Brad Pettinger** [00:14:42] Okay, very good so... okay, thank you. Further questions, discussion on the motion? Okay, seeing none I'll call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:15:02] Opposed? Abstentions? Motion passes unanimously. Okay. Very good. I will turn to Robin I think and say Robin, how are we doing here?

**Robin Ehlke** [00:15:21] Thank you Mr. Vice Chair. I think that went pretty smoothly actually, so it was a pretty involved agenda item. You heard from the STT, which gave you the update of the changes that occurred since we last met in March. You heard from the States of Oregon, Washington and California about the public hearings that were held and the comments that were received. You've heard from Phil Anderson and Dani Evenson on the PSC meetings and what the CTC memo included and entailed. You also heard tribal statements from the Quinault Indian Tribe and the Columbia River Tribes. The SAS did provide for consideration for first round options, and we had a motion from the tribal governments for their seasons and we also received a motion for the non-tribal seasons that were contained in the SAS Report D.1. And so, with that, then the STT will take that information and run their analysis and return tomorrow with the results. So, with that, I think you have concluded all your work under this agenda item. Very well done.

**Brad Pettinger** [00:16:40] Okay. Thank you, Robin, for the summary and well done everyone.

## 2. Methodology Review Preliminary Topic Selection

**Brad Pettinger** [00:00:00] That concludes our reports. I see there's no public comments which would take us to Council action, which is guidance on potential methodologies to review in 2021 so discussion? Looking for hands always? Kyle Adicks. Kyle.

**Kyle Adicks** [00:00:30] Thank you Mr. Vice Chair. I suspect we'll bounce around among topics on this one. So, I'll start out with the Willapa Bay coho forecast. Trying to think back to March of 2020, which was the last time we were all in the same room together, the Council adopted the methodology that had been brought forth by WDFW for that forecast. There were some issues raised in the review and I think the intent had been to put it into the methodology review hopper in April of last year. Then, of course, with the pandemic hitting we didn't go through the methodology review process last year, so I think it's appropriate for WDFW to try to bring something back this year. I will raise my concern that we've had some staff changes and some workload issues that are going to make it tough for us to get to a good product in time for the review this year, but our intent is to do that and bring something forward. We can touch base again in September when we look at formal assignments, but we're committed to bringing something forward as quickly as we can on that forecast.

**Brad Pettinger** [00:01:48] Very good. Thank you Kyle. Susan Bishop. Susan.

**Susan Bishop** [00:01:54] Thank you Mr. Vice Chair. I will defer if others have comments, but I am prepared to provide some observations.

**Brad Pettinger** [00:02:05] Okay. Looking for further hands but not seeing any so your hand is up.

**Susan Bishop** [00:02:17] Thank you Mr. Vice Chair. I guess I would make a few observations of the list of important projects that have been provided by the MEW and the SSC and the STT. They are substantial projects and as always probably more projects and more work than the number of folks available to do them, so my comments are made in the spirit of managing workload. This is not to speak to the fact that I think any of the projects, it doesn't merit additional discussion. So, I guess I would start with the Sacramento objective. It has been raised in several different forums. It is an important issue. My concern is that the work around that objective and potential revision of that objective may require an FMP amendment depending on where that goes and is a substantial amount of work and considerations beyond technical considerations so I'm not suggesting it doesn't deserve and supporting that it deserves a look, but that the methodology review may not be the appropriate place for that significant topic and potential scope of issues involved. I would also note just the recommendations of 6, 7 and 8 on the SSC's suggested list, these aren't their high priority topics, but they are additional considerations. There is an ongoing discussion with regard to the best scientific information available framework. NMFS is scheduled to discuss that with the SSC. Those, some topics present the framework in at the June meeting. Some of that discussion will have to do with scope and touch on some of the issues raised in the SSC's statement. My concern is that by moving those forward at this time, that would get ahead of the discussions on the best scientific information available framework, so I would be not supportive of doing that at this time. I would also just note that the STT, the MEW and the SSC have several overlapping topics, particularly those with regard to FRAM documentation and performance review that are really at the core of the salmon management framework and process that the Council does and are significant workloads in and of themselves and so would from my perspective, those would be higher priorities and would just encourage a narrowing of the topics and to provide a manageable workload with a priority focus. And that concludes my comments.

**Brad Pettinger** [00:05:14] Okay, thank you Susan. Brett Kormos. Brett.

**Brett Kormos** [00:05:18] Thank you Mr. Vice Chair. My comments are specific to the Sacramento River Fall chinook escapement objective item or items, if you're looking at multiple lists. I agree wholeheartedly with the comments that Miss Bishop made about this particular item. I certainly recognize the need for this work and what is essentially a pretty antiquated objective with some limited and difficult to follow documentation or justification. However, as Miss Bishop stated, a few things, one, it's a significant amount of work that will need to be shouldered by a multitude of entities and or agencies. It is something that I expect will go beyond the realm of technical analysis and for one in particular, the Department of Fish and Wildlife in California certainly won't have the bandwidth to shoulder this work or contribute to this work in the coming months given all of the other demands, including the current ad hoc workgroup for SONCC coho, and so while I don't fault the advisory bodies for including this on the list, one of the issues is there seems to be a lack of a mechanism or staff, appropriate staff and time to carry that item forward such that it would be ready for methodology review in the fall, and in fact I would, I think I would encourage the Council to consider whether or not that particular item is better suited for some sort of an ad hoc workgroup, given the fact that there are both technical and policy aspects to that and beyond that, like I said and Miss Bishop said, there are, there's a need for a broad group with a number of representatives that will need coordination and would likely benefit from support from the Council, and I'm not seeing the Council has the appetite or perhaps more appropriately, the bandwidth to do that work and move that forward between now and the fall of this year either. So I'll stop there and maybe even stop short of suggesting we remove it from the list, because it does have a great deal of importance and getting it on our radar is good, that has value in and of itself, but I have serious doubts that we can move that forward in any sort of meaningful way such that it can make the final list and actually be reviewed, have it have work ready for review in the fall. So, thank you.

**Brad Pettinger** [00:09:00] Thank you Brett. Joe Oatman. Joe.

**Joe Oatman** [00:09:06] Thank you Mr. Vice Chair. I want to take this opportunity to provide some additional comments regarding the recommendation that was set forth in the Supplemental Tribal Report that I just provided a moment ago. So I am aware that the Columbia River Treaty Tribes are interested in that topic as well and I think I understood that they, too, would be supporting the recommendations that was contained in the Tribal Report so I wanted to make that comment, but also I want to provide comment on some of the observations that I took away from the report that were provided by the Model Evaluation Workgroup as well as the SSC on Oregon production index hatchery noted that the Model Evaluation Workgroup in our report stated that the forecast has not performed well in recent years and this year's forecast was very high. The SSC in their report noted that they seem to support a review of the forecast and that they could not find a clear record of previous reviews. I do want to note those aspects, but particularly I would like to see if we could get some clarification on the Council Operating Procedure 15, which was noted in the Tribal Supplemental Report. In that operating procedure it specifically states that a review of current methodologies is allowed for major stocks and given the OPIH is a major stock that this seems to be a legitimate matter to take up in our review and until I get some clarification on that latter part if I could. Thank you.

**Brad Pettinger** [00:11:40] Thank you Joe. further discussion? Chris Kern. Chris.

**Chris Kern** [00:11:50] Thanks. Yeah, trying to kind of think. There's a lot of things on the list obviously, as others have pointed out, all important and so, but obviously clearly also not probably all achievable in one go. So, if I look at the sort of range of things, I see Mr. Adicks commented on the Willapa. The FRAM documentation comes out pretty clearly as an ongoing task and one that is important. I'm personally kind of interested in the comparison of postseason methods from FRAM, but probably not well suited to put that in a form of priority in the grand scheme but it does interest me, as does the potential for a workshop. Relative to Sacramento Fall chinook, I agree with what I've heard so

far, which is I think we've all agreed it's important. Also, that it's going to be a big lift, and so in that vein I think I'll ask a question. I know we look at the methodology reviews as an annual, I'll call it an annual process, what I mean is a process to be completed within a calendar year basically, or 12 months or less. But I do recall I think we in the past have sometimes had things that stayed on the list because they weren't done and so I guess a question is if we, is it less appropriate for us to put something on the methodology review with the full recognition and expectation that it's going to take more than one cycle, as opposed to that just happening to occur for some other reason as opposed to some other mechanism, such as a workgroup or something else? So maybe that's a question for Mr. Tracy or someone else about sort of our operating process on this?

**Brad Pettinger** [00:14:06] Chuck.

**Chuck Tracy** [00:14:08] Thanks Mr. Chair. Thanks, Chris, for the question. Yeah, certainly things have appeared on the, you know, sort of a recurring nature of projects, FRAM documentation is one certainly that has lived there, but I think you make a good point and I've heard this from Miss Bishop and Mr. Kormos as well. You know the scope of the Sacramento Fall chinook conservation objective is probably larger than what we would contemplate under a typical methodology review process, so I think I would encourage the Council to decide, you know, at some point how they want to pursue that, but I guess my advice would be that it is you know, it is a very significant component of our salmon harvest, salmon management and as pointed out, it's not just merely making a technical adjustment which is permitted under, under the FMP to make conservation objective adjustments to the methodology review, but I think something as significant and as Mr. Kormos pointed out is policy-centric as that would probably be deserving of another process. So I guess that would be my advice that, I mean you could put it on here to remind yourself to do it but somehow I don't think we're going to be forgetting about it so, but I would just, you know, maybe just encourage the Council, you know, to think strategically about when they have an opportunity in terms of bandwidth and to pursue something like that that they can move ahead with, you know with a.....I mean it's not something they're going to be able to do in a season, in an offseason. It's going it's going to take a while, so I guess that's my advice on that. I'll pause there and see if Mr. Kern has a follow-up.

**Chris Kern** [00:16:31] Actually, I was going to make a comment that was unrelated.

**Chuck Tracy** [00:16:37] Okay, well at some point I'd like to circle back around to Mr. Oatman's question but Chris, I think you have the floor so why don't you go ahead.

**Chris Kern** [00:16:45] Actually maybe so I related to that question so maybe it would be more efficient if you just went ahead and did that. I'll lower my hand.

**Brad Pettinger** [00:16:56] Chuck.

**Brad Pettinger** [00:16:56] Thank you. So, Joe, your question? Would OPI forecast be an appropriate methodology review topic? I think the answer is, yes, that it would be. I think it would allow for that and that was, you know, probably contemplated and when the COP was written that things like that would occur. So, yeah so again it's a question of, you know, a combination of priorities and workload capacity to do that and how much work that would involve. I think there probably needs to be some discussions between the STT and co-managers and the SSC about how complete the documentation for the methods are or when they might have been, might have occurred. The STT I think indicated that the methods are laid out in preseason 1 that had been reviewed in the past, the SSC was, couldn't, at least in their initial look, wasn't able to find any recent records of review or any sufficient documentation that satisfied them, so I think there probably needs to be some discussion there to see what people are looking for. Maybe I'll pause there.



**Brad Pettinger** [00:18:37] Thanks Chuck. Brett Kormos. Brett.

**Brett Kormos** [00:18:49] Thank you Mr. Vice Chair. I think I'll circle back to the Sacramento River Fall chinook escapement objective item again. In listening to Mr. Tracy I think that I agree with him that this particular topic is perhaps not appropriate for methodology review, at least not until a method has been developed or excuse me, even a new escapement objective has been developed by some other process and so I think it might be appropriate to remove it from the methodology review list for the time being, at least until a point at which we do understand that it needs to be on this list and reviewed by the SSC. And I'll just note in suggesting that, that this item is also already in the Council's future workload planning and as such has a placeholder of sorts, so I don't know that it needs to stay on this list for that purpose. So, I'll stop there and see if there's any further discussion on that.

**Brad Pettinger** [00:20:30] Thanks Brett. Further discussion? Okay well given that, no more hands, it's been a good discussion. I'm just kind of curious about, as far as what the other process might be for the Sacramento and how we might, and when that would, if there would be an ad hoc workgroup maybe that was discussed earlier, how that would be formed? And with that, maybe I should just turn to Robin and say, Robin, how are we doing this as far as what's our next steps?

**Robin Ehlke** [00:00:00] No problem Mr. Vice Chair. I think what we would like to get out of the Council before we close up this agenda item is to get a list of topics, you know, perhaps combined from the four reports that we heard, just one list that then the pertinent advisory bodies could work off of between now, April and September when we pick this up again. I think that would be the best way to proceed is just to ask for motions for topics that are going to move forward.

**Brad Pettinger** [00:00:39] Okay that sort of makes sense. And of course, I can't make a motion. You wouldn't want mine anyway. Yeah, so we've had some good input obviously and I see Chuck has his hand up. Chuck.

**Chuck Tracy** [00:01:02] Thanks Mr. Vice Chair. Well, I can't make a motion either, but I'm not sure that we absolutely need a motion here. The action is just guidance so I've been keeping some notes so maybe, Mike, if I just kind of go through what I've got and see if people want to add or subtract anything from that list of potential topics for review in 2021 that might be a place to start. So, what I heard was that the Willapa coho follow-up for WDFW was it was a priority for NMFS, the FRAM documentation and was a priority. Also, for Oregon, I also heard both of those Willapa coho FRAM documentation. From Joe Oatman I heard the OPI forecast is, would be a priority for them and then maybe some interest but maybe not a high priority for Oregon was the FRAM workshop or the pre-post comparison. So that's kind of what I had and then I guess for what was, you know, less of a priority was the Sacramento Fall chinook escapement objective and forecast and then the SSC lower priority 6 through 9 items so. So anyway... so, if I was making a list from what I heard it would be Willapa coho FRAM documentation and OPI forecast. I guess I would start there and see if there's anything that people want to add or subtract from that list.

**Brad Pettinger** [00:03:08] Well I think you've got some interest from Chris Kern... so Chris.

**Chris Kern** [00:03:14] Yeah, thanks Mr. Vice Chair and thanks Mr. Tracy for that. That's helpful. I didn't speak to OPI earlier, so I'll take a minute if it's okay to do that. I'm not going to ask that we take it off the list for consideration. I'm interested in what other folks have to say. Clearly understand the concerns raised and being a large contributor in some years in particular, but understand what that means and so while I can look in the preseason reports and find other forecast models that have also had performance issues in recent years, I do understand that the fact that this is a larger stock raises attention for folks and I appreciate that, and of course I will not be one to come in and say I don't care

about how well a forecast is performing, I absolutely do so, we all, I think, have a shared goal of trying to make sure that those are doing the best we can. I will say I have the concerns, I do have... are similar to what I heard a bit of before, and that is workload. We in Oregon at least, I won't speak for others, have faced a similar situation to what I heard earlier in loss of some key staff and key staff being assigned to other tasks, and so I, we're going to struggle a bit if this goes forward to pull what I would want to be able to contribute from Oregon to the process, may be a bit of a struggle for us but if that's what the Council, rest of the Council members are supportive of doing we will strive to find ways to do that, so I don't want to belabor that too much. I just get that out there so folks are aware. That's kind of why I haven't commented so far today, not to try and downgrade the importance of our, any of our forecasts, whether it be this one or another, but I do have some concerns with that, so I'll leave it at that.

**Brad Pettinger** [00:05:26] Thanks Chris. Susan Bishop. Susan.

**Susan Bishop** [00:05:30] Thank you Mr. Vice Chair. I would just also note my support for the evaluation of postseason metrics, so it's sort of the FRAM model performance. I note that was on both the SSC's list and the Salmon Technical Team. I can't recall if it was on the MEW's list or not. I think that would be important as well. I would also, just speaking to some of Mr. Kern's concerns and my own previous statements about workload, I think there is a fairly robust process in place with review of the OPI forecast so to the degree to which the Council process can coordinate with those folks and review what has been done and be efficient in the use of workload and staff resources, we would encourage that.

**Brad Pettinger** [00:06:26] Okay, thanks Susan. Phil Anderson. Phil.

**Phil Anderson** [00:06:38] Thanks Mr. Vice Chair and appreciate the conversation here. I guess I would add my voice of support relative to the OPI forecast issue. Exactly what needs to be done, particularly based on Miss Bishop's comments here just a moment ago, which I am not aware of relative to the work that has been done or is normally done in terms of reviewing that forecast and the methodology, but as Mr. Kern said the size of the stock and the consequences to other stocks when we miss the forecast by a significant amount, particularly when we're, when we're estimating significantly higher than the actual returns just really, as everybody knows, has a significant effect on a number of the other stocks in terms of what, in terms of managing them and ensuring that we're meeting their conservation objectives. And we've also got our obligations under the Pacific Salmon Treaty and the stock and the relative accuracy of this forecast plays a big role in whether or not we have confidence that we're meeting our obligations under the treaty, so again I wouldn't know exactly where to start on this. Maybe there's some work that can be done initially in terms of understanding what is being done already in terms of reviewing the methodology that's used, but it is among the items that has a high priority from my perspective. Thanks.

**Brad Pettinger** [00:09:06] Thanks Phil. Okay, Susan Bishop. Susan.

**Susan Bishop** [00:09:15] Thank you Mr. Vice Chair. Sort of stealing some of Angelika's thunder in responding to Mr. Anderson's questions and workload concerns that have been raised, I mean, one suggestion on the OPI forecast might be to initiate a workgroup or, sorry, a workshop with whoever is assigned to do this work to understand what has been done, what's been reviewed, recommendations that may have already been made. If there were, if there was a previous review to sort of nail the starting point, that would be most efficient going forward.

**Brad Pettinger** [00:10:05] Chris Kern.

**Chris Kern** [00:10:08] Thanks Mr. Vice Chair. I'm thinking about this a little bit in the context of what I will ask Mr. Anderson and Miss Bishop. Once the, I'll just say the dust settles from spring planning

and our technical folks are able to come up for a bit of air for a bit, we may be able to convene the OPI group and other folks who might be interested as well. We've had some additions to folks sitting in more frequently in that group as far as I understand over the last couple of years so I'm thinking about those folks as well, and not to exclude anybody else necessarily, to go through kind of what Miss Bishop just laid out, kind of overview what's been done, and I have to leave it to them to decide, you know, what additional... in that regard needs to be brought out that isn't just part of the normal process. My recollection is there's some review of performance every year regardless, but it might be a little deeper dive and then use that to help vet sort of how we might assign things out in a way that we can actually get the work done to meet some of the workload concerns that I've expressed at least. That might be something that could be productive if it's the Council's wish, wishes to move forward with that as an item.

**Brad Pettinger** [00:11:45] Thanks Chris. Further thoughts? Okay, I see Chuck.

**Chuck Tracy** [00:12:01] Thanks Mr. Vice Chair. I guess if the discussion about what are ripe candidates for 2021 is winding down, I did maybe just want to circle back on that Sacramento Fall chinook and Mr. Kormos is correct, we do have placeholders to look at both Klamath and Sacramento conservation objectives and Sacramento age structured assessment in September, and since this is a meeting where all the salmon folks are here, and that may not be the case in June, when we go to set the September agenda I would encourage you to think about how you want to handle those current placeholders and whether it's, you know, just move them to the end of the Year-at-a-Glance or find a spot for them sometime in the next five meeting process, I would encourage you to do that and be prepared to address that under workload planning so that we can do something smart with them and make our planning for September a little easier when it comes to our meeting in June. Thank you.

**Brad Pettinger** [00:13:20] Okay, thanks Chuck. All right Brett Kormos. Brett.

**Brett Kormos** [00:13:28] Thank you Mr. Vice Chair, and thank you Mr. Tracy. Certainly understand that workload planning is the appropriate place to address that issue, however since I have the opportunity I think I will at least just communicate to the Council that I would not expect those topics to be ripe for the Council to address until at least sometime in 2022, and given the fact that I have already and will again encourage the Council to consider some sort of a workgroup process for addressing at least the Sacramento River Fall chinook objective, I would allow as much time for that process to happen as possible in selecting a place to put those on in terms of a meeting for the future Council workload. And regarding the Klamath Fall chinook objective, it may be more appropriate to think about that objective in terms of when the dams come out and we've gathered enough data post dam to begin to look at those so that particular item may not be ripe next year at all. So, I'll stop there, and we can address those issues at a later point in the meeting.

**Brad Pettinger** [00:15:10] Thanks Brett... that's good, those are good points. I thought I saw a hand there but not no more. Okay, so I think, I guess we have a pretty good handle on this as far as what's on the list. I don't see no more hands. I would look to Robin and say, Robin, do you have enough here to make this work?

**Robin Ehlke** [00:15:41] Yes, thanks to the help of Mr. Tracy and additional Council members, I think we have enough information to where we can develop a list and move forward and come back to you in September and let you know what we've done.

**Brad Pettinger** [00:16:00] Okay wonderful. Thank you Robin. With that I believe that concludes this action I believe, and I will hand this gavel back to our Chairman.

### 3. Clarify Council Direction on 2021 Management Measures

**Brad Pettinger** [00:00:00] Questions for Mike before we go into the guidance from the states? Seeing none we'll start in the south and look to Brett Kormos. Brett.

**Brett Kormos** [00:00:12] Thank you Mr. Vice Chair. Yes, I have some guidance ready.

**Brad Pettinger** [00:00:18] Okay.

**Brett Kormos** [00:00:19] And I'm just waiting for Sandra to get that up for all to see. Before I proceed I just, I see Chuck put his hand up, I want to check in and make sure there's not an issue before I begin if that pleases the Council and Mr. Vice Chair.

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

**Chuck Tracy** [00:00:44] Yeah thanks. I just happen to notice we do have a public comment signed up.

**Brad Pettinger** [00:00:52] Oh, okay, my bad. I will look at that and... okay.

**Chuck Tracy** [00:01:01] And it is Wilson Thompson.

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

**Chuck Tracy** [00:01:06] Let me share my screen here if I can figure out how to do that.

**Brad Pettinger** [00:01:10] Okay is, well with that, sorry Brett. Is Wilson Thompson available? I don't see that name anywhere. Okay, well since Wilson is not here, we will go back to Brett.

**Brett Kormos** [00:02:07] Okay thank you again Mr. Vice Chair. I'll be speaking from Agenda Item D.3.a, Supplemental STT Report 1, dated April 9. Referring to page 5 under the commercial management alternatives I'd like to implement the following changes. In the San Francisco Management Area: Replace June 15 to 30 with June 16 to 30. And then moving south to the Monterey Management Area: Replace May 1 to 13 with May 1 to 12 and replace June 15 to 30 with June 16 to 30. And that concludes my guidance.

**Brad Pettinger** [00:03:01] Okay. Thank you Brett. Questions for Brett on his guidance? All right we'll move up the coast to Oregon. Thank you Brett, and to Chris Kern. Chris.

**Chris Kern** [00:03:15] Yeah, thanks Mr. Vice Chair, I'll give a moment.....well she's quick. Thank you Sandra. Okay I'll provide, I'd like to provide the following guidance for the Oregon commercial alternatives beginning on page 4. First for Cape Falcon to Humbug mountain: Strike May 1 through 31 and replace with May 1 through 5, May 9 through 24 and May 27 through 31. Strike July 18 through 21 and replace with July 19 through 21. And strike all of the existing August dates and insert August 1 through 4, 8 through 10 and 15 through 17. Then moving to the Oregon KMZ: Replace the bullet that says March 20 through May 31 with March 20 through May 5, May 9 through 24, and May 27 through 31.

**Brad Pettinger** [00:04:22] Thank you Chris. Questions for Chris on his guidance? Okay seeing none up to Washington and Kyle.

**Kyle Adicks** [00:04:34] Thank you Mr. Vice Chair. I do have guidance for modification to the management measures relative to Agenda Item D.3.a, Supplemental STT Report 1, dated April 9th, 2021. On table 1 on page 2 for the non-Indian fishery north of Falcon: Reduce the overall non-Indian TAC for coho to 100,000 coho marked with a heeled adipose fin clip and recalculate the recreational commercial allocation according to the FMP. Then increase the trade to 10,000 marked coho from the commercial troll fishery to the recreational fishery and 25 hundred chinook from the recreational fishery to the commercial fishery. That should bring the new non-Indian commercial troll TAC to 32,000 chinook and 6,000 marked coho. For the commercial troll fishery, maintain the May, June chinook quota of 18,180 and put the remaining 13,820 chinook in the July to September fishery. Then on page 10, table 2 identical changes to what I outlined above for the non-Indian fishery north of Falcon. Reduce the overall non-Indian TAC for coho to 100,000 coho marked with a heeled adipose fin clip, and recalculate the recreational commercial allocation according to the FMP. Increase the trade to 10,000 marked coho from the commercial troll fishery to the recreational fishery and 25 hundred chinook from the recreational fishery to the commercial troll fishery. That should bring the new recreational TAC to 27,000 chinook and 94,000 marked coho. For the recreational fishery, adjust the subarea chinook guidelines to correspond to the new TAC. And for the recreational fishery allocate the post trade recreational coho quota as follows: Neah Bay: 7,710. La Push: 1,930. Westport: 27,460 and Columbia River Area: 56,900. And that concludes my guidance.

**Brad Pettinger** [00:06:44] Okay, very good. Thank you Kyle. Questions for Kyle on his guidance? Okay thanks Kyle. With that we'll go to the tribes and Joe.

**Joe Oatman** [00:07:00] Thank you Mr. Vice Chair. Can you hear me okay?

**Brad Pettinger** [00:07:05] Yes, I can.

**Joe Oatman** [00:07:09] Okay, thank you. Originally Mr. Vice Chair we had put this together as a motion and I wonder if it's appropriate to treat this more as guidance. I'd like to clarify that if I could?

**Brad Pettinger** [00:07:29] I'm pretty new to this, the salmon aspects of this so I would think it would, but I would ask Chuck if that's, we're good. Chuck.

**Chuck Tracy** [00:07:40] Thanks Mr. Chair, Mr. Oatman. Yes, I think at this stage guidance is appropriate. So, we typically do motions at the beginning of this process in April and at the end, in between it's guidance.

**Chuck Tracy** [00:07:55] Okay, proceed Joe.

**Joe Oatman** [00:08:00] Okay, thank you very much. I have the following guidance for STT analysis for the following treaty troll salmon management measures. First with respect to the Makah Tribe: Alternative 1: which would be 40,000 chinook and 40,000 coho. Moving next to the QTA Tribes: for Alternative 1: that being 35,000 chinook and 16,500 coho. For Alternative 2: that would be 25,000 chinook and 10,000 coho. Alternative 3: that would be zero chinook and zero coho. The alternatives consist of a May 1 to June 30 chinook directed fishery and a July 1 to September 15 all species fishery. The chinook quota should be evenly split between the two periods.

**Chuck Tracy** [00:09:09] Okay. Thank you Joe. Questions for Joe on his guidance? Okay thank you Joe.

**Joe Oatman** [00:09:19] Mr. Vice Chair.

**Brad Pettinger** [00:09:19] Yes.

**Joe Oatman** [00:09:19] If I may I do have some additional comments if I may provide that as well.

**Brad Pettinger** [00:09:26] Please.

**Joe Oatman** [00:09:27] Okay thank you. As you may know, this motion reflects a slight reduction in the number of treaty troll ocean options that have arrived at based on recent discussions. The option ranges now from zero to 40,000 for chinook and coho. The tribes still have a range of options because they are committed to having treaty reserve fisheries while protecting stocks that are under rebuilding plans, which include Queets, Strait of Juan De Fuca and Snohomish. Intertribal and co-manager discussions will continue as we work towards co-options that will help meet the necessary conservation objectives. It is recognized that we are getting to have this problem...(garbled)... and we're hopeful that we will be able to get the movement necessary to get to a single treaty troll option. I do appreciate the opportunity to provide additional comment. Thank you.

**Brad Pettinger** [00:10:23] Okay, Joe, thank you. And with that, questions for Joe on his guidance there. All right. Okay, is there any other guidance the Council members would wish to provide to the team at this point? Okay. And then maybe I should maybe go to Dr. O'Farrell and see if he has any questions about the guidance that's been provided. Mike.

**Mike O'Farrell** [00:10:54] Thank you Mr. Vice Chair. No, I do not have any questions.

**Brad Pettinger** [00:10:57] Okay, very good. Robin, I would look to you on how we're doing?

**Robin Ehlke** [00:11:07] Thank you Mr. Vice Chair. I see Chuck Tracy has his hand up.

**Brad Pettinger** [00:11:12] Yes Chuck.

**Chuck Tracy** [00:11:14] Thanks Mr. Vice Chair. Well ,I was probably going to say what Robin's going to say so my apologies if that's the case but just as a reminder. So, tomorrow is our, simply our penultimate iteration of this, so we would hope that by tomorrow's guidance that we would be in at a place where people are fairly confident that we're going to be pretty close to something final that we can adopt on Wednesday. So that's our hope, and then I guess to help us get there, just in terms of scheduling, you know initially we had this scheduled for first thing in the morning. I suspect that's not very realistic at this point so I guess my suggestion would be or my question would be, you know, if we had this at the end of the day tomorrow, if that would be something we should plan for if that's what would fit into the salmon managers schedule of how they think things are going to go?

**Brad Pettinger** [00:12:31] Yeah. Okay... and I see Kyle's hand up. Kyle.

**Kyle Adicks** [00:12:39] Thank you Mr. Vice Chair. Yes, I agree we're unlikely to have something new to bring back to the Council first thing in the morning but think that later in the day improves the likelihood that we'll have something that's further along towards what a final package might look like. So, appreciate consideration for moving the item later in the day tomorrow.

**Brad Pettinger** [00:13:02] Thanks Kyle. I see Chris had his hand up and put it down so I'm assuming that Kyle covered that. Okay... Pete Hassemer. Pete.

**Pete Hassemer** [00:13:15] Thanks Mr. Vice Chair and sorry I'm a little slow tracking all this information. Maybe a question for Mr. Oatman on the tribal guidance he provided, just comparing

what's in that guidance versus what is in the STT report we looked at, for the Makah Tribe is there only an Alternative 1 to be analyzed and it is eliminating Alternative 2 or does this just reflect the change to Alternative 1 and Alternative 2 stays as it was?

**Brad Pettinger** [00:13:57] Okay Joe.

**Joe Oatman** [00:14:00] Thank you Mr. Vice Chair, and thanks for the question Pete. So, as I understand this, so we are looking through this guidance to reduce the number of treaty troll ocean options to those that I provided through that guidance, so now for the Makah Tribe, rather than 3 alternatives now there is a single Alternative 1 for those values for these species, so 40,000 chinook and 40,000 coho, and we have the 3 alternatives yet for the QTA Tribes.

**Pete Hassemer** [00:14:47] Okay, thank you.

**Joe Oatman** [00:14:48] I may check to see if that answered your question appropriately?

**Pete Hassemer** [00:14:56] Yes, thank you. That makes it clear.

**Joe Oatman** [00:14:58] Okay. Thank you.

**Brad Pettinger** [00:15:01] Okay. Thanks Pete. Further discussion? Okay with that I'll turn to you Robin.

**Robin Ehlke** [00:15:12] Thank you Mr. Vice Chair. It sounds like the STT has provided, been provided guidance from the Tribes and the western coastal states so I think the STT will work to get that analysis back. Also, it sounds like D.5 will be on the Council's agenda at the end of the day tomorrow and so I would expect the STT report to be completed and available probably late morning tomorrow then, if that is appropriate. So yeah, I think with that we've provided the guidance the STT needs, and they'll work to get that information to the Council as soon as possible.

**Brad Pettinger** [00:16:04] Okay, fantastic and thank you for that. And with that I will hand the gavel back to our chairman, Marc.

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

**Brad Pettinger** [00:00:00] All right, seeing no more questions. I guess there's no, I didn't see any cards in this item, so that should take us to Council discussion and guidance if I'm correct. Okay. Anyway... so if memory serves me right, I go up or down the coast and I think I'll start with Washington and Kyle Adicks. Kyle, do you have anything for us?

**Kyle Adicks** [00:00:45] Thank you Mr. Vice Chair. I do not. I will let Oregon and California lead the discussion on this one.

**Brad Pettinger** [00:00:55] Thank you. I'll look to Chris Kern next. Chris, Chris.

**Chris Kern** [00:01:02] Yeah, thanks Mr. Chair, Vice Chair. Is my audio working okay?

**Brad Pettinger** [00:01:08] It is, yep.

**Chris Kern** [00:01:09] Okay, thanks. Yeah, I don't have a lot to offer at the moment. I appreciate the discussion and Mr. Kormos discussion with Dr. O'Farrell. Lots of work left to do. Not a lot of time left to do it. I don't have any great ideas to make that better. So curious if others do, but I think we just keep plugging away and see how we do here. Don't have much more to offer at the moment.

**Brad Pettinger** [00:01:40] Very good. And California, Brett.

**Brett Kormos** [00:01:45] Yeah, thanks Mr. Vice Chair. Given that all we have at this point is an update and nothing really to sink our teeth into with respect to guidance, I don't have anything further, at least in that vein. I think it's clear to everybody that there is a significant amount of work left to do and getting it done by June is not a foregone conclusion. I do think that the workgroup update may have, I don't want to say deemphasize, but not made as quite the impression as maybe it should have with respect to the feasibility around forecasts, and so, but again I don't want to be pre-decisional on that either, but I have been following along and am concerned about getting this done and doing it right and also meeting these deadlines that we have for ourselves in terms of the June, September and November Council meetings. This is similar to other workgroup processes that we've been through where timelines that we set for ourselves were ambitious and ultimately not achievable and we should continue to strive, as Mr. Kern said, to get there, but I think we should also be prepared for the potential that we don't, at least in terms of getting there by June and then November, but I will wait and see and follow along and hope for the best.

**Brad Pettinger** [00:03:47] Very good. Thank you Brett. Well certainly it's, I guess what Mike had to say about as far as the June agenda and the ramifications potentially of not being on there with something for later this week. Okay... further discussion from any input from the Council before I go to Kerry, I mean Robin? Chuck Tracy. Chuck.

**Chuck Tracy** [00:04:23] Thanks Mr. Vice Chair. Just to kind of reiterate the point, your last point there and Mike's point about getting this on the June agenda. I guess I would, just like I mentioned in the last agenda item when they were talking about putting something on the June agenda, new Council members should be prepared to identify your priorities for June. We've got a few items in the purgatory box, which includes SONCC Coho ESA consultation, one of them. There's another one that's not in there, which now is some business on the sardine prioritization for some research and assessment items. So, again you need to have your discussions internally to see which of those things you're prepared to

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support for June when we get to workload planning. Thank you.

**Brad Pettinger** [00:05:23] Thank you Chuck. It's good to be thinking about that as the week, this meeting was long so... okay. And with that I guess, Robin how are we doing here?

**Robin Ehlke** [00:05:39] Thank you Mr. Vice Chair. I'm shaking my head a big yes. You have had a pretty good discussion with the workgroup about the work they've done so far and what lays ahead, which is a pretty big mountain, if you will, but with that I think your discussion was a good one and with that, I think you fulfilled the action under this agenda item.

**Brad Pettinger** [00:06:05] Okay, very good.

## 5. Further Direction for 2021 Management Alternatives

**Marc Gorelnik** [00:00:00] And there is no public comment, so that takes us to Council action, which is continued guidance and I think we'll go south to north and then reach out to Joe for any tribal changes. So, Brett Kormos, do you have any guidance at this time?

**Brett Kormos** [00:00:30] Thank you Mr. Vice Chair. Yes, or Mr. Chairman, yes, I do.

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

**Brett Kormos** [00:00:37] Okay I will be speaking from Agenda Item D.5.a, Supplemental STT Report 1, dated April 13, 2021. And I will be asking for the following changes be implemented by the STT. Beginning on page 5 with the commercial management alternatives and starting in the Fort Bragg management area: Replace August 1 to 16 with August 1 to 17. Moving south to San Francisco: Replace July 16 to 22 with July 17 to 22. Replace August 1 to 16 with August 1 to 17. Moving south once more to the Monterey management area: Replace July 16 to 22 with July 17 to 22. Replace August 1 to 16 with August 1 to 17. Moving on to manage, recreational management measures: Beginning on page 12, starting in the California KMZ: Replace June 28 to July 31 with June 29 to August 1. Moving south to the Fort Bragg management area: Replace June 28 to October 31 with June 29 to October 31. And moving south once more to the San Francisco management area: Replace June 28 to October 31 with June 26 to October 31. And last in reference to the Klamath River recreational fisheries share that appears in tables 5.a and 5.b On pages 20 and 24: Adjust the Klamath River recreational fishery share such that the projected natural area adult spawner escapement equals 31,574, which is the harvest control rule and FMP mandated objective in this year. And I'll just add that I will ask that the STT honor this guidance again and any additional iterations of guidance on salmon for the remainder of the meeting, I don't anticipate offering any further guidance at this time, however I am cognizant of the fact that others may do so between now and the end of the meeting, and any additional fish that are added to the escapement should be treated according to this guidance I've laid out here today with respect to the Klamath River recreational fishery. And thank you, and that concludes my guidance. I'd be happy to take any questions should there be any.

**Marc Gorelnik** [00:04:43] Thank you very much Brett. Any questions for Brett? Thank you Brett. Next, Chris Kern for Oregon.

**Chris Kern** [00:04:59] Thanks Mr. Chair. I have some guidance as well. Commercial alternatives for Oregon beginning on page 4 for the area of Cape Falcon to Humbug Mountain: Strike May 1 through 5, May 9 through 15, May 16 through 24 and May 27 through 31 and replace with May 1 through 5, May 10 through 15, May 16 through 21 and May 26 through 31. In the Oregon KMZ: Replace March 20th through May 5th, May 9 through 15, May 16 through 24 and May 27 through 31. Replace with March 20 through May 5, May 10 through 15, May 16 through 21 and May 26 through 31. And that completes my guidance for today.

**Marc Gorelnik** [00:06:04] Thank you very much Chris. Any questions for Chris? Thank you Chris. We'll go to Washington. Kyle Adicks, any guidance?

**Kyle Adicks** [00:06:16] Thank you Mr. Chair. Unfortunately, I do not have any guidance at this time. The Washington co-managers have continued meeting through today trying to resolve some of the issues, particularly around poor coastal coho forecast, particularly for the Queets River as well as some of the Puget Sound chinook and coho issues that were identified in the STT Report. We've made some good progress on those Puget Sound issues. Unfortunately, it's tough to wrap those up until we get a

little closer to some finality on the ocean package because of all the linkages. So, we will continue working into the evening tonight and into tomorrow to try to resolve the issues. I appreciate the Council's patience and understanding. Before we wrap up today, I'd like to potentially discuss suspending this agenda item so that we could come back with one more check-in once we think we're close to a final ocean regulation package. So, thank you for your patience.

**Marc Gorelnik** [00:07:20] All right, thanks very much Kyle, and I know that the north of Falcon process is always challenging and all I can say is ask that you and all the co-managers do your best to come to a conclusion as swiftly as you can. We know we're going to have a conclusion before we leave, so and we're going to be leaving in a couple of days so, and I think it's reasonable to leave this open so you can come back and provide your guidance unless there's any objections around the table, we can do that. Joe, let me just see, are there any questions for you? I, with no guidance I don't imagine there's any question. So, let's go to Joe Oatman. Do you have any guidance at this time, Joe?

**Joe Oatman** [00:08:17] Thank you Mr. Chair, and I do not have any guidance to offer at this time and for many of the same reasons that Kyle just provided I, too, support. I'll keep messaging and through tomorrow and hopefully by that time we, I may have something. Thank you.

**Marc Gorelnik** [00:08:38] All right. Thanks very much. And I know I speak for the entire Council when I say we wish you all the wisdom you can muster to try to get this done and as soon as you can, but I know it's a struggle and I respect the efforts that are going into it. So, we've had all the guidance we're going to have at this time on D.5. We're going to leave D.5 open and hopefully come back to it tomorrow. I'm not sure what time, but hopefully sooner rather than later. Let me see if any Council member has any other business on D.5 at this time? I'm not seeing any hands, so Robin have we done what we're able to do at this point?

**Robin Ehlke** [00:09:36] Thank you Mr. Chair. I always struggle with my unmute button for some reason. Yes, I think we've done what we can do for this day. I understand that you'll leave agenda D.5 open and I'll just leave it to the Council to decide where salmon might fit in tomorrow, Wednesday, April 14. The STT will do their work with the guidance they have and look to have a report out for the public to review as well as the Council I imagine by late morning, similar to today.

**Marc Gorelnik** [00:10:09] Thank you very much Robin.....(AGENDA LEFT OPEN - BREAK UNTIL THURSDAY, APRIL 15) .....At this point then I will go to the remaining management entities and if California and Oregon have any guidance they should raise their hands, but I'm assuming not. So, Kyle Adicks for the State of Washington. Okay, I don't see Kyle with us. That is a problem. Let's pause for a moment here and see if we can figure out where Kyle is.

**Chuck Tracy** [00:11:05] Thanks Mr. Chair. We'll see if we can track him down. I did get notice several minutes ago that he was ready so...

**Marc Gorelnik** [00:11:26] Well, he is at the end of the list of panelists, but no microphone icon, so he either needs to call in or.....

**Chuck Tracy** [00:11:40] Perhaps we could start with the tribal guidance and allow Kyle some time to get his technical issues cleared up.

**Marc Gorelnik** [00:11:53] That's a great idea. So, Joe Oatman, do you have some guidance on behalf of the Tribes?

**Joe Oatman** [00:12:01] I do. Thank you, Mr. Chair and good morning Council.

**Marc Gorelnik** [00:12:04] Good morning.

**Joe Oatman** [00:12:09] Sandra should have the guidance. Thank you. So, my guidance is as follows for the ocean treaty troll fishery, I provide the following guidance for analysis by the STT. First regarding the Makah Tribe, that would be Alternative 1: which is 40,000 chinook and 26,500 coho. Moving to the QTA Tribes, first would be Alternative 1: that's 40,000 chinook and 16,500 coho. Moving to Alternative 2: that would be 40,000 chinook and zero coho. This reflects a single chinook option of 40,000 across all proposed alternatives. The alternatives consist of a May 1 to June 30 chinook directed fishery, and a July 1 to September 15 all species fishery. The chinook quotas should be evenly split between the two time periods. Thank you Mr. Chair.

**Marc Gorelnik** [00:13:21] Thank you very much, Joe, for that. Appreciate it. We're making some progress here. Are there any questions for Joe on the guidance provided on behalf of the tribes? Thank you very much Joe.

**Joe Oatman** [00:13:36] Mr. Chair?

**Marc Gorelnik** [00:13:37] Yes. Yes sir.

**Joe Oatman** [00:13:37] If I may add some additional comments to what I just provided?

**Marc Gorelnik** [00:13:44] Of course.

**Joe Oatman** [00:13:46] Thank you Mr. Chair, and I do appreciate the additional time that the tribes have been provided to make progress on salmon options, and I think we have a path forward. I understand there has been productive discussions in north of Falcon on trying to get to final ocean options. We appreciate the changes that I understand that the State of Washington will provide under their guidance. And so, the intent of these tribal alternatives is to get additional modeling results. After review of those results it is my expectation that the tribes will be prepared to offer a final recommendation under D.6. Thank you Mr. Chair.

**Marc Gorelnik** [00:14:34] Okay, Joe, thanks very much for those comments. Not seeing any hands for any responses so I'll go now to Kyle Adicks for the State of Washington.

**Kyle Adicks** [00:14:48] Thank you Mr. Chair, and thanks again to the Council for their patience over the past couple of days and for your patience this morning as I tried to get reconnected to audio. I had the meeting up and just couldn't get reconnected to the audio portion. I do have some guidance for non-treaty fisheries north of Falcon which hopefully we can get on the screen? So WDFW guidance for modification to management measures for north of Falcon fisheries, as described in Agenda Item D.5.a, Supplemental STT Report 2, dated April 14th, 2021. On table 1, page 2 for the non-Indian fishery north of Falcon, reduce the overall non-Indian TAC for chinook to 58,000 and for coho to 75,000 coho marked with a heeled adipose fin clip, and recalculate the recreational commercial allocation according to the FMP. Decrease the trade to 7,000 marked coho from the commercial troll fishery to the recreational fishery and 1,750 chinook from the recreational fishery to the commercial troll fishery. New and non-Indian commercial troll TAC of 30,750 chinook and 5,000 marked coho. Split the chinook quota for the troll fishery evenly between the May-June fishery and the July-September fishery, and change the landing and possession limit for the July-September fishery to 20 marked coho per vessel per landing week. On table 2, page 10, the same changes as above. For the non-Indian fishery north of Falcon reduce the overall non-Indian TAC for chinook to 58,000 and for coho to 75,000 coho marked with a heeled adipose fin clip, and recalculate the recreational commercial allocation according to the FMP. Decrease the trade to 7,000 marked coho from the commercial troll fishery to the recreational

fishery and 1,750 chinook from the recreational fishery to the commercial troll fishery. New recreational TAC of 27,250 chinook and 70,000 marked coho. For the recreational fishery, adjust subarea chinook guidelines to correspond to the new TAC, and for the recreational fishery allocate the post trade recreational coho quota as follows: Neah Bay: 5,730. La Push: 1,430. Westport: 20,440, and Columbia River area 42,400. And I'll just echo Mr. Oatman's comments, I believe when we, the STT models this with the options put forward by the treaty troll tribes, that we will have a package that will be very close if not meet our conservation objectives when matched up with changes that are being worked on for inside fisheries right now.

**Marc Gorelnik** [00:17:40] All right, thanks very much Kyle. Are there any questions of Kyle? Okay and is there any other action under this agenda item? Susan Bishop.

**Susan Bishop** [00:18:00] Thank you Mr. Chair. I just have a question for both Mr. Oatman and Mr. Adicks for clarification. My understanding is that the adjustments that have been made in part have been made to meet a revised escapement goal for Queets coho of 31, of 3,150-ish, I was wondering if either Mr. Oatman or Mr. Kyle could clarify what the, if that is the case, kind of the basis for it and provide a little bit of a background? I believe the FMP does allow this to happen. I'm aware that the forecast for Queets coho is well below the floor, so I would like a little extra clarification if that's possible now or under D.6.

**Marc Gorelnik** [00:18:51] Kyle Adicks.

**Kyle Adicks** [00:18:54] Thank you Mr. Chair. Thank you for the question Miss Bishop. The escapement, you're correct this should result in a spawning escapement right around 3,150, which is below the FMP escapement floor. The FMP does allow for modifications of that floor by agreement of the co-managers on an annual basis, so it is considering an agreement from the co-managers to modify the escapement floor. The modification was intended to make sure that we are being consistent with the Pacific Salmon Treaty agreement at an exploitation rate limit in all fisheries of 20 percent for the stock, so I think this modeling will put us right at that escapement level and right at the 20 percent exploitation rate ceiling limit from the coho chapter of the Pacific Salmon Treaty. So hopefully that answers your question. I can address it again later when we move to final action as well.

**Marc Gorelnik** [00:19:55] Susan.

**Susan Bishop** [00:19:59] Thank you Mr. Chair. Thank you Mr. Adicks. That does answer most of the question. If you have the opportunity to, I think the last piece of this is consistency with the rebuilding plan. Queets coho is under a rebuilding plan currently and my sense is that this move or the results of the modeling would also be consistent with the rebuilding plan, but if you could speak to that either now or at D.6 that would be helpful as well.

**Marc Gorelnik** [00:20:35] Kyle.

**Kyle Adicks** [00:20:37] Thank you Mr. Chair, and thank you again Miss Bishop for the question. I'll speak to it a little further in D.6. The rebuilding plan did leave this flexibility to look at escapement targets consistent with the FMP on an annual basis, so I do believe it is consistent with the rebuilding plan, but happy to address it in a little more detail in D.6.

**Marc Gorelnik** [00:21:04] Thanks Kyle, and thanks Susan. Further discussion on Agenda Item D.5? Robin, have we done our business here?

**Robin Ehlke** [00:21:21] Thank you Mr. Chair. Yes, the STT has received guidance from WDFW and

the Tribes, so they will go ahead and do that work. I didn't hear any requests for any special modeling so they will move forward with that. It usually takes the STT around five hours to do their analysis. So, we will let the Council know when the STT is ready to provide their analysis when that work is done. So, with that I think that, yes, we've completed our work under D.5.

**Marc Gorelnik** [00:22:07] All right, thank you very much, Robin, and thanks to the folks who worked really hard to bring us to some sort of closure hopefully on north of Falcon. That's an annual challenge I appreciate.

## 6. 2021 Management Measures – Final Action

**Marc Gorelnik** [00:00:00] That concludes public comment and takes us to Council discussion and action. Action here is final recommendations. I'm probably not quoting that correctly and I don't have the Sitsum in front of me. So, we're to adopt final treaty Indian troll, non-Indian commercial and recreational ocean salmon fishery management measures for submission to the Secretary of Commerce and if necessary, identify and justify any regulations requiring implementation by emergency rule. So, the floor is open for any discussion or any motions. Kyle Adicks.

**Kyle Adicks** [00:00:57] Thank you Mr. Chair, and thank you again to the Council for your patience this week. You know we've been working through some difficult issues with north of Falcon fisheries. The big one on our radar has been Queets coho, working into the early morning this morning. We found a fishery package that solved that issue, met our co-manager objectives and PSC obligations for that stock. We worked through the day and have inside fisheries that will resolve the remaining issues that were flagged in the STT report for Puget Sound stocks. We ran into a late snag on a question over a PSC obligation for Grays Harbor coho and have been working through the afternoon to try to resolve that. So, at this moment I don't have a motion to bring forward for the, for the fishery package that is in front of the Council. We have meetings scheduled within the next hour to try to resolve some of those issues so I don't want to stop south of Falcon motions from going forward but would ask the Council to consider one more last dose of patience here this evening as we try to work through the final issue for north of Falcon fisheries. Thank you.

**Marc Gorelnik** [00:02:20] Thank you Kyle. Well, it doesn't sound like we'll have a north of Falcon motion at the moment. Any further discussion on the north of Falcon or any discussion or motions for south of Falcon? I can call on the states individually if you like. Brett Kormos.

**Brett Kormos** [00:02:49] Thank you Mr. Chairman. Yes, I do have a motion for California, however and I'm happy to offer it if it pleases the Council. I'm just noting we'll need to return, at least it would appear so for the purposes of final adoption north of Falcon, so I'll look to yourself and others for an answer to whether or not you'd like to entertain motions for the south of Falcon area now.

**Marc Gorelnik** [00:03:24] Well, I might seek the wise counsel of our Executive Director. I just, I'll just note that I've lost count of the number of times we've moved the goalposts here to try to get a solution, and while it's very important that we do conclude north of Falcon, I also appreciate how valuable everyone's time is and, you know, if we move the goal post one more time and we have a solution we'll all be happy and if we don't there may be a request to move the goalpost again, so let me ask Executive Director Chuck Tracy if he has any suggestions here.

**Chuck Tracy** [00:04:18] Thanks Mr. Chair. Well, I guess my suggestion would be to actually punt to National Marine Fisheries Service and see what they, their assessment of the status of the situation is and what, what they would like to consider in terms of options for completing this action.

**Marc Gorelnik** [00:04:50] Okay. Susan.

**Susan Bishop** [00:04:59] Thank you Mr. Chair. Mr. Tracy could you repeat the choices, I guess I would say, that you see on the table at this point?

**Chuck Tracy** [00:05:13] Thanks. Well... so I think our, I think we have, I guess the way I see it, we could right now adopt final action on areas south of Cape Falcon and we could either come back at some point later today or night, but to take final action on north of Falcon if there's a likelihood that

resolution could be achieved. We cannot come back with.....(garbled)....Council meeting after....

**Marc Gorelnik** [00:06:00] Hey Chuck, your audio is cutting in and out. What you're saying is really important, I want to make sure we catch all of it.

**Chuck Tracy** [00:06:12] Okay, thanks Mr. Chair. Sorry about that. So we, so the options I see we could adopt, take final action on fisheries south of Cape Falcon now and then come back if there is an opportunity to come back today some time to wrap up north of Cape Falcon. We cannot come back after midnight under this noticed Council meeting. So, if we are going to fail to do that and I guess the option that I, well I guess another option would be to then schedule an emergency Council meeting essentially to conclude action north of Cape Falcon. So, I guess those are kind of the options I see. I'm not that intimately familiar with the issues or the discussions that have been occurring so I would defer to others on their thoughts about the probability of being able to find a solution today, and I guess I would be disappointed, I guess, at the very least, to try and wait this out and for a long period of time today and certainly even more disappointed if we did that and still we're not able to reach a conclusion on this today. So that's about all I can suggest at this point. It looks like there's some other hands up.

**Marc Gorelnik** [00:08:16] Yeah, so Susan followed by Phil.

**Susan Bishop** [00:08:20] Thank you Mr. Chair. I will defer to the other Council members and then I'll, if there's anything left to say I'll offer my perspective.

**Marc Gorelnik** [00:08:35] Phil.

**Phil Anderson** [00:08:41] Well, I guess I would have appreciated if Susan has a perspective that she provides it. I have one but might be further informed by knowing what hers is.

**Marc Gorelnik** [00:09:08] Susan.

**Susan Bishop** [00:09:10] Thank you Mr. Chair. It seems to me that we have the pieces to get at least part of the puzzle put together and offer certainty in that area. So, I would say, I mean I would suggest or propose that we complete the business with regard to south of Falcon. I remain optimistic that we will be able to find an agreement north of Falcon, but that we come back later and address that one. I do have a question about quorum, making, ensuring that there are enough people for us to take action if we're collectively successful at doing that. Be interested in others' perspectives.

**Marc Gorelnik** [00:09:58] Thank you Susan. That's helpful. So, we could adopt south the Falcon now where we certainly have a quorum and then perhaps set a time, one more time later this evening to see if sort of one last shot here to get north of Falcon done, but I want to know what the sense of the Council is, because if we go too late, we may lose quorum and that would be, that would not be good. So, Susan, your hand is up... do you have... I don't know if I cut you off or not, Susan? Hand is down. So let me.....Phil Anderson.

**Phil Anderson** [00:11:02] Thanks Mr. Chairman. Well, first of all, let me just say that I very much appreciate everyone, my colleagues around the virtual table as well as everyone else that's here to see what the Council's decisions are about are 20-21 salmon fisheries, and I appreciate the extreme patience that we've asked you to endure from a north of Falcon perspective. I am hopeful that you will be willing to give us another chance, one more chance to try to wrap up this last issue. I am there, I am fairly knowledgeable about what it is, and I believe there is a solution to be had. So again, I appreciate the patience. I'm hopeful that you'll give us one more chance here to try to wrap this last one up. There's lots of people in the north of Falcon process, just like there is in the south of Falcon process that's



been... been working really hard on this, got a lot of time invested in it and it would be, I know they would all appreciate the Council giving us just a little bit more time to see if we can resolve this last matter.

**Marc Gorelnik** [00:12:56] Sure. Thanks Phil. Chris Kern.

**Chris Kern** [00:13:02] Thanks Mr. Chair. Yeah, I don't have any great wisdom to offer on how to get to the end point here but recognizing that there has been so much work and so much investment in this, trying to bring this to resolution so far. From my perspective, just for myself, I'm committed to seeing this through as much as possible so the north of Falcon folks can get a fishery season wrapped up with the current process if at all possible. So, I just thought I'd offer that. Thanks.

**Marc Gorelnik** [00:13:36] Thanks Chris. Joe Oatman followed by Brett Kormos.

**Joe Oatman** [00:13:41] Thank you Mr. Chair, and I think I'd like to echo comments from Phil as well as what just Chris just provided. I think having just a bit more additional time I think would be really appreciated here for north of Falcon in trying to work to get that one wrapped up. Thank you.

**Marc Gorelnik** [00:14:03] Thank you Joe. Brett Kormos.

**Brett Kormos** [00:14:08] Thank you Mr. Chairman. Well speaking for myself I'm hearing a couple of bits of wisdom here that I think we should combine. One is that adopting south of Falcon now does offer some certainty for those fisheries or that area of the Council area fisheries going forward, and I don't expect that will take a great deal of additional Council time now. And in addition to that, I also am hearing and agreeing with our commitment to seeing this through for the entirety of the coast and in particular in the north of Falcon area, and I echo that commitment and share that commitment and certainly will commit to being present at whatever point we choose to move final adoption for that portion of the coast later this evening. So, I think we could do both and that strikes me as maybe the, the best path forward. I'll look to others in the Council to agree or disagree since I'm the one who originally posed this question, but I think that's where I stand at this point. Thank you.

**Marc Gorelnik** [00:15:44] Thank you Brett. Bob Dooley.

**Bob Dooley** [00:15:47] Yeah, thank you Mr. Chairman, and thanks, Brett, and all the others that came before. I agree. I mean I feel a responsibility personally, in my opinion only, that I'll be here until it's done. I would hope that regardless of where a problem exists and the Council has the ability to aid to get fishermen fishing and people to be able to do what they, their lives depend on that... I'm in for the long run. So, whatever it takes I will be here and just tell me when and where. That's my opinion. So, thank you.

**Marc Gorelnik** [00:16:27] Thank you Bob. Well, I have to say I agree with everyone that we have to provide an opportunity to get this done for the entire coast, and that's sort of our job, but, you know, we do need the input that comes from the north of Falcon process. So, I'm prepared to set any time to resume to come back for north of Falcon, and while I would expect we would adopt south of Falcon now, but it sort of becomes a, the later we make it the more time we provide for a solution, but the more likelihood that we may lose Council members for purposes of a quorum. So, I'd like to ask the Council, maybe I should first ask... well, I'll go to Christa Svensson here in a second, but then I'd like to hear from Kyle perhaps about what time he thinks would be appropriate to come back for this last shot at getting it done? Kyle.

**Kyle Adicks** [00:17:52] Thank you Mr. Chair. As I said, we've got a meeting scheduled pretty quickly

here to dive further into this and I know it's a balancing act of give us more time versus losing people. I might suggest eight o'clock would be a time to reconvene and either we've reached a resolution and move forward, or we figure out where to go outside of this meeting.

**Marc Gorelnik** [00:18:22] Okay. Let me ask around the table and see if people, make sure we have enough folks to accommodate that. Is there anyone who has a problem with that eight o'clock time? And I'm mindful of the fact that it's an hour later in Idaho. Okay, I'm not seeing any hands, so we will in a moment here proceed with south of Falcon, but then we will have any other discussion folks want to have on this agenda item and then we will break until eight o'clock Pacific to, as we hope and pray to conclude the north of Falcon process. So, any discussion before we get motions from California and Oregon? All right, well then, I'll look to those states to raise their hands. Chris Kern you want to go ahead?

**Chris Kern** [00:19:31] Yeah Mr. Chair. Appreciate it being in the state that's in the middle, it's very rare that I get to go first, whether it be starting in the north or in the south so I figured I'd get my hand up and take advantage of it.

**Marc Gorelnik** [00:19:42] Well we've got to fix that.....(laughter)...

**Chris Kern** [00:19:46] So I do have a motion if that, if you're ready for it.

**Marc Gorelnik** [00:19:51] I think we're ready.

**Chris Kern** [00:19:52] So hopefully Kris has it. Yes, there we go. Thank you. I move to adopt the non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from Cape Falcon, Oregon to the Oregon California border as presented in Agenda Item D.6.a, Supplemental STT Report 1, dated April 15th, 2021.

**Marc Gorelnik** [00:20:17] All right, and the language on the screen there is accurate and complete?

**Chris Kern** [00:20:20] It is. Thank you.

**Marc Gorelnik** [00:20:22] And I will need a second. Brad Pettinger, thank you for the second. Please speak to your motion as necessary.

**Chris Kern** [00:20:29] Not much necessary. I'll briefly say given the time, as we've already kind of reflected on, everybody's been working extremely hard this week including the SAS, other folks, staff, Council and everybody and coupled with the difficulty of remote meetings and a difficult process, thanks to everybody for making it work. So, I will leave it at that in the interest of time. Thank you.

**Marc Gorelnik** [00:20:57] All right, any questions for Chris on his motion? Any discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:21:11] Aye.

**Marc Gorelnik** [00:21:12] Opposed, no? Abstentions? Motion passes unanimously. Brett for California.

**Brett Kormos** [00:21:31] Thank you Mr. Chairman. Yes, I have a motion as well and we'll wait for it. There we go. I move the Council adopt the 2021 non-Indian commercial and recreational salmon management measures for submission to the U.S. Secretary of Commerce for the area from the Oregon

California border to the U.S Mexico border as presented in Agenda Item D.6.a, Supplemental STT Report 1, dated April 15, 2021, including the commercial and recreational requirements, definitions, restrictions or exceptions.

**Marc Gorelnik** [00:22:12] All right, and the language there is complete and accurate?

**Brett Kormos** [00:22:15] Yes, it does. Thank you Mr. Chairman.

**Marc Gorelnik** [00:22:16] Looking for a second? Seconded by Bob Dooley. Please speak to your motion.

**Brett Kormos** [00:22:20] Thank you Mr. Chairman. Yes, it has been a long week and a difficult process. We have stocks south of Falcon that are usually our bread and butter that are relatively low abundance and have been for some time. In particular, Klamath River Fall chinook was the most constraining stock in this year and certainly presented challenges in our area of the coast. Thanks very much to the SAS, the STT, our colleagues in Oregon and in the north of Falcon area and Council staff for putting together a fantastic meeting yet again. And that is all.

**Marc Gorelnik** [00:23:06] All right. Thank you, Brett, and I think I'll insert my thanks to the hard work of the STT and the SAS here. Any questions for the maker of the motion? All right, I'll call the question. All those in favor say 'aye'?

**Council** [00:23:22] Aye.

**Marc Gorelnik** [00:23:22] Opposed, no? Abstentions? Motion passes unanimously. Thank you Brett. So, there's south of Falcon. As we agreed a few minutes ago we're going to take a break, but before we do that I want to see if there's any other business the Council would like to discuss under this agenda item? Butch Smith.

**Butch Smith** [00:23:56] Mr. Chairman, you can stop me if I'm too far off the base, but just while we're on salmon there was an important bill passed yesterday in Washington State recognizing Billy Frank to have a statue in the Hall of Statues in Washington, D.C. I was proud. I asked to testify in one of the hearings, but I think it's a good, good day recognizing a person who worked so hard in salmon for his, for the tribes and then when that was all done, you know, reached out his hand and said, now how do we work together? So, I'd just like to recognize that to the Council and report that. I think it's not only a proud day for the tribes of the Northwest and maybe the United States, but certainly a proud day for the non-tribal people too that worked so hard to build the relationships back up after all the stuff that happened in the in the 50s, 60s and 70s. So, I just wanted to recognize that and give a shout out that this is a good deal. So, thank you Mr. Chairman.

**Marc Gorelnik** [00:25:09] All right. Thank you, Butch, for that. Anything further from the Council? All right, before we take our break, Chuck, well first let me go to Robin and see if we're missing anything aside from what we hope to get at 8:00 p.m.?

**Robin Ehlke** [00:25:31] Thank you Mr. Chair. No, I think you have done what you can do at this point so thanks for checking in.

**Marc Gorelnik** [00:25:37] All right. So Chuck, any words of wisdom for us before we take our dinner break? Chuck, we're not hearing you.

**Chuck Tracy** [00:25:54] Sorry Mr. Chairman. No particular words of wisdom, just want to thank

people for their dedication willing to stick this out and make it happen the way it should, so I guess we'll just look forward to seeing you back here at eight o'clock.

**Marc Gorelnik** [00:26:14] All right. All right thanks everyone. Go have dinner but don't have too much to drink. We've got some business to finish up at 8. We'll see you then. [Break]

**Marc Gorelnik** [00:00:00] It's the moment of reckoning. We're on Council action Agenda Item D.6. We've taken care of south of Falcon and I'm hoping we can take care of north of Falcon and I guess I'll first go to Robin to see what she has and then we'll go to Kyle, I guess, or Joe to see if we have any progress there.

**Robin Ehlke** [00:00:36] Thank you Mr. Chair. This is Robin Ehlke. I do not have any additional information for you at this time. You know that you've done your south of Falcon work. You've heard from most of the states and you've heard tribal reports and public comment and so nothing new from me anyway since we last met.

**Marc Gorelnik** [00:01:05] Okay, and I'm looking here and I don't see Kyle in attendance. I did a quick scan. It looked like we clearly have a quorum at this point. Chuck, do you have something? Any news for us?

**Chuck Tracy** [00:01:29] Mr. Chairman I see Kyle at the bottom of the list with a.....but he hasn't got an audio connection yet, so let's give him a moment to get connected.

**Marc Gorelnik** [00:01:40] Okay, fair enough. I look alphabetically, but I guess.....

**Chuck Tracy** [00:01:44] Until you get, get fully connected, you're at the bottom of the list.

**Marc Gorelnik** [00:01:54] All right, so we'll give Kyle a moment here.

**Chuck Tracy** [00:01:58] It looks like Mr. Anderson has his hand up.

**Marc Gorelnik** [00:02:03] Phil Anderson, please.

**Phil Anderson** [00:02:07] Thanks Mr. Chairman. Based on what I know, the reason Kyle is not on yet is he is still participating in a meeting with the Quinault Indian Nation and NOAA Fisheries. So that's about all I can say at this moment.

**Marc Gorelnik** [00:02:43] Well thanks for that Phil. Well, we.....the discussion we had before we broke was that eight o'clock was going to make it or break it, but I don't want to break it. I want to make it but without even any input from.....

**Phil Anderson** [00:03:14] Mr. Chairman, if you please.

**Marc Gorelnik** [00:03:18] Yes Phil.

**Phil Anderson** [00:03:20] I apologize for interrupting, but I did just get another message that says hold tight if you can so, and that comes from Kyle so begging for another 15 minutes.

**Marc Gorelnik** [00:03:54] Well in for a dime in for a dollar. I don't know how the rest of the Council feels, but if we're this close to succeeding I would hate to pull the plug, although I thought that we had agreed that eight o'clock was going to be the deadline, but I suppose we can move it to 8:15. Does

anyone object to that? And I'm not seeing any hands. I think we all have an interest in getting this done. So, we will break until 8:15 and hopefully we'll have some good news.

**Phil Anderson** [00:04:37] Thank you very much.

**Marc Gorelnik** [00:04:40] Thanks for providing that Phil.....(BREAK).....Welcome back everyone. It's 8:15. I noticed that Kyle is back. Let me first turn to Chuck and see if you have anything you want to speak to before I go to, presumably go to Kyle?

**Chuck Tracy** [00:05:09] Thanks Mr. Chairman. No, I don't think I do right at this moment. I think we should go on to Kyle and see what the status of developments are, but I will be standing by if things, if we still end up with an impasse perhaps.

**Marc Gorelnik** [00:05:33] Oh, Kyle's hand is us up. Please, welcome back Kyle.

**Kyle Adicks** [00:05:37] Thank you Mr. Chair and thanks again to the Council for your patience this week and especially today. I believe we are past the impasse. I don't know if my NMFS colleague has had a chance to get into this meeting. I'm not sure if Mr. Oatman has had a chance to catch up with everything that's gone on in the past couple of hours, so it may take a little patience to get through what we need to get through, but I think we do have a solution and are ready to move forward.

**Marc Gorelnik** [00:06:11] All right, well that's the best news I've heard all day, but let's get it done right. So, what I'm sensing from you is do you need a few minutes to get the I's dotted and T's crossed, or do you, will you have a written motion?

**Kyle Adicks** [00:06:37] I do have two written motions. I think the key part for me is to check in with Mr. Oatman and see if he's had a chance to catch up with things or if we need to give him a few minutes.

**Marc Gorelnik** [00:06:50] All right. Joe.

**Joe Oatman** [00:06:56] Thank you Mr. Chair, and I do appreciate receiving that information. I have yet to get caught up on the tribal side and I presume that a motion is being prepared. I just did get information from Ashton that I believe we need more time to get that put together, but I'll need to clarify with her on that Mr. Chair.

**Marc Gorelnik** [00:07:29] Okay. Do you have any idea how much time that you need?

**Joe Oatman** [00:07:37] I do apologize. I do not know at this moment. I am in the process of checking with Ashton to see what was meant by that.

**Marc Gorelnik** [00:07:47] All right. Why don't we just keep it here and we'll pause for a moment. You know I don't know if Craig Hess can give us some soothing music, but while you get a time estimate, because you know if you need a break, I want to give it to you, but I don't want to make it longer than it needs to be given the late hour. So, maybe you can try to get a time estimate there, so we'll just pause here while you try to get that information if that's okay, Joe?

**Joe Oatman** [00:08:25] Yes, that works for me. I am trying to coordinate on this right now and hopefully I'll get a response here in a little bit. Mr. Chair, I understand that a phone call needs to be made with Tribal Support Staff and Quinault, and so I think that's happening I hope as we speak and may have some additional details here shortly, but I think they're trying to do their final check on this to make sure that we will be able to move forward.

**Marc Gorelnik** [00:09:36] All right. Well, why don't we just break till 8:30? You know if we're that close maybe that'll be enough time for the call and the motion. I know the states already got its motion written up, so hopefully the tribes aren't too far behind. But why don't we just break till 8:30 and then hopefully at that point we'll have something. So, we'll be on break till 8:30.....(BREAK)..... I'm just glad it wasn't the theme from Jeopardy, like we're approaching final Jeopardy. So, we're back, it's 8:30 and I have a hand up from Phil Anderson.

**Phil Anderson** [00:10:24] Well, I know this has been a difficult evening and I was just thinking back, you know, trying to break records when I was in high school trying to stuff some number of people into a Volkswagen but, the record, I do remember a meeting at the Columbia River Red Lion Council meeting that we didn't adjourn until 10:00 so we're still early yet.

**Marc Gorelnik** [00:10:51] I was talking to someone that what we're going through right now is really a consequence of meeting remotely because typically on day last people have flights to catch and we would lose a quorum so it simply wouldn't go this long. One day, one day we'll meet in person and we'll have some constraints that we really don't have here.

**Virgil Moore** [00:11:20] So Mr. Chairman, this is Virgil. This is like a good movie that you don't know how it's going to end, so you just have to hang in there with it.

**Marc Gorelnik** [00:11:33] Right. There is some, there is a fair amount of suspense here. It's really not like a movie, it's like a double feature, really, or a triple feature because the duration, but I'm hoping a hand will go up to move us along here or at least to tell us where we are.

**Brad Pettinger** [00:12:05] I know where I'm at.....(laughter)

**Marc Gorelnik** [00:12:18] Kyle Adicks.

**Kyle Adicks** [00:12:21] Thank you Mr. Chair. I'm... as far as I know Mr. Oatman is still trying to make sure he has things squared away but I don't want to presume so, I see his hands up so I will put mine down.

**Marc Gorelnik** [00:12:40] Thank you Kyle. Joe, what do you have for us? Joe, you're muted. There you go.

**Joe Oatman** [00:12:52] I apologize. I was getting a call from one of the Tribal staff. I had my hand up. So, the update I got is that there are still some discussions between Quinault and NOAA apparently on a remaining detail and that's what I know, so I'm still trying to get an additional update on those conversations.

**Marc Gorelnik** [00:13:36] Susan, could I ask you what you know from your perspective? Susan Bishop.

**Susan Bishop** [00:13:48] Thank you Mr. Chair. We met with the co-managers to discuss this, the Grays Harbor fishery and the exploitation rate relative to the Pacific, the limit under the Pacific Salmon Treaty. At this point the information that we had at the time we had the discussion, the information we had indicated that the fishing package would exceed the Pacific Salmon Treaty exploitation rate limit. We had some good discussions and came to the realization that there may be some technical corrections that need to be made in recalculating what that limit might be, so there may have been some changes in abundance that we were unfamiliar with, and the intent is to complete that technical information so that we have the supporting information that shows that the package would be consistent with the

Pacific Salmon Treaty exploitation rate limit. My understanding is there, that there's an estimate and Kyle could let me know if I have this wrong, but we estimate that work would take about two hours, and so we have, in the interim we have a plan that could help move the Council along as that work was being done.

**Marc Gorelnik** [00:15:17] Well I'm interested to hear that, but Joe's got his hand up. So let me first go back to Joe and then Susan, then maybe if you could enlighten us on that plan. Joe.

**Joe Oatman** [00:15:31] Thank you Mr. Chair and actually I was a residual hand, but while I was in the process of clicking unmute, I did get a text from Tribal Staff Ashton Harp that a motion has been sent so we might be fairly close to moving forward with this.

**Marc Gorelnik** [00:15:52] All right. Well, that's good. I was afraid we were going backwards there for a while, but let's see, I think that Kris Kleinschmidt is the wizard behind the curtain, so he'll let us know when he's received something. So let's just pause for a moment here.....(theme from 'Jeopardy' playing)..... All right. I don't want to move forward on any motions until we make sure we've got the tribal motion in. So....

**Joe Oatman** [00:17:42] Mr. Chair?

**Marc Gorelnik** [00:17:42] Yes sir.

**Joe Oatman** [00:17:43] I have received the motion so hopefully that is in route to Council staff to put up on the screen, but I know one has been sent.

**Marc Gorelnik** [00:17:55] Okay, so you copied on the one that was sent to Council staff? Just want to make sure that it, it was sent to you, but I want to make sure was also sent to Council staff. Kris Kleinschmidt just got one so let me, I don't know now that we have motions in maybe we can start with Washington. We'll go.....Kyle Adicks.

**Kyle Adicks** [00:18:34] Thank you Mr. Chair. I do have two motions that Kris should have. I move that the Council tentatively adopt a natural escapement target of 3,154 for Queets wild coho in 2021.

**Marc Gorelnik** [00:18:58] All right, that's a nice brief motion. It's accurate and complete on the screen?

**Kyle Adicks** [00:19:03] Yes, it is.

**Marc Gorelnik** [00:19:04] Okay I see a second from Butch Smith. Please speak to your motion.

**Kyle Adicks** [00:19:09] Thank you Mr. Chair. The provisions of the Council fishery management plan specify that the annual natural spawning escapement targets may vary from FMP objectives if agreed to by WDFW and Treaty Tribes under provisions of Hovey, Baldrick and U.S v. Washington. The total allowable exploitation rate under the coho chapter of the Pacific Salmon Treaty at the forecasted abundance for Queets coho, which are in low status, is 20 percent. Meeting a spawning escapement target of 3,154 will result in a total exploitation rate of 20 percent, meeting the TST ceiling. The rebuilding plan for Queets coho included an analysis of T-min, the minimum rebuilding time projected with no fishing mortality as a bookend for analysis, although it did not meet the purpose and need of the rebuilding plan. The difference in rebuilding plan time for a T-min scenario and the adopted alternative of status quo management was only one year. Modification of the escapement target is consistent with both the coho chapter of the Pacific Salmon Treaty and the Queets Coho Rebuilding Plan, as well as the Salmon Fishery Management Plan and will allow fishery starting targeting other

species and stocks in marine waters and hatchery coho within the Queets River to proceed with associated economic and cultural benefits while minimizing the impact to Queets coho and their rebuilding trajectory. Thank you, Mr. Chair.

**Marc Gorelnik** [00:20:46] Chuck. You're muted.

**Chuck Tracy** [00:20:51] Thank you Mr. Chair. Just a quick question for Kyle. Just curious about the qualifier, tentatively. What is tentative about this objective?

**Kyle Adicks** [00:21:09] Thank you Mr. Chair. Thank you Mr. Tracy. This is the same language we used when we did something similar several years ago. I believe that the intent was to adopt that while we made sure that our fisheries plan met that target, but I think that we could safely remove the word tentatively at this point if someone wanted to do that.

**Chuck Tracy** [00:21:40] It does seem to me that at this stage of the game, the word, we need to be less than tentative.

**Marc Gorelnik** [00:21:52] Phil Anderson.

**Phil Anderson** [00:21:55] Thanks Mr. Chair. I would offer an amendment to the motion.

**Chuck Tracy** [00:21:58] Please go ahead.

**Phil Anderson** [00:22:01] Amendment would be I move that the word 'tentatively' be removed from the main motion.

**Marc Gorelnik** [00:22:27] See the language up there on the screen. Is there a second?

**Virgil Moore** [00:22:35] Virgil Moore.

**Marc Gorelnik** [00:22:40] Thank you Virgil. Please speak to your motion to amend as necessary.

**Phil Anderson** [00:22:47] Thanks Mr. Chairman. The intent of the motion here is to clearly identify that the natural escapement target for Queets River coho in the year 2021 is 3,154, therefore I believe removing the word 'tentatively' would so indicate.

**Marc Gorelnik** [00:23:09] Thank you. Any questions for the maker of the motion or any discussion? I'm not seeing any. I'll call the question. All those in favor of this motion to amend say 'aye'.

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

**Marc Gorelnik** [00:23:20] Opposed, no? Abstentions? The motion to amend passes unanimously. We're back to the main motion as amended. Discussion? I'm not seeing any hands. I'll call the question. All those in favor say 'aye'.

**Council** [00:23:44] Aye.

**Marc Gorelnik** [00:23:44] Opposed, no? Abstentions? The motion passes unanimously. Thank you very much Kyle. And is there a further motion to be offered? Kyle.



**Kyle Adicks** [00:00:00] Thank you Mr. Chair. I do have an additional motion which Kris should also have.

**Marc Gorelnik** [00:00:08] Thank you. Can give Kris a moment here.

**Kyle Adicks** [00:00:14] I move that the Council adopt for submission to the U.S. Secretary of Commerce the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon, as presented in D.6.a, Supplemental STT Report 1, dated April 15th, 2021.

**Marc Gorelnik** [00:00:29] Language on the screen is complete and accurate?

**Kyle Adicks** [00:00:35] It is.

**Marc Gorelnik** [00:00:36] Okay. It looks like I have a second from Phil Anderson. Please speak to your motion.

**Kyle Adicks** [00:00:42] Thank you Mr. Chair. I'll try to be brief. I wanted to make sure to point out to the Council that the measures developed to include a trade between the commercial and recreational fisheries north of Cape Falcon, a trade that we heard support from earlier from the Washington SAS representatives. It also includes a deviation from the port allocation of the FMP between recreational ports north of Falcon, which we also heard from and during public testimony was supported by the representatives of those ports. After a very long week of working to meet conservation objectives for Queets coho, as well as our other coastal stocks and Puget Sound stocks and Columbia River stocks, we have a fishery package that, with the changes made to inside fisheries today, I believe will meet all of our conservation objectives and should move forward. I don't want to take up much time, but thanks to everyone involved this week, they got thanks earlier, but extra special thanks for everyone for sticking through us today and everyone who got us through the past month and to this point.

**Marc Gorelnik** [00:01:49] All right, thank you Kyle. Any questions for Kyle or discussion on the motion? Susan Bishop.

**Susan Bishop** [00:02:00] Thank you Mr. Chair. I just wanted to let folks know that I will be abstaining from voting on this motion. We have a little bit of work to do for NOAA to be assured that the package as it comes together is consistent with the terms of the Pacific Salmon Treaty agreement. We have a good plan in place to do that work. I'm very hopeful that that will happen but at this time I don't have that information with me so I will be abstaining. I do appreciate and recognize all the hard work that the Council collectively has done, whether you've been in the room or waiting on the outside for that work to get done. It's been a very long week. It's been a very hard week coastwide, but I just wanted to let folks know.

**Marc Gorelnik** [00:02:47] Thank you Susan. Appreciate that. Any further discussion on the motion? And then I'll call the question. All those in favor say 'aye'.

**Council** [00:03:01] Aye.

**Marc Gorelnik** [00:03:01] Opposed, no? Abstentions?

**Susan Bishop** [00:03:09] Susan. NMFS.

**Marc Gorelnik** [00:03:09] Susan Bishop. Any others? All right, this motion passes. Thank you Kyle for the motion. Again, as Kyle said, thanks to everyone who has worked hard to make this happen. So,

I think we, there's a further motion. Joe, are you ready to offer that?

**Joe Oatman** [00:03:36] Yes, I am Mr. Chair. If Kris can put that up. Thank you. I move to adopt the Treaty Indian troll fishery management measures for submission to the U.S. Secretary of Commerce for the area north of Cape Falcon as shown in table 3.b on Agenda Item D.6.a, Supplemental STT Report 1, April 15, 2021.

**Marc Gorelnik** [00:04:04] Thank you Joe. And that language on the screen is complete and accurate?

**Joe Oatman** [00:04:08] It is Mr. Chair.

**Marc Gorelnik** [00:04:10] All right, I'll look for a second? Kyle Adicks. Please speak to your motion.

**Joe Oatman** [00:04:20] Thank you Mr. Chair, and I'll try and be brief here as well. I understand that these ocean alternatives meet the management objectives and congressional objectives of the relevant stocks as well as that of the Pacific Salmon Treaty limits that are applicable to some of those. I appreciate all of the hard work that the tribes and the state and others did through the north of Falcon process. I appreciate all of the assistance through Council staff as well as the Council itself for their patience as well as everyone's commitment to provide the time necessary to get these options to this point. Thank you Mr. Chair.

**Marc Gorelnik** [00:05:16] All right, thank you Joe. Any questions for Joe or discussion on the motion? Susan Bishop.

**Susan Bishop** [00:05:25] Thank you Mr. Chair. For the same reasons I stated previously, I will need to abstain from voting on this motion. Once again, I want to thank the tribes for all the hard work that they've done over the last week. It has not been easy. Their passion and their commitment were evident both to their communities and to the exercise of treaty rights in a whole, so I want to acknowledge that and express our appreciation for that.

**Marc Gorelnik** [00:06:04] Thank you Susan. Phil Anderson.

**Phil Anderson** [00:06:07] Thank you Mr. Chairman. Thanks very much Joe for that motion. I just wanted to confirm that I have the right place. This would result in an overall Treaty Indian TAC of 40,000 chinook and 26,500 coho. Just checking if I have that correct?

**Joe Oatman** [00:06:30] Mr. Chair. Thank you for the question Phil. That is my understanding that this motion would entail.

**Phil Anderson** [00:06:37] Thank you.

**Marc Gorelnik** [00:06:40] Further discussion on the motion? All right, all those in favor say 'aye'.

**Council** [00:06:48] Aye.

**Marc Gorelnik** [00:06:51] Opposed, no?

**Susan Bishop** [00:06:54] Susan Bishop.

**Marc Gorelnik** [00:06:55] Susan Bishop, voting no or abstaining?

**Susan Bishop** [00:06:58] Excuse me, abstaining. Thanks for the question.

**Marc Gorelnik** [00:07:01] Anyone else abstaining? All right, this motion passes. Thank you, Joe, for the motion. So that's north of Falcon how about that. Let me ask if the Council has any other business under this agenda item. Let me turn to Executive Director Chuck Tracy to see if he has any announcements before we go our separate ways.

**Chuck Tracy** [00:07:39] Thanks Mr. Chairman. Actually, I was just raising my hand to ask a question. Just wanting to understand the process that occurs beyond tonight in terms of National Marine Fisheries Service confirming they're understanding or of the compliance with the Pacific Salmon Treaty and if there is any necessary follow-up based on the results of their determination.

**Marc Gorelnik** [00:08:22] Susan.

**Susan Bishop** [00:08:30] Thank you Mr. Chair. Mr. Tracy were you, was your question relative to how will the Council know our decision or is that will there be some further information distributed or I'm sorry, I'm not clear.

**Chuck Tracy** [00:08:47] Well, I guess a little both. How will we know what your determination is and based on the outcome of your determination, will there be any additional action or process that the Council will need to be engaged in or aware of?

**Susan Bishop** [00:09:11] Thank you Mr. Tracy. At this point I believe the Council should send us their recommendation and I am hoping that we will shortly receive the technical work that we're anticipating and should be able to make a determination relatively quickly. If there is an issue in moving forward with the package, we would reach back out to you, Chuck, and the relevant managers. Does that seem workable?

**Chuck Tracy** [00:09:51] Well, I'm always available if you need to reach out to me. I guess it doesn't sound like there's a, well I guess we'll just wait and see what the outcome is and see what we can do based on your determination. I guess I'm just not sure what we would need to do if you're, just to be clear, so if your determination is that the Pacific Salmon Treaty commission is not what, this action is not in compliance with the Pacific Salmon Treaty what the Council would need to do?

**Susan Bishop** [00:10:47] I don't think I can provide an answer at this time as it will depend on the specifics of the results.

**Chuck Tracy** [00:10:57] Okay thank you.

**Marc Gorelnik** [00:11:01] I've got a question. Eventually we're going to have preseason 3 will be published and that will list the action by the Council. If there is action taken by NMFS that varies from Council's action, will that get fed back into preseason 3? I guess I'm not sure. That should probably be addressed to the Salmon Technical Team and they're probably not here this late, but you know the Council maintains a library of salmon documents that reflect seasons and if action is taken by NMFS, it's different than the action put forward here for obvious reasons, because we need to comply with the treaty, it just seems like it needs to get fed back some way and I'm sure it'll happen but I was just curious of what that mechanism would be, sort of following up on what Chuck was saying. Chuck.

**Chuck Tracy** [00:12:16] Thanks Mr. Chair. So... well... so Preseason Report 3 will be done and I'm not sure exactly what day, but in a week there, plus or minus, I would certainly hope that we would have resolution on the compliance with the Pacific Salmon Treaty before then and I would expect that

the Council will accurately document the compliance or lack thereof in the Preseason Report 3 that they transmit to National Marine Fisheries Service.

**Marc Gorelnik** [00:12:57] All right. Any further action on this agenda item? I know it's early and people probably want to hang out longer but I'm not seeing any hands, so there's only one other thing that needs to happen. Butch Smith.

**Butch Smith** [00:13:17] Yes Mr. Chair. I think Sandra has my language. I always want to say that. I move that we adjourn.

**Marc Gorelnik** [00:13:25] All right, do I have a second? Seconded by Virgil Moore. All those in favor, 'aye'.

**Council** [00:13:31] Aye.

**Marc Gorelnik** [00:13:31] I think the aye's have it. It's been a, it's been real as they say. Be safe, be well and we'll do this again in June, hopefully for the last time virtually.

## **E. Coastal Pelagic Species Management**

### **1. National Marine Fisheries Service Report**

**Marc Gorelnik** [00:00:00] Yes, then that concludes public comment and takes us to Council action, which is to discuss the NMFS report. So, I'll look for, we don't have anything to approve here. We've had some discussion, so actually some excellent questions on the NMFS presentation but we have another opportunity here to discuss this agenda item if it's the Council's pleasure to have further discussion. And I'm not seeing any hands. So Kerry, how are we doing?

**Kerry Griffin** [00:00:49] Well, I think we're doing fine. If there's no more discussion or questions for the NMFS and Southwest Center presenters, then I think that concludes your business under this item.

**Marc Gorelnik** [00:00:59] All right. Thanks Kerry. Thank you, Frank and Annie, for your presentations, and that concludes Agenda Item E.1.

## 2. Exempted Fishing Permits (EFPs) for 2021-2022 – Final Action

**Brad Pettinger** [00:00:00] That takes us to public comment and brings us to Council action, which is to approve or not these three EFP permits, and it's important to keep in mind that we're not sure how many fish we're going to have. That's going to be taken care of in E.4. So, with that, I'll look for hands to start Council discussion and... Briana Brady. Briana.

**Briana Brady** [00:00:32] Thank you Mr. Vice Chair. I would like to express my appreciation for the West Coast Pelagic Conservation Group and the California Wetfish Producers Association for the past work they have done for these EFPs and for being willing to continue to collect the data needed for this research. I think it's important to continue these three different projects because they all help to improve science that we would be using to assess sardines. I just wanted to offer those initial thoughts.

**Brad Pettinger** [00:01:10] Thank you Briana. Further discussion? Maggie Sommer. Maggie.

**Maggie Sommer** [00:01:27] Thanks Mr. Vice Chair. I'd certainly like to echo Briana's appreciation to the proponents of these EFP's and recognition of the need for and value of collecting additional information on sardine. In particular, what we've been hearing a little bit about the relative value of biological data and age data for sardine, and while I appreciate that as the assessments are currently structured age data not coming from a directed fishery is not terribly informative for the outcomes. I do see the value of collecting the information. I know we will be talking about some recommendations as well and some considerations of changes in how we approach sardine assessment and management in the future, and certainly having some biological data to inform our understanding of sardine stock structure and, in many ways, I continue to believe will be valuable and support collecting that through an EFP.

**Brad Pettinger** [00:02:53] Thank you Maggie. Further discussion? Corey Niles. Corey.

**Corey Niles** [00:03:03] Thank you Mr. Vice Chair. And not to repeat what Briana and Maggie said but we're seeing it in similar ways and that these are valuable. We have the recommendations of the team and SSC, but I think as you noted, Mr. Vice Chair that we and along the lines of the questions Maggie was asked during public testimony might look at some of the set asides as, and E.4 I believe is where we'll be doing that. So, I just wanted to note support for these EFP's. I do think we should look at some of the catch allowances in the context of what we'll have available for ACLs, ACTs and all that.

**Brad Pettinger** [00:03:50] Thank you Corey. Further discussion? Briana Brady. Briana.

**Briana Brady** [00:03:59] Thank you Mr. Vice Chair. I have a motion if you'd like one.

**Brad Pettinger** [00:04:03] I would.

**Briana Brady** [00:04:05] Great. Thank you Sandra. I move the Council adopt the exempted fishing permit proposals in Agenda Item E.2 and Attachments 1, 2 and 3 for consideration of harvest amounts under Agenda Item E.4.

**Brad Pettinger** [00:04:28] Okay. Briana does the language accurately reflect your motion?

**Briana Brady** [00:04:33] Yes. Thank you.

**Brad Pettinger** [00:04:34] I'm looking for a second... and Bob Dooley seconds. Thank you Bob. Please

Speak to your motion.

**Briana Brady** [00:04:41] Thank you Mr. Vice Chair. Each of these EFP's helps to improve the science for sardine in different aspects. The first EFP provides information associated with improving nearshore acoustics, and the second EFP will provide verification of tonnage, estimates that are associated with the nearshore aerial surveys, and the third EFP helps to maintain the long-term data set of age and other biological data associated with the fishery and also provide that same information to inform what size and age classes the aerial survey observes. I think it's important for this research to continue and that it's valuable to have industry participants as collaborators in helping to collect and provide data for use in management.

**Brad Pettinger** [00:05:27] Okay, very good. Thank you. Questions for the motion maker? Okay, seeing no hands I'll call for question. All those in favor signify saying 'aye'.

**Maggie Sommer** [00:05:46] Aye.

**Brad Pettinger** [00:05:49] Opposed? Abstentions? Motion passes unanimously. Okay thank you. I'll look to Kerry. Kerry does that take care of this agenda item?

**Kerry Griffin** [00:06:08] Yeah, thank you Mr. Vice Chair. That does take care of this agenda item. If there's no further guidance or anything from the Council, then you accomplished your business under this item.

**Brad Pettinger** [00:06:19] Very good. Great work. Thank you everyone.

### 3. Review of Essential Fish Habitat

**Brad Pettinger** [00:00:00] We're through public comment and now we're onto Council discussion and Council action. I should say Council discussion on Council action, and with that I'm looking for hands to that end? Briana Brady. Briana.

**Briana Brady** [00:00:22] Thank you Mr. Vice Chair. Based on the reports from the management team and the advisory subpanel and the Habitat Committee, it seems that modifications to CPS essential fish habitat are warranted at this time. Just wanted to put those supporting remarks out there.

**Brad Pettinger** [00:00:49] Okay. I think it's a fair assessment from what we heard this morning. Anyone else? I guess we can go with that if we see no other hands. Briana Brady. Briana.

**Briana Brady** [00:01:17] Thanks Mr. Vice Chair. I can make a motion if that's needed?

**Chuck Tracy** [00:01:26] We're in Council action now.....

**Brad Pettinger** [00:01:27] Okay, Chuck, do we need a motion or just is that providing guidance, I guess? I guess Briana proceed.

**Briana Brady** [00:01:50] Okay thank you. I think probably Kerry would prefer a motion if that's the case.

**Brad Pettinger** [00:02:05] Yeah. Actually, Chuck I see your mute's off.

**Chuck Tracy** [00:02:12] Yeah, I think a motion would be appropriate for this if we're moving forward. Basically, we're going to be, to move forward that would be essentially initiating an FMP amendment.

**Brad Pettinger** [00:02:31] Proceed Briana.

**Briana Brady** [00:02:32] Thank you Mr. Vice Chair. Thank you Chuck. Sandra, if you could provide the motion please, or display it. I move that the CPS EFH review process move to phase 2.

**Brad Pettinger** [00:02:56] Thank you Briana. Does the language accurately reflect your motion?

**Briana Brady** [00:02:58] Yes, it does. Thank you.

**Brad Pettinger** [00:03:01] Okay. And seconded by Marc Gorelnik. Speak to your motion?

**Briana Brady** [00:03:01] Thank you. I appreciate the thought that went into the discussion by our advisory bodies and that the management team has provided a list of tasks that they can use to base potential modifications on, and I think the AS and the Habitat Committee also provided additional topics that the management team can include in their work planning. I think it would be appropriate that at a future meeting the management team provide a process and schedule as described as a next step in their report.

**Brad Pettinger** [00:03:40] Very good. Okay thank you. Discussion on Briana's motion? Maggie Sommer. Maggie.

**Maggie Sommer** [00:03:52] Thank you Mr. Vice Chair and thanks to Briana for the motion. I support



it and just wanted to express my appreciation for the detailed information that was provided to us, the presentations we received from Emmanis and Lorna, as well as the report from the CPSMT I found to be very informative and helpful, and I think sets us up well for moving into phase 2. Thanks.

**Brad Pettinger** [00:04:24] Thank you Maggie. Anyone else? Okay seeing none I'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:04:36] Aye.

**Brad Pettinger** [00:04:36] Opposed? Abstentions? Motion passes unanimously. Thank you for that. And Kerry, I think I'll go back to you and are we done, how are we doing on this agenda item?

**Kerry Griffin** [00:04:58] Thank you. Thank you Mr. Vice Chair. That does complete your business for this agenda item. I concur with Maggie that I think that the CPSMT report and the literature review were very thorough and informative and the other advisory body reports were as well. Excuse me. So as far as next steps per Council Operating Procedure 22, the team would work with the other parties involved here, the West Coast Region and the Southwest Center and Council staff of course and come back at a future meeting with a work plan, proposed schedule and scope of work principles, just like you guys did at the last meeting for HMS. I note that scheduling can be tricky and that will be addressed under the last agenda item of this meeting.... that you know we don't have anything currently on the books in the future so this Council would have to schedule that at some point. We discussed this with the management team, and I know the team is prepared to start working on that scope of work so, you know, I don't know if that would be a June or a September or whenever but that would be the next step for the team to come in with this proposed schedule and scope of work, and as Mr. Tracy said that it is essentially an FMP Amendment process. So anyway, that just sort of summarizes your action today and you have completed your necessary task for today. Thank you.

**Brad Pettinger** [00:06:39] Thank you Kerry. I'd just like to point out that at the end of the team's report, there's some acknowledgments to everyone who was involved in putting that information together and just hats off to them for just a good job making an easy decision for the Council so very good and with that, thank you and we will pass the gavel back to Chair Gorelnik.

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

**Marc Gorelnik** [00:00:00] That concludes public comment on this agenda item and takes us to discussion and our specific Council action, so I will look for a hand to get us started. Briana Brady.

**Briana Brady** [00:00:27] Thank you Mr. Chair. I just wanted to express appreciation to the Southwest Fisheries Science Center for doing what they could in a year when the ATM survey couldn't run and we therefore could only have a catch only projection, and I appreciate that their review by the SSC of the catch only projection and that they left and that they felt compelled that they could not endorse the projection due to the difficulties that arose in the model working properly. The SSC used last year's benchmark assessment and they made it a Tier 3, thereby reducing the ABC by 22 percent and I'm in general supportive of the management team's and AS's recommendations with perhaps one slight change, and that would be to have an ACT of 3,000 metric tons, which would provide a little bit more of a buffer for time and tonnage to be able to track the various sectors. In thinking about that, I look at the management measures recommended by the MT and the AS and also the request for the 930 metric tons for EFP's and I think that reducing the biological EFP by 100 metric tons is necessary as the fisheries appear that they may be constrained. I just wanted to offer those initial thoughts.

**Marc Gorelnik** [00:02:07] Thank you Briana. We'll look for some more thoughts. More discussion. And a reminder we're setting the EFP limits here as well. Well, I don't want to cut off discussion but maybe a motion would spur some discussion... so Briana.

**Briana Brady** [00:02:50] Sure. I have a motion I could send to Sandra.

**Marc Gorelnik** [00:02:58] All right, and then maybe we can have some discussion on that. This is an important topic and we've had quite a number of perspectives presented and I think that it deserves some discussion.

**Briana Brady** [00:03:15] Should be on the way to Sandra.

**Marc Gorelnik** [00:03:19] And Kerry? Oh, at this point maybe Kerry may not have a chance to review it but..... Frank. Frank Lockhart your hand is up. I also appreciate you're having some technical difficulties, but are you able....

**Frank Lockhart** [00:03:46] Can you can you hear me now?

**Marc Gorelnik** [00:03:47] Yes, absolutely.

**Frank Lockhart** [00:03:48] Okay. Sorry about that. Everything just kind of all went wrong at the same time so it took me awhile to get back. So, I missed some things, but I'm hoping it's not too late. There's been several kinds of mentions of research and priorities and things along those lines and some questions to certain people about what can be done, and when and I think it would be a good idea to call up Southwest Fisheries Science Center Director Koch and Dr. Annie Yao to kind of maybe give an overview and be available for any questions that people might have?

**Marc Gorelnik** [00:04:29] Okay. If Dr. Koch and Dr. Yao are available?

**Frank Lockhart** [00:04:36] I believe they are.

**Marc Gorelnik** [00:04:37] Okay.

**Kristen Koch** [00:04:39] Mr. Chair, can you hear me?

**Marc Gorelnik** [00:04:40] Absolutely.

**Kristen Koch** [00:04:43] I, this is Kristen Koch at the Southwest Fisheries Science Center. And I just want to, I asked Frank if I could have a few moments of the Council's time to just address a few things and then I asked if Dr. Yao would be available to help fill in a little bit more detail and answer questions if there are some. I first wanted to just put out a few thank you's to people on the CPS in the CPS world. My first thanks, I'd like to thank my staff. First of all, as we all know, this stock is a particularly difficult stock to assess, not so much in the traditional sense, but there are just a multitude of interacting factors independent of fishing that affect sardine abundance and distribution. Most notably, that is the environmental sensitivity of sardine and CPS in general, which make it just a huge challenge and a growing challenge to assess accurately. There's also the matter of Mexico and Canada and in this case today, talking largely about the interaction or the impact of having that international line and the discussions with Mexico that we may have or our ability to collaborate with Mexico, all sort of conspiring sometimes in some years, more than others against a really solid ability to assess the stock. So, I just want to put a shout out to my staff, and that includes the STAT Team, but also the, the survey team and the life history team... all who work very hard and diligently every year to make sure that we have a good presence at the Council with respect to sardine. I also want to thank the region's staff as well who have been with us every step of the way, along the way for many years on this. I want to thank the SST, the management team in the SAS for their hard work to look at the update assessment this year and to discern some of the difficulties and challenges there. While it was rejected, the Centers had a number of internal discussions about it and we understand the rationale and the reasons for that, and we thank everyone for putting forward some lists of priorities to look at, as well as some prioritization of those priorities and recognizing that they can't all be taken on at once, but rather that we are as partners in this, wanting to look at the comprehensive list of needs there and to make sure that we're addressing them systematically. I also wanted to thank just briefly, a shout out to industry for working with the Center for many years on this topic, many, many years, as well as the NGO community. The industry community has worked diligently to address some of the, particularly the issues related to the survey that have been pointed out in the reviews of the AT survey getting into that inshore area and areas like that that have, I think, worked to improve the survey over the years. And I wanted to also thank CDFW for their collaborations with the inshore, their aerial inshore survey and other matters along the way. I also want to acknowledge the calls for the high priority research that have been laid out and I will ask that Annie go into some detail if she's able to do that on those priorities. I do think we have done some work since the reviews have happened on the AT survey to address some of those high priority recommendations that have come out of those reviews, specifically survey documentation and some of the survey modifications that have been called for. I don't think we've been able to do nearly enough and so I wanted to acknowledge that today. There are a lot of pressures internally in terms of resources availability and staffing to take on some of those priorities, and those will continue into the future. I do think that Annie's division has had a fair amount of attrition over the years and so whereas maybe 15, 20 years ago we could have easily put a lot of people on this problem. I think that's simply not the case anymore, so I will be looking to other parts of the Center and perhaps even beyond to determine if there are not other people who could be brought to bear on some of these issues. With respect to high level efforts to work with Mexico, I think the many calls today for that to continue those conversations and I happily, as I reported yesterday in the survey update, that's an area where I hope that we have made some headway in the last couple of years and that we, as I said yesterday, hope to get down off the ship this year and see more evidence of collaboration there. It's been a difficult, Mexico's and that situation has ebbed and flowed over the years politically and our ability to get down there to both collaborate at the bench scientist level as well as collaborate on surveys and other areas

has ebbed and flowed, but I do think that 21 years of the Trinational Sardine Forum that we have are evidence that we do have, have had some consistent level of interaction with Mexican scientists and Canadian scientists on conserving for many years, and those collaborations do continue. So, I have a lot of hope. I have asked Dr. Yao and her team to come up with a plan, a plan for a plan at the June meeting to be presented at the June meeting to you all and I think the reason we were not able to come today with a comprehensive plan for that is that there are a number of discussions that have to take place between now and June to make sure that what we bring before you then is something that is tractable. So, with that, Annie if you're still with us, I might ask you to go into a little bit more detail on some of these priorities.

**Annie Yao** [00:11:17] Thank you. I'm here. Hopefully everyone can hear me, okay?

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

**Annie Yao** [00:11:21] I was having some technical difficulties earlier. Great. So, thanks and I'll try not to repeat anything Kristen said. I just wanted to add that lots of good discussions happening at SSC, CPSMT, CPSAS so appreciate hearing those and hearing thoughts from the public as well on all these issues. The, yes we would need, so not, we need a little time to kind of rundown what's feasible, given time frames here to address these, recognizing that all of these issues, these research issues that have been brought up by SSC and reiterated by others are not new issues and there's a history here, so I guess I'll start by saying recognizing that. I appreciated having some sort of sense of prioritization, specifically the CPSMT I think put together some different categories near term, long term, and that helps us kind of gauge what to move forward with as well, simply because of, you know I'm thinking of how can we move past this, what happened with this projection, this catch only projection with sardine, how do we move forward as a community past that? So, talking about the priorities here, actually the CPSMT had frankly along the lines of what I saw scientifically the most logical to address to get at issues with how the stock assessment model and data are set up. So, definitely I think this issue of stock structure for sardine has been, like I said, long standing, but can we better look at, sorry, can we take another look at how the stock is delineated? It hasn't been revisited in a while and the stock has since taken a different turn in terms of abundance. That makes a lot of sense to me to look at as one of the first things to do. The second thing, and I know this is also long standing, but a lot of, at least two reviews now have looked at the ATM survey in detail and provided a lot of recommendations. We've made headway in some areas like Kristen said but haven't in others and, you know, kind of workload issue is always at the forefront of that I think, but looking at the recommendations for improvement more in earnest this round and trying to see what's possible to both. Methods develop and implement in a survey in time for the benchmark is something we're going to look at to the maximum extent possible before this next benchmark comes. You know I'll just acknowledge, so those are kind of the shorter-term things that I think are reasonable to tackle before the next benchmark. I'll also say that I think the amount of progress we make with any of these is dependent on how much time, and of course how many resources we have to put into them. The longer term, you know I just will acknowledge a lot of discussion on EMSY in general. For this topic, you know we're well aware of the fact that we're using the CalCOFI time series right now and that there's a Zwolinski-Demer paper in 2019 that talks about PDO being an alternative to this. A couple of points I just wanted to make here. You know the science behind the correlation of environmental variables such as temperature with sardine recruitment success, that has been and will continue to evolve over time. This is for a couple of reasons. You know stock assessments evolve over time, so those time series of biomass and recruitment are going to be updated over time. Our ability to collect data on environmental variables evolves over time. New time series will pop up. More detailed time series will pop up. Ones might go away, that kind of thing, and then I will also say, kind of more importantly in my mind is that a lot of the historical correlations we've been working with, they seem to be breaking down here and there, right? So past predictions of past environmental variables that seem to be correlated with recruitment of biomass for CPS are not necessarily turning out to be predictors of

future conditions. Green heat waves, for example, and climate change just seem to be shifting us in an unknown direction, unpredictable direction so we, so that's an issue I think that just kind of a broader issue for EMSY. Correlations that have held up in the past are not necessarily holding up in recent years, so it doesn't mean we, you know, so EMSY I do see as an issue to be taken up but kind of in a longer-term time frame. I'll also note that the CalCOFI SST that's currently being used in the harvest control rule, you know there's not, as you guys know in the harvest control rule there's a specific equation that must be calculated to apply it, that hasn't been, that doesn't exist for any other temperature or time series such as the PDO, so there's no actually path forward besides the CalCOFI SST at the moment there. So, let's see... I think that... I think that wraps up what I wanted to say as far as parties and just reiterate that our commitment to getting at some of these in the short term to try and immediately improve the next benchmark are going to be high on the list of things that FRD does and certainly Kristen is also saying that the Center does. As a whole, but that all of the, you know some of these are just kind of longer-term ones and they will remain on our radar moving forward. Thank you.

**Marc Gorelnik** [00:17:51] All right, thank you very much. Are there any questions? Corey Niles?

**Corey Niles** [00:18:01] Yeah, thank you Mr. Chair, and thank you all. That was very much what I was hoping to hear and so I'm glad you, I was going to put Frank on the spot later to ask him some of these things. I guess I'll start by saying, yes, I think we also appreciate all the work you do. I guess I can't say that we're happy that you have had the attrition in your division that you have, but we recognize it and recognize that you're maxed out, so I hope what we say here, it doesn't reflect a lack of appreciation for all the work that is being done. Yet that said, and again we're in a situation that I don't think we would have been in if it weren't for the pandemic and not having the survey, but like you all said, the stock structure question in particular has been there regardless and is, you know, you hear it from the SSC and the team, the advisory panel, the public that it's one that seems to rise to the top. So, I'm really appreciative and the idea of you coming back in June with a plan and realizing, as you said, there are a lot of conversations to be had, but can you give us a little more about will you be working with the team, the SSC? Is it just the internal conversations that need to happen first? What type of input from the Council today might help you with that, if at all? And could you give a little more detail on that, on the idea of coming back with a plan in June and again, thank you very much. Very much appreciate the information and message you just gave to us.

**Marc Gorelnik** [00:20:06] Frank, your hand, your hand is up. And Corey was that, I appreciate the comments you made, was there a question in there?

**Corey Niles** [00:20:20] Yeah. I could restate it. Could we have more, please, have a little more information on what they envision on how the plan that Kristen mentioned they'll bring, be bringing back in June? How will that work? Will they be talking to our management team, SSC, advisory subpanel, is it an internal Science Center discussion that happens, that has to happen first? And is there any guidance we can give today that would be helpful in coming up with that plan? And I don't mean to, and I'm maybe reading too much into what they meant by a plan so I'm just looking for a little more clarification on what that would involve. And if it's a simple just you'll have to wait until June, that's, that would be an answer as well.

**Marc Gorelnik** [00:21:10] So Kristen. Is there something you can offer now or is this something we're going to have to wait till June?

**Kristen Koch** [00:21:18] Thank you Mr. Chair. I'll have Annie respond to this. I think just overarchingly to the question, we will definitely have to have an internal debate and discussion within the Center. I think to the question about whether there's any guidance that the Council might give, it's a good question Corey, and I had not thought about that. I'm not sure if Annie has. If she has, she can

offer thoughts in that regard, and certainly if we think of something maybe before the end of the Council meeting, we can offer that up. I don't know if there might be a time at a later part of the meeting when we might come back with some suggestions on this, but if not, we can perhaps communicate that another way. I really do appreciate the offer because there may be things that we think of. Annie.

**Annie Yao** [00:22:20] Yeah thanks. So, I guess like, so right now certainly lots of internal conversations need to happen. I need to check schedules, workloads, have conversations with staff, things like that, and like Kristen mentioned we'll probably be brainstorming ways to bring in some expertise from outside just my division as well. I appreciate the offer here. I guess like kind of reiterating what I said earlier, I found it really helpful to see some prioritization being put forward, specifically the CPSMT, you know categorize some things if that's kind of the prioritization that the Council as a whole would agree with and endorse, that would be helpful for us to know. Recognizing this recognition that not all of it can be done before the next benchmark but it will stay on our radar as we move forward. You know, like what can we do to make this benchmark better is I guess my immediate focus at the moment, and so anything along those lines is helpful. If any clarifications from the language from the reports needs to be elaborated on or the Council finds value in that, then those are, I think, the two things I would find valuable for us to figure out a plan and come back in June with.

**Marc Gorelnik** [00:24:00] All right, thank you. Corey.

**Corey Niles** [00:24:06] Yeah, thanks Mr. Chair, and thanks, Kristen and Annie, for those answers. Mr. Chair, I would say if maybe after, I know we're waiting on a motion here, that I would at some point if we had, we could have a Council discussion on what the priorities might be, I would have some thoughts to offer. But I mean, if we are looking for a spot... to maybe have those brief, a brief discussion on the priority.

**Marc Gorelnik** [00:24:32] All right. I think that I agree with you Corey, and while that's not on, that's under this agenda item, but maybe we'll take this stepwise and try to deal with spex and management measures first. So let me just first see if there's any other discussion and we will come back to priorities, and if not, maybe we'll get back to that motion. So, Briana you have a motion?

**Briana Brady** [00:25:18] Thank you Mr. Chair. Yes, and hopefully Sandra has it to display. Thanks Sandra. I move that the Council adopt the biomass of 28,276 metric tons. An OFL of 5,525 metric tons. A P star buffer of .4. An ABC Tier 3 of 3,329 metric tons. An ACL of 3,329 metric tons and an ACT of 3,000 metric tons. Exempted fishing permit amounts for Agenda Item E.2, Attachment 1 would be 10 metric tons. Attachment 2 would be 300 metric tons. And Attachment 3 would be 520 metric tons. Incidental landing limit in CPS fisheries of 20 percent. If landings of the live bait fishery attain 18 hundred metric tons, a per landing limit of 1 metric ton of Pacific sardine per trip will apply to the live bait fishery. If the ACT of 3,000 metric tons is attained, a per trip limit of 1 metric ton of sardine applies to all CPS fisheries. And incidental per landing allowance of 2 metric tons of Pacific sardine in non-CPS fisheries until the ACL is reached.

**Marc Gorelnik** [00:26:50] All right Briana, the language on the screen is accurate and complete?

**Briana Brady** [00:26:53] Yes, thank you.

**Marc Gorelnik** [00:26:55] I'll look for a second? Seconded by Bob Dooley. Please speak to your motion.

**Briana Brady** [00:27:03] Thank you Mr. Chair. I just wanted to express my concern about the status of the stock. As has been the case for the past several years this Council has taken major actions,

including shutting down the directed fishery that has resulted in federal fishery disaster declarations twice now. In addition, we have reduced the incidental take allowance from 40 percent down to 20 percent, which not only limits the take of sardines, but the take of CPS at large, and now the most recent stock status update is telling us that we need to cut takes by another 22 percent down from last year. I realize that the overall reduction is going to be difficult for the various sectors, and it's important to do so to maintain effective rebuilding. And looking at the research set asides, I think that highlights that we will continue to work together to improve the science to more fully account for the stock that is out there in the ocean. Thank you.

**Marc Gorelnik** [00:00:00] All right, thank you Briana. Are there questions for Briana? Corey Niles.

**Corey Niles** [00:00:15] Yeah, thank you Briana. Thank you for the motion and well-spoken and to share your concern about the stock, and this is just a minor, small question and supportive, but could you maybe articulate a little more. You understand these fisheries that are happening in your state much more than in the south, much more than elsewhere, but on the one difference I'm noting is the management team recommended an ACT of 31 hundred. You're recommending a hundred metric tons of less so can you elaborate on what that is buying us? I think it's an extra buffer of a hundred metric tons between the ACT and ACL but how that plays into the incidental landing limits that are triggered. Could you just explain that a little bit, you're thinking there a little bit more? Thank you.

**Briana Brady** [00:01:15] Sure. Thanks Mr. Chair. Thanks Mr. Niles. So, this is definitely a new situation we're in with setting limits this low and tracking these fish and the various sectors to take into account, and I think we've done a good job in being able to track the landings and this gives a little bit more buffer to make sure we're doing that. In addition, it takes into account some of the public comment that they'd like to see a reduction overall and so I'm trying to balance some of the viewpoints and some of the potential concerns.

**Marc Gorelnik** [00:02:04] That answer your question, Corey?

**Corey Niles** [00:02:08] Yes, thank you Mr. Chair.

**Marc Gorelnik** [00:02:11] Phil Anderson.

**Phil Anderson** [00:02:14] Thanks Mr. Chair, and thanks, Briana, for the motion. I'm just speaking in favor of it. I too share the concerns that you expressed about the status of the stock. I know there's some differences of opinion about the stock itself as we've heard, you know the information that's being brought forward to us, the minimum stock size threshold of being 50,000 metric tons and here we are with an estimated biomass estimate of 28,000 and some change, so even if the stock is twice as abundant as these numbers might indicate, we'd still be in a bad place relative to the status of this resource. Same time I appreciate the effort to try to balance our conservation efforts with recognition that there is some of this stock that is going to be taken as bycatch in targeting other species, but even at that the approach that you've taken here will serve to constrain some of those as well as some of the pieces in the motion that deal with putting some limitations on the live bait fishery if they, the take gets up to a higher level or starts to approach the estimates that we have for that, and there is some uncertainty certainly as we move forward into 2021 and what the implications of the pandemic are on fishing effort in the recreational fishery. I also appreciate the ACT, understanding that it's a small amount to go from 31 down to 3,000, but I think it demonstrates the commitment that we have to rebuilding the resource. So, with all that I just speak in favor of it. I would ask one question of you, Briana, and I noted that you reduced the set aside for the biological sampling EFP from 620 down to 520. I support that. I was concerned with the 620. I don't know if 520 is better but I just wondered if you could address was there a particular method by which you came up with a reduction from 620 to 520, or was it simply an

indication of concern about the resource and not having larger amounts for these EFP's that might be necessary to gain the scientific information we're looking for?

**Briana Brady** [00:05:31] Thank you, Phil, and thank you Mr. Chair. Yes, I believe that it was somewhere around the minimum of what Diane said would be workable and how she was trying to make this pan out.

**Phil Anderson** [00:05:49] Okay, thank you.

**Marc Gorelnik** [00:05:55] Does that answer your question, Phil?

**Phil Anderson** [00:05:58] Thank you Mr. Chairman. Thanks Briana.

**Marc Gorelnik** [00:06:02] Further questions for the maker of the motion or discussion on the motion? Brad Pettinger.

**Brad Pettinger** [00:06:14] Yeah thank you Chair Gorelnik. Yeah, I just, I'd just like to support the motion. I think it's a reasonable one. I think it's a practical one. I think it's the right one for where we're at. It does barely meet the needs of the community, the live bait fishery and it provides fish to hopefully properly assess the species here in the future, realizing there is no commercial directed fishery on it. I heard a number which I kind of wondered about as far as what was the removals of the live bait fishery, and I heard a thousand tons or more. I just got to thinking about that as far as taking an ecosystem approach to this fishery and that's why I had the question earlier about what eats sardines and kind of makes you wonder as far as how much, how many tons of sardines does a thousand metric tons of fish caught in the live bait fishery consume each year? And so I know we haven't talked about that I don't believe, but it'd be very interesting to see what the diet is of those fish and maybe that the removal of those fish actually might be a plus in the sardine category at the end of the year, and so it's certainly not a negative, but anyway I appreciate the motion and I'll be supporting it if I don't have the gavel by then. Thank you.

**Marc Gorelnik** [00:07:43] Louis Zimm.

**Louis Zimm** [00:07:44] Thank you Mr. Chair and Brad. It's a little bit difficult to put into numbers your question. If I may, real quickly let me tell you the situation. The situation is that the sardines are caught generally very close to the coast, generally within two miles of the coast in areas that have strong upwelling and a lot of productivity in areas that don't have a lot of game fish, and then these sardines, as you witness, are taken out to say 30 to 100 miles offshore to try to attract and catch the tunas and yellowtail and dorado, which may be in fact feeding on sardines. However, we've seen in the last few years that they've been mostly feeding on anchovies and the years before that pelagic red crab, so it's a very hard thing to connect up. I see your point in that if we are taking predators of sardines away does that help the sardine stock, and I think that would be a very difficult thing to work on. Thank you.

**Marc Gorelnik** [00:09:00] Maggie Sommer.

**Maggie Sommer** [00:09:11] Thank you Mr. Chair. I'd like to speak in support of the motion. I won't repeat but just note that I support remarks made earlier by Corey and by Phil, as well as Briana's comments in speaking to her motion. After really careful review of all of the information provided to us, I agree that the specifications and the management measures proposed here are appropriate, given the current status of the stock and conditions and the needs of the fishing communities. In particular I think the choice of sigma was a good one and appropriately reflects the greater uncertainty in what we are using as assessment results for this and that the 22 percent reduction from last year that Briana



noted achieves that. I do think the P star buffer of .4 here is appropriate and appreciate the management team's reminder to us that that is intended to account for management uncertainty and think that's appropriate to leave it at that level for now, given our current ability that we have in place to track catches of this stock. In addition, I really wanted to appreciate all of the thought put into kind of how this relates to the research and data needs and the bigger picture and I, you know, both by the advisory bodies and the information we have in our briefing book, but also the public testimony we heard today from a number of folks and then the information provided by Dr.'s Koch and Yao. I think we all recognize there's, of course, some pretty emergent needs for improvement here and really look forward to hearing more about those in June. With that, again thanks for the motion. I support it.

**Marc Gorelnik** [00:11:44] Further discussion on the motion? Louis Zimm.

**Louis Zimm** [00:11:47] Thank you Mr. Chair. And I want to make clear that I am supporting this motion and in addition, I would like to extend my thanks to the commercial passenger fishing vessels in their efforts to constrain the amount of use. They have actively worked to limit their amount that they're using by keeping the sardines on board. There is a cost to that. If you run out 100 miles and at 50 miles, 50 gallons per mile or whatever they have to run on these bigger boats, and then you have to run back the hundred miles and you have to carry that thousand gallons of water back with you, your fuel expenditure is going to go up. So, in the old days when I was captain of these boats, we generally let those sardines go. Well, it goes back in the environment that's good, but now they're held on board with a cost of more fuel so that we can conserve this stock for use the next day or throughout the week, and as a matter of fact these sardines get stronger as you keep them on board, and you actually have to feed them. So there has been active effort by the fleet to lower the amount of sardines that they're actually going through. Thank you.

**Marc Gorelnik** [00:13:34] All right, thank you for that Louis. Any further discussion on the motion? All right I'll call the question. All those in favor say 'aye'.

**Council** [00:13:46] Aye.

**Marc Gorelnik** [00:13:48] Opposed, no? Abstentions?

**Frank Lockhart** [00:13:54] Frank Lockhart abstains.

**Marc Gorelnik** [00:13:56] Thank you Frank. So, with the exception of that one abstention, the motion passes with all votes. Thank you very much. We have some additional work on this agenda item, but I'm going to hand off the gavel to Vice Chair Pettinger to conclude this agenda item. Brad.

**Brad Pettinger** [00:14:25] Thank you Chair Gorelnik and we'll move here so.....okay with that I'm actually looking to.....Kerry, so I thought that motion took care of what I see for Council action. What do we need to do here?

**Kerry Griffin** [00:15:01] Yes. Thank you, Mr. Vice Chair and Chair. I think what Marc was probably referring to was this notion of prioritizing research and data needs and looking ahead to assessments. I actually heard quite a bit about that from Kristen Koch and Annie Yao so I guess I would look back to the Council to see if there's a desire for continued guidance or discussion on the research priorities, but I think that was the unfinished business, if any, and I see Frank's hands up so maybe he can help us out here.

**Brad Pettinger** [00:15:39] I see that. Frank.

**Frank Lockhart** [00:15:41] Don't want to prematurely conclude discussion on this but I'm wondering if this discussion, if we're going to get in any level of detail, makes more sense for June. We will have the report from the Southwest Fisheries Science Center kind of on the specific items and also a better idea of what can be done and potentially by when and a little bit better idea of resources necessary to tackle them, whereas right now we don't have that information so, you know, so I don't, again I don't want to cut off the conversation but I do think we would be much more efficient to have such a conversation in June, but now I'm wondering if there's actually something on the Council agenda for June, but anyway I don't think, you know, I guess there's still a lot of unanswered questions to really get into detail on this prioritization so I just want, I'll stop there. Thank you.

**Brad Pettinger** [00:16:47] Thanks Frank. Hands are actually lining up like planes on an aircraft carrier so Maggie Sommer.

**Maggie Sommer** [00:16:58] Thank you Mr. Vice Chair. I, one thing I heard earlier was that it would be helpful to hear the Council to weigh in on the prioritization offered in the management team's report. I would say that I support that prioritization. I appreciate the response that Lorna provided when I asked her a question earlier about their relative prioritization of reevaluating EMSY, certainly recognizing that that is also in need of such reevaluation and it is a significant need but it made sense to me to prioritize relatively how the team had it, and I think that if the Council has other thoughts that anyone wants to offer on this relative prioritization, that might help the Science Center with what they are bringing to us in, hopefully in June. The other thing I wanted to note was Dr. Koch's offer to think about whether there is any useful guidance that they, the Council might be able to offer at this meeting to them and I would think that maybe if something does occur to them over the next few days or the course of this meeting, then the Council might have an opportunity to weigh in on that during our future meeting planning and workload planning item next Thursday. Thanks.

**Brad Pettinger** [00:18:44] Thank you Maggie. Corey. Corey Niles.

**Corey Niles** [00:18:50] Yeah thanks. I think I'm in much agreement with Maggie. In response to what Frank said, I don't think the Council should get into a detailed discussion on setting priorities here, but I was more thinking of giving some inclination to the Science Center which way we might be leaning so they can bring, just to inform what they bring back in June or hopefully June. So, I would just echo what Maggie said, but I would in more narrowly that the subpopulation question and what can be done is... was it clear? That was in the team's statement. It was also in SSC's, in the question and answer at least it came out loud and clear that that is a big issue with the assessment, so I would just put in maybe stating the obvious that I hope that that one will be presumed to be one of our priorities. I agree with the relative priorities that Maggie just covered in the management team's report. Yeah, I can, just envisioning we'll get, we were, what we were doing here was what Annie and Kristen said about maybe providing a little information on helping them bring back, helping their conversations and what they bring back to us.

**Brad Pettinger** [00:20:18] Very good. Okay, thank you Corey. Further discussion or recommendations? Chuck Tracy. Chuck.

**Chuck Tracy** [00:20:30] Thanks Mr. Vice Chair. I have to raise my hand on one machine and talk on the other, but just so I guess the question did get raised of what do we have on the agenda in June? And right now, we've got the mackerel assessment and update and management measures and the CSNA Framework Report. So, I guess if there's contemplation of what might be brought in front of the Council in June we should address it.... if not now then under workload planning, but I guess I would just encourage the Council to be prepared to address that at some point.

**Brad Pettinger** [00:21:12] Okay very good. Thank you. Anyone else? Okay, well Kerry seeing no more hands, do we have enough there? I guess we discussed some workload planning we can further.....(garbled)....but this topic then.

**Kerry Griffin** [00:21:45] Yes, thank you Mr. Vice Chair. If there's no further discussion on workload planning or priorities, you have finished your business here for this agenda item. I think the motion was comprehensive. It addressed the tasks and the actions that you needed to take. You've heard the Southwest Center offer to come back in June with some more detailed information on what they can or can't pursue in the future and you know there's a pretty good body here between the SSC and CPSAS and CPSMT as far as advisory body priorities, and there's been good discussion here on the Council floor. So, with that I do believe you've finished your business for this agenda item.

**Brad Pettinger** [00:22:41] Very good. Thank you for that and thank you everyone for the hard work on this agenda item.

## **F. Groundfish Management**

### **1. National Marine Fisheries Service Report**

**Marc Gorelnik** [00:00:00] So that concludes public comment on the Agenda Item F.1. It takes us to Council guidance and direction as appropriate. This was largely an informational report so, but it is an opportunity for us to provide feedback to the National Marine Fisheries Service. So, I'll look for some hands. Bob Dooley.

**Bob Dooley** [00:00:24] Yeah, thank you Mr. Chair. I just, maybe just bad memory here, but I thought that we heard a report earlier in the meeting from NMFS on the vaccination progress for the crews and scientists in the surveys on the ships and both on, you know, being able to conduct those surveys. I thought, I seem to recall we heard about that, but I didn't want to let it go if we didn't. It didn't, I can't seem to get confirmation from anyone that we did talk about that and possibly we could hear something if we did not hear it, of how those are going and how the vaccinations are going for the crews on those vessels, as well as the service that operates the ships, as well as the crews that will be going on the industry collaborated surveys. I'm just curious if we could get a report on that or just a comment or two.

**Marc Gorelnik** [00:01:26] Well, I think we heard that the surveys were planning to go forward as scheduled. I don't recall representation with regard to vaccinations. Kelly, do you have anything on that?

**Kelly Ames** [00:01:41] Thank you Chair Gorelnik. I just wanted to check, is Kevin Werner on the line? I think he would be better suited. If not, I am happy to explain what I know. All right I don't see him in the list so I will go ahead and take a run at this. So, we want to reiterate that survey planning is not dependent upon the vaccine. We're planning to and believe that we'll be able to execute the full suite of surveys remaining in 2021 with or without a vaccine. NOAA does continue to encourage employees and affiliates to get vaccinated when offered. You know the common phrase that we hear and we repeat is the best vaccine is the first one that's offered to you. In late 2020 NOAA compiled a list of 61 hundred critical personnel to prioritize for vaccines. We are updating that list now and it includes both survey and observer personnel. NOAA recently issued letters to every person on that list stating that their role is critical and it's NOAA's mission to help access state organized vaccination efforts. NOAA itself does not have any unique access to vaccines. You know we, like everyone else, are going through the state's priority list and protocols. States are welcome to contact NOAA for the list of critical personnel and utilize that as they see fit, but the centers do continue to move forward with plans to execute the 2021 surveys regardless of vaccine status.

**Bob Dooley** [00:03:33] Thank you Kelly. That answers the question. I do believe we actually did hear that and now when they think about it, but I've had a few comments this morning asking me about it and I just, I appreciate you repeating it if it was repeated and I appreciate the information. That's very complete. Thank you.

**Marc Gorelnik** [00:03:52] All right, is there any further discussion or guidance on this agenda item? We didn't have any questions about staffing. All right I'm not seeing any hands, so I'll turn to Todd and see if we missed anything here.

**Todd Phillips** [00:04:17] Thank you Mr. Chair. I believe the Council has achieved your goal, which was to have discussion and direction, or guidance and direction. You heard from both the Region and the Science Center and had a public comment so I would, my opinion is that you have achieved your goal and this agenda item has been completed. Thank you.

**Marc Gorelnik** [00:04:41] All right, thank you very much Todd.

## 2. Humpback Whale Endangered Species Act (ESA) Consultation

**Marc Gorelnik** [00:00:00] Back from our morning break and we'll look to the action item before us, which is to provide guidance on the development of management measures. So let me, we've had a number of very informative, specific reports and also some requests from the Groundfish Advisory Subpanel, so let's see who wants to kick off our discussion here. Marci Yaremko.

**Marci Yaremko** [00:00:37] Thank you Mr. Chair. I think I'll start with a question if I may of Council staff with regard to the recommendation surrounding the appointment of a GAP representative to the ESA Workgroup. Can you explain for us what that process would entail? I've heard a few different versions of that in the hallway and so I'm hoping that maybe you can clarify exactly how that would be accomplished?

**Marc Gorelnik** [00:01:14] Chuck. Chuck, we're not hearing you.

**Chuck Tracy** [00:01:39] Sorry, struggling with my.....too many cooks. Okay, what was the question? Sorry.

**Marc Gorelnik** [00:01:50] Marci, you want to repeat the question please?

**Marci Yaremko** [00:01:53] Sure. Thank you Mr. Chair. Thank you Chuck. I've heard a few different I think versions of how we would accomplish seating a GAP member on the ESA Workgroup and I'm hoping maybe you can explain the process to us and the timing and what that would take?

**Chuck Tracy** [00:02:13] Thanks for the question. So, well, there's a couple options. I mean if you just wanted to add a permanent position, you know, it's the Endangered Species Workgroup is governed under COP 3, which is the same as the management teams so, you know, it would take a, you'd have to add a seat, changing the COPs. You'd have to have somebody, whoever was to be appointed have their qualifications reviewed by the SSC and go through all those steps, so that, I mean that's one way. However, you know, as is pointed out in the GAP report, see if I can get back to where I need to go here real quick, the Terms of Reference does allow for some short term appointments to be made on a sort of as needed basis so I think that's something the Council contemplated when they were putting the committee together, so I guess I think if the Council wanted to do that for the purposes of this particular issue prior to the, you know, for the April Council meeting, I think they could make that allowance, there's, the Council probably has flexibility to do that however they see fit. So I think the GAP model could work where the GAP could designate somebody, an appropriate person with right expertise to attend that meeting as probably something that they, you know as you go forward, if this sort of thing was needed in the future it's probably something that they should make the Council aware of and not just do it on their own but, you know, make sure the needs identified. Obviously while we're in our webinar mode, there's no real cost associated with it, but you know if we ever get back to real life and get to meet in person then there would be some other associated issues. I mean there will be, I take that back, well not really a cost, but administrative costs in determining things like allocating stipends and those sorts of things there will be some of that associated with it. It won't change the dollar total amount the Council pays but it'll affect the amount that every other stipend receiver gets but again, that's just sort of an administrative issue. So, does that answer your question?

**Marci Yaremko** [00:05:20] Thank you Mr. Chair. Thank you Chuck. More or less, I guess with regard to the timing of the ESA Workgroup meeting, which is later in April and the agenda's already been established so that we would be able to accomplish the goal of having a GAP participant, but it wouldn't be an official membership via the change to a COP, is that what I'm understanding?

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

**Marci Yaremko** [00:05:57] Thank you.

**Marc Gorelnik** [00:06:05] All right. Further discussion? Louis Zimm.

**Louis Zimm** [00:06:10] Thank you Mr. Chair. And a follow-up on Marci's question. Would this be, will we be able to accomplish this prior to the April meeting of this workgroup?

**Chuck Tracy** [00:06:29] Mr. Chair.

**Marc Gorelnik** [00:06:30] Yes.

**Chuck Tracy** [00:06:31] Mr. Zimm. Yes, I think so. I guess this is talking a little bit off the cuff here but, you know, I guess as a matter of procedure I would think it would be appropriate for the GAP to propose somebody, propose a name under appointments and COPs for the end of this meeting and have that, have the Council approve that and that would be in time for the April meeting.

**Louis Zimm** [00:07:06] Thank you. Through the Chair we have now illustrated a way for the GAP to do this and I guess now it's up to the GAP to pursue this and propose it for our scheduling. Thank you.

**Marc Gorelnik** [00:07:31] All right, so we have a mechanism for accomplishing that request of the GAP and that includes consideration of a name on day last under membership and COP agenda item. Maggie Sommer.

**Maggie Sommer** [00:07:58] Thank you Mr. Chair. I just wanted to recognize the breadth of the efforts that are already ongoing on the West Coast to address whale entanglement issues illustrated by the state reports you heard earlier. I want to thank Keeley and the National Marine Fisheries Service for the presentation earlier and the, the information you provided us and the focus you've given us in asking for the Council's input on the kind of process for development of management measures and wanted to really appreciate the information provided by the GMT and the GAP and in particular the importance of industry participation throughout this process, especially with the development of new management measures, but also in just receiving and interpreting and understanding information that is available on encounters and entanglements with whales. So, I found this to be all very helpful and when you are ready, Chair Gorelnik, I would be prepared to offer a motion.

**Marc Gorelnik** [00:09:27] Thank you very much Maggie. Let me see if there are any hands wish to be raised before a motion. Bob Dooley.

**Bob Dooley** [00:09:38] Yeah, thank you Mr. Chairman. I just have a comment. The comment I have is we've seen throughout the meeting and in previous meetings about a, about logbooks in general, fixed gear logbooks, seabird entanglements and all of these things and I'm, I just had a question I guess maybe of Keeley that is this, are these logbooks being coordinated? Are we going to build a Swiss Army knife here that this is, you know, I had asked earlier it's an electronic logbook apparently that's being developed. Seems like there's a lot of need in various fisheries that of this logbook and it seems that if we're going to put all the effort to develop it, that it would be nice to make it a Swiss Army knife. Make it something that is usable and serves many purposes if we're going to be doing that rather than independent exercises. So just wanted some feedback into that and maybe interject that comment into the record as well so just understand what's being developed and how it's going forward? Thank you.

**Marc Gorelnik** [00:10:53] All right Bob. So that was a question for Keeley?

**Bob Dooley** [00:10:57] Yes if that's, if it's possible yep.

**Marc Gorelnik** [00:10:59] All right. Ryan Wulff, you had your hand up. I guess I'll go to Ryan if Keeley's not available or let Ryan decide who answers.

**Keeley Kent** [00:11:08] Hi this is Keeley. I am available. Sorry it took me a minute to star 6 unmute. Thanks for the question through the Chair. So, the non-trawl logbook, the intention is obviously close coordination with the states to make sure that we're not duplicating any effort about existing data sources. We are aware there are some state fixed gear logbooks and so we'll be working closely with them to make sure that we don't add unnecessary burden on the fishing industry. And ultimately, we are thinking broad with the non-trawl logbook. You know the main goal is to provide catch and discard info by area for all of the non-trawl fisheries and then being able to use that to help, not just with our ESA issues. As you are well aware, the logbook was required by the seabird buy-op to be able to provide better information about where catch and discard is occurring. For the longline fleets, obviously, a logbook will be helpful for the pot fleets as well, and I think has broader benefit for all of the non-trawl fisheries that the Council manages so we're hopeful that this will be a great source of additional information. We're still in the development phase, and so there's opportunity to make sure that we get it right and we'll have ongoing conversations with the states and industry about how to go about that.

**Marc Gorelnik** [00:12:37] Bob.

**Bob Dooley** [00:12:43] Yes, thank you Mr. Chair, and thank you Keeley. That was exactly what I was looking for, and I would just add to that that I really appreciate the last comment you made about having industry input and I suggest it would be early so that we make sure we're checking all the right boxes and getting all of the right information on that logbook that would be useful for many purposes, so I'm happy to hear the development of that and I'd like to hear maybe in the future how industry can get involved and what format to use and who to contact... so thank you so much.

**Marc Gorelnik** [00:13:22] All right. Further discussion? Questions? Chuck Tracy.

**Chuck Tracy** [00:13:31] Thanks Mr. Chair. Another question for Ryan or Keeley. You know I just kind of want to check on the process here. If any new management measures were to come forward sort of, I guess, well maybe I'll back up a little bit, so with this killer whale business on salmon it was, sounded like the correct process would be to make changes in, actually in our FMP, that under which NMFS would then consult. So, I guess my question is, is this similar sort of process being contemplated for any changes necessary to comply with the terms and conditions? Would those need to be incorporated into the FMP?

**Marc Gorelnik** [00:14:40] Ryan.

**Ryan Wulff** [00:14:41] Yeah, thanks Chair and thanks, Chuck, for the question. I mean, I'm not sure I can speak to whether or not it's, it would be an FMP amendment at this time. I mean right? The Council must implement any new management measure under the Magnuson Act and the pathway will depend kind of on the measure, but I would anticipate that if there was new measures being proposed, we would work through the Council process through a separate agenda item on this issue similar to what we did with seabirds.

**Chuck Tracy** [00:15:10] Thank you.

**Marc Gorelnik** [00:15:14] All right, further discussion? Questions? Maggie, are you still ready with



your motion?

**Maggie Sommer** [00:15:26] Yes, Chair, I am, thank you.

**Marc Gorelnik** [00:15:28] Please go ahead.

**Maggie Sommer** [00:15:30] Thank you very much. Sandra has it. Thanks Sandra. I move the Council, Number 1, regarding Term and Condition 1, feasibility study of additional pot gear marking regulations including determination of whether additional gear marking would increase NMFS's ability to attribute humpback whale entanglements to specific fisheries and identification of potential modifications to pot gear regulations that could reduce incidental take of humpback whales. A: Request that NMFS engage directly with state agencies, tribes, and industry to understand existing and planned measures regarding whale entanglement, which include but are not limited to those described in reports from the West Coast states under this agenda item. B: Recommend that NMFS hold one or more workshops with fishing industry members to develop any potential new management measures related to this action. C: Use dedicated Council meeting agenda items to consider and provide input to NMFS on draft new management measures prior to finalization of any regulatory changes. 2: Regarding Term and Condition 2, review of the Terms of Reference for the Groundfish Endangered Species Workgroup and priority of needs associated with incidental humpback whale bycatch and groundfish fisheries. A: On membership, is currently allowed under other representatives as determined by the Council, this is in the Terms of Reference, and a representative of the Groundfish Advisory Subpanel. The GAP Chair will designate a GAP member or alternate to serve as the GAP representative on the Groundfish Endangered Species Workgroup to provide the appropriate expertise based on Groundfish Endangered Species Workgroup meeting topics similar to Star panels. This edition should occur prior to the GESW meeting scheduled for April 2021. 3: Regarding Term and Condition 3 relating to observer coverage, encourage NMFS to consider additional data sources, including logbooks and electronic monitoring, and use the most cost-effective means to obtain scientifically defensible humpback whale bycatch estimates and reduce uncertainty. And 4: regarding Term and Condition 4, review and consider measures for maximizing the utility and benefit of EM with respect, Sandra one typo here, with respect to gathering to change gather to gathering. Thanks. Information from any future bycatch events of humpback whales. A: recommend that NMFS ensure consultation with vessel captains about any humpback whale interactions detected through EM data as soon as possible after the event occurs. And B: Recommend that NMFS consider including this topic in the industry workshops proposed in 1.B.

**Marc Gorelnik** [00:18:36] Thank you Maggie. Is the language on the screen accurate and complete?

**Maggie Sommer** [00:18:40] Yes, thanks.

**Marc Gorelnik** [00:18:42] All right. Before we discuss the motion, I'll see if there are any questions for makers, for the maker of the motion? Actually, we don't have a second yet. Let's get a second first. Seconded by Marci Yaremko. All right now we have a motion. We have it seconded. Any questions for Maggie? I have a question for you Maggie. Under 2.A you have the team member essentially appointed by the GAP, but the Council Operating Procedures make it pretty clear that that's an appointment that's made by the Council, so is this really a recommendation to the Council for membership or do you really mean to have the member designated by the GAP?

**Maggie Sommer** [00:19:39] Thank you Chair Gorelnik. It is really a recommendation, and I would refer to the discussion we had just a little bit ago about process for adding a GAP representative. I, you know I agree with the GAP's comments in their report that it is certainly possible for anyone to attend meetings of the Endangered Species Workgroup. They are open to the public, but that it is valuable to have a seat at the table to have membership in that group as they're discussing this item, so the intent

would be to use the approach we discussed earlier, which would be to have the GAP recommend a name to the Council under our operating procedures and membership appointments item later in this meeting for Council consideration for appointment to the workgroup specifically for this topic, the humpback whale ESA consultation, and this is really in recognition of the fact that there's a meeting of the workgroup coming up imminently at the end of April. I think there is room in the future for further discussion on the need and benefit of having a GAP and industry representative as longer term, more permanent membership of the workgroup, but we could take that up at some other time if we wish.

**Marc Gorelnik** [00:21:15] Thank you Maggie. Discussion on the motion?

**Maggie Sommer** [00:21:20] Mr. Chair, if I may just offer a few remarks on other elements of the motion?

**Marc Gorelnik** [00:21:24] Of course.

**Maggie Sommer** [00:21:28] That was probably the most complex one. The, regarding the feasibility study and the development of potential modifications to regulations, you know we've acknowledged that there really is a lot going on. Appreciate NMFS's intent to coordinate with the states and to learn from us and this really is formally recognizing some advice to do that and to work directly with the states, tribes, and industry as appropriate. Also picking up the GAP's recommendation that an industry workshop, you know whether that's one workshop maybe held in multiple locations or a series of workshops, I would leave that to NMFS's discretion and certainly it will probably depend in part on whether you are looking at remote or in-person workshops at the time, but that would be a really important way to bring industry into the process early in developing management measures so that you get that knowledge of fishery operations and what active industry members fishing with pot gear are seeing and able to bring to the table. And, of course, we understand that you will be, that NMFS will be thinking about the schedule and the deadlines specified in the Terms and Conditions as you are planning for workshops for this and we'd be happy to, I guess I'm speaking for myself, I'd be happy to assist if we can provide any information that would help coordinate that. On 1.C, this is recognizing that we think the approach of bringing this topic back for the development of any potential management measures if any are determined necessary, makes sense to use as dedicated Council meeting agenda items. And then skipping over number 2. Number 3, this is hopefully a given what we always hope that NMFS is using the most cost-effective means of obtaining data, but just wanted to recognize the other potential sources of information out there that complement observer data such as logbooks and EM, as noted by the GAP. And then specifically on EM, I appreciate Keeley's mention earlier in her presentation that the intent is to await the finalization of the federal Electronic Monitoring Program and implementation and that I think in my mind satisfied the, what I heard from the GAP in terms of a recommendation of synchronizing that timing to ensure consistency. Also reiterating the recommendation here to just consult with vessel captains who can help provide information on any interactions and entanglements, and then note that if the timing is right, that this would be another good topic to discuss in industry workshops. So, thanks. That hopefully added a little bit to the intent of the items in this motion. Appreciate the time.

**Marc Gorelnik** [00:25:03] All right, thank you very much Maggie. Now that you've spoken to your motion which was something I missed. Questions for Maggie or discussion? Marci Yaremko.

**Marci Yaremko** [00:25:20] Yes, thank you Mr. Chair and thank you so much, Maggie, for your great work on this motion. I just want to voice my support for the process that we have embarked on with regard to the development of mitigation measures in the course of implementing the ITS. I want to thank NMFS for bringing this item to us and keeping us on track with scheduling items as needed on our Year-at-a-Glance. You'll recall that we took the item up back in September where we had an

opportunity to provide input to NMFS on development of the ITS and in fact, what has come out of that is, I think, responsive to our input. So, this is, I think, yet another in a series of recent activities where NMFS in coordination with the Council has done a really great job in incorporating our public process and input into the process necessary to carry out their obligations under the ESA. There was mention earlier of the seabird example as being a very positive experience that we've dealt with recently where additional workshops were held, and folks got together and really worked through the details of implementation, and the motion clearly outlines recommendations here for more and more workshops with industry to develop potential management measures. I think that has provided dividends and glad to see it here as an element of the motion. Also want to acknowledge the recommendation here to encourage NMFS to work directly with the state agencies, that's in 1.A, to understand the existing and planned measures regarding whale entanglement. All of the states provided very comprehensive reports with current actions that we've taken and current discussions and methods that are in play in the state arenas. I just want to flag one thing in the CDFW report that we'd also encourage NMFS to have a look at, which may be not following in line directly with the feasibility study but would be potentially a conservation measure. The concept of looking at essentially soak time or trap limits in conjunction with gear marking requirements. So, again while not really an element of the feasibility study that I think NMFS is embarking on, I think it's worthwhile to investigate and explore what benefits might be achieved in considering measures like that, and just want to mention that there is some detail of that in the CDFW Report. So, with that, again I just want to speak very positively about this process and the work that's underway and I do look forward to opportunity for us to hear more as the feasibility study develops, and as the workshops take place, and look forward to seeing future items on our Year-at-a-Glance. Thank you.

**Marc Gorelnik** [00:00:00] Thank you Marci. Heather Hall.

**Heather Hall** [00:00:05] Thank you Chair Gorelnik. Just briefly, I just want to echo support for this motion. I really appreciate the thought that's gone into it and the open dialogue that NMFS is having with the Council, the states and others. I strongly support engagement with the fishery participants as we work on management measures, whether it's at the state or federal. The process is always improved with their input early in the process. And, again, thank National Marine Fisheries Service for their willingness to engage the states. We have, you know we're taking on similar projects and state managed fisheries and federal managed fisheries and just really hope that we can coordinate those so, you know, we don't duplicate efforts and we create efficiencies where possible and help one another along in the process. So anyway, just lending my support for this motion. Thank you.

**Marc Gorelnik** [00:01:16] Thank you Heather. Further discussion on the motion? I'm not seeing any further hands for discussion, so I will call the question. Phil Anderson actually has his hand up now. Go ahead Phil.

**Phil Anderson** [00:01:36] Yeah, sorry Mr. Chair. Slow on finding my hand raise. Well first of all I just also wanted to express how impressed I am with what the states have done under their authorities thus far to address entanglements with humpback whales. It's really impressive what they have done, and I know it hasn't been without significant impacts in some cases on fisheries, and so I want to acknowledge that. Also share the other expressions of appreciation to Maggie and for the motion that we have before us. I think it hits the mark. I was, I share the concern about the wording associated with the GAP Chairman essentially appointing a representative, but I think we have clarified the intent there through this conversation. And then lastly, I just would observe that the number of humpback whales that at least I've had the opportunity to see over the last 30 years on the ocean has, and the increase in the number of whales has just been pretty astounding. It used to be an unusual opportunity for us to see humpback whales on our offshore trips, and now if you don't see one it's unusual and there are days when we see numbers anywhere from 10 up to 20 animals. So, the increase in the number of whales

that we have, at least off the Washington coast has been, been pretty amazing, and pardon me, so with that end my comments. Thank you Mr. Chairman.

**Marc Gorelnik** [00:04:00] Thank you Phil. Maggie.

**Maggie Sommer** [00:04:03] Thanks Mr. Chair. I realized I have maybe a point of potential clarification that I could use some discussion and weighing in from the Council on this GAP representative to the Groundfish Endangered Species Workgroup. It's my understanding that using the Star Panel model in the past, on some occasions at least, the GAP has designated someone who is not currently an active GAP member as a representative to Star Panels because of that individual's expertise and that they would best represent the interests and act as a liaison, and I think that we should get some clarity here today about whether in expecting a name from the GAP Chair at the end of our meeting under appointments, it must be a GAP member or whether they have the leeway to recommend a GAP representative who is, is not a current member.

**Marc Gorelnik** [00:05:28] Well, let's get that clarification. Although I will note that the motion specifically says GAP member or alternate. I assume alternate member and I guess alternates are done on an ad hoc basis, so Chuck, do you have any input on that question?

**Chuck Tracy** [00:05:56] Thanks Mr. Chair. Yeah. So it says a GAP member or alternate, so well I guess I'm not, I'm just contemplating whether the alternate, you know if it's an alternate for a GAP member, you know the duration would just be presumably for that one meeting or there's probably sufficient, I guess there's probably sufficient wiggle room, you know, with what's in the motion, which hasn't been passed yet to allow, to allow that. You know, I guess, given the fact that, you know, what we're suggesting is that the Council really has the ultimate decision under appointments and COPs. I guess that, you know that gives the Council if they see any problems with that opportunity to do something different than what the GAP suggests.

**Marc Gorelnik** [00:07:15] Maggie, your hand is up. Did he answer your question?

**Maggie Sommer** [00:07:20] Yes, thank you Mr. Chair. It would be my intent to allow the leeway for the GAP Chair to recommend somebody as an alternate who is not an existing GAP member and then the Council can consider that recommendation and make the appointment as we previously discussed.

**Marc Gorelnik** [00:07:46] Marci Yaremko.

**Marci Yaremko** [00:07:49] Yeah, thank you Mr. Chair. I guess maybe some folks have better knowledge of the details on this discussion that took place in the GAP than I do, but I thought the point the GAP was making to us was that they were asking for a seat on this workgroup and I didn't understand that to mean that the seat could be held by a non-GAP member, but I'd also I guess flag that what we're talking about for purposes of this April ESA Workgroup member is having some industry engagement in that meeting such that there's an opportunity for industry to provide, I think, quick response feedback to proposals that might be initially presented in that workgroup setting. And given that we're not making a proposed change to the COP here and now, I guess I'm somewhat uncomfortable with the way, the disconnect between the motion language and I guess our plans looking forward. So, I appreciate that I think what the goal is here, which is to engage one industry member in the workgroup, but I think I'm cognizant that this is a virtual meeting and that there's opportunity for any public engagement in the meeting that might want to participate. So, I guess, you know, I'd be a little uncomfortable with boxing ourselves in too much here with the language. So, I guess that that's just, I'm just kind of thinking out loud here. Thanks.

**Marc Gorelnik** [00:10:25] Phil Anderson.

**Phil Anderson** [00:10:29] Yeah Mr. Chairman. My suggestion is that we go with the language as it is and that we do select the person who sits on the Endangered Species Workgroup from the breed of individuals that is on the GAP and let's try that. And if we find that, or if the GAP finds that that is problematic and doesn't get the right people there, you know we can address that if needed, but to me this came, again, as a specific recommendation from the GAP that they have a member on this panel and this group and that's what I would recommend.... we do as a first step here. And again, if it doesn't work out and it becomes problematic, we can come back and broaden the scope of potential members on this group representing the groundfish industry if that's needed. That's my recommendation.

**Marc Gorelnik** [00:11:39] Thank you Phil. Maggie Sommer.

**Maggie Sommer** [00:11:43] Thank you Mr. Chair, and thank you to Phil and Marci for the comments. I, you know I believe the GAP's discussion and their reference to the Star Panel model really focused on making sure that there is somebody who has the appropriate expertise available to serve in this role and to bring that expertise into the Endangered Species Workgroup discussions and bring it back to the GAP. If it would be helpful right now, if possible, at your discretion Mr. Chair, we could ask the GAP for clarification so that we are clear on their intent on following this recommendation that they have made. Thanks.

**Marc Gorelnik** [00:12:49] Heather Hall.

**Heather Hall** [00:12:52] Thank you Chair. I just want to add on to where I think Maggie was going with this and what I was interpreting from the GAP is make a GAP seat a formal seat, and then let the GAP decide who's the most appropriate to attend, and so with that I viewed flexibility and I just wanted to add to this the potential for the April meeting to, well the fact that it overlaps with the Sablefish Management Strategy Evaluation Workshop, and if that limits GAP folks that might be able to attend the Endangered Species Workgroup, just thinking that a little bit of flexibility here might be helpful. Thank you.

**Marc Gorelnik** [00:13:50] Brad Pettinger.

**Brad Pettinger** [00:13:52] Yeah, thank you Chair Gorelnik. I think what we're looking at is basically trying to get the best, the best person available off the GAP or anybody who might be an alternate on the GAP, to be, to represent the industry at these meetings. I know personally if you're using the Star Panel as a model, I was never officially appointed to the GAP, but I served as an alternate a number of times and I've sat in on Star Panels before. Pete Leipzig, while not being on the GAP at the time serving, he had served as an alternate. He'd served on a number of Star Panels. So, I think the thing here is that we're just trying to get the best person out of the, the GAP family, if you want to be that way, to represent the industry and to get feedback back to the Council process, so that's all I got.

**Marc Gorelnik** [00:14:51] Marci Yaremko.

**Marci Yaremko** [00:14:53] Thank you Chair. Following this discussion I think I'm comfortable with where things are going and appreciate the clarification on the intent, and Brad's example as well, and I think the time for us to provide the clarity on exactly what this seat is and who can fill it will be when we consider amendments to the COP. So presuming that's the path that we are on, unless somebody tells me that I'm off base on that, then, you know, I think for this interim period where we're striving to meet the needs for April I'm comfortable with where we're going. Thank you.

**Marc Gorelnik** [00:15:49] Brad.

**Brad Pettinger** [00:15:53] Sorry about that Chair. I'll take my hand down.

**Marc Gorelnik** [00:15:58] Part of this is it's where, the discussion is somewhat in the abstract because we're not going to see a name until Thursday, so Phil Anderson.

**Phil Anderson** [00:16:17] Well, I need one clarification. I don't quite understand where we are right now, but it sounds like everybody else does. You know, following the comments from Heather that suggests that we're going to let the GAP decide who sits in this, on this, I don't agree with that. I believe this is a Council decision. They need to bring a recommendation to us, and we need to follow our COP in terms of making the appointment.

**Marc Gorelnik** [00:16:46] I don't think there's any disagreement that it's a Council appointment. The question I think is largely is what is the universe of eligible folks for that recommendation? Whether it has to be a GAP member can be someone, a non-GAP member selected by the GAP? I don't know that the alternate construct works since there's a separate COP on alternates that I think would be tough to meet here, since we're not really talking about the unavailability of an advisory body member or let alone the 30-day notice that at least is written into the COP, so we have the motion before us. The language says what it says. There's been some discussion. We don't know who the GAP is going to recommend, but I'm certain the GAP has been monitoring this discussion and has heard the concerns expressed and that may inform the name they put forward. I'm not familiar off the top of my head with the provisions for appointment to Star Panels, but there is a specific, I mean there's a specific request from the GAP and we do have the COP, which on appointment of workgroup members. So, let me see if there's any further discussion on this motion? And not seeing any I'll call the question. All those in favor say 'aye'.

**Council** [00:18:41] Aye.

**Marc Gorelnik** [00:18:41] Opposed, no? Abstentions? The motion passes unanimously. Thank you, Maggie, for the motion. So, what further action does the Council have here? Any further discussion? Any further motions on this agenda item? So, I'm not seeing any hands. I'll go back to Todd. Todd, do we have more work to do here, or have we accomplished our task?

**Todd Phillips** [00:19:33] Thank you Mr. Chair. Based on my opinion, I believe that the Council has accomplished the action. You've given us a really good motion that both staff and National Marine Fisheries Service can go back and work on and obviously come back to the Council at the appropriate time. And there's a little bit more to be seen as to which GAP member may or may not be nominated to the process for the Groundfish Endangered Species Workgroup, and that will come under a different agenda item. So, I would say that you have completed the task and I'm good. Thank you... I hope.

**Marc Gorelnik** [00:20:12] All right. Thank you Todd. Thank you Council members. That concludes Agenda Item F.2.

### 3. Scoping of Prioritized Non-trawl Sector Area Management Measures

**Brad Pettinger** [00:00:00] Okay we're back on F.3 and so we've done reports. We've got our public comment in, better input. At this point I'd be looking for hands start to the conversation. Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:27] Thank you Vice Chair. I just wanted to get us started off by recognizing how glad I am that we find ourselves here at this opportunity to consider relaxing some of the restrictions that have been in place because of the success we have had in rebuilding most of the overfished rockfish stocks. I think it's a great testament to the process and approach that we have used and, frankly, quite a bit of sacrifice of opportunity over many years. This is a slow process. We were reminded from the start of this agenda item that, you know, it has already been in the works for several years with the development of a request and here we are scoping. And also wanted to say how much I appreciate the work done to get us here and provide us with some really clear and coherent recommendations from the public and from our groundfish advisors and priorities on moving forward on those recommendations. I think that puts us in a great position to move forward from here. Also really appreciate the input provided regarding the constraints and concerns and the potential habitat impacts and impacts on Yelloweye rockfish, as well as other constraining species or potentially constraining species that we should be aware of and those are things that I know we will all be giving quite a bit of thought to as we move through this process and I look forward to it, so I just thought I'd kick us off with those remarks that I've been thinking as I've been listening to the reports and public comment. Thanks.

**Brad Pettinger** [00:02:34] Thanks Maggie. What do they say, a rising tide should raise all boats, right? So further discussion? Comments? Motions? Marci Yaremko. Marci.

**Marci Yaremko** [00:02:51] Yes, thank you Mr. Chair. I will be ready with motions, but I could use a brief break to finalize a few things and get it off to Sandra.

**Brad Pettinger** [00:03:06] Okay. How much time would you need?

**Marci Yaremko** [00:03:08] Five minutes should do it. Thank you.

**Brad Pettinger** [00:03:10] Okay, well, we'll have some discussion here. It looks like Bob's got his hand up behind you and see if we can stall off that long... so Bob.

**Bob Dooley** [00:03:17] Thank you Mr. Vice Chair. I'll do my best and not stall too long but I do want to make a few comments. This has been a long time coming and a lot of work has gone into it and I really appreciate all the input we've heard today, and I agree with Maggie's comments. I think that, you know, it was a couple of years ago I was down in Moss Landing and heard from Roger Whitney, one of the fish buyers in Moss Landing, how he wished he could not have his salmon fisherman throwing away rockfish at that particular time and how, you know, how that would be an important benefit to him and to his fishermen. And I know that the Monterey Bay Fisheries Trust people and the fishermen that have advised us and all through up and down the coast, my home port of Half Moon Bay. I've heard loud and clear from fishermen that this is a needed thing, particularly now with Covid and the effects on all the markets, and how this is an opportunity, and how crab was down, and salmon is potentially going to be down again, or not potentially, it is going to be down, and I just I really valued all of the comments. I particularly to keyed to Greg Busch's comments on some of his enforcement concerns and some of the things that we need to anticipate and think about while we develop this, and I think that's all real critical to not leave pieces of the puzzle unlooked at so that when we get somewhere we can

actually make a decision and it's, it goes through. So, I appreciate this. Long time coming and I think it's needed, and we just got to make sure we do it right. Pay attention to accountability so that we can defend this program should there be encounters with other fish and constraining fish in the name of Yelloweye. Visibility is a good thing and transparency is a good thing and so is oversight so I'm totally supportive and looking forward to a motion so thank you very much.

**Brad Pettinger** [00:05:34] Thank you Bob. Further discussion? Maggie Sommer. Maggie. Actually, Christa had her hand up and then it fell down so....

**Christa Svensson** [00:05:59] And I'm amenable if Marci needs more time to make a few comments now. I am also supportive of moving forward. I think we've heard a lot of testimony and we've had a lot of written testimony really expressing the need for urgency with regard to the potential for this fishery to be a bridge for small scale vessels in particular who are really looking to get a start. And it really impressed upon me the testimony today about new entrants, about how do we bring young people into our fisheries and I think that that is encouraging. I am going to express the need for just a little bit of caution and it's why I ask the question that I did. Sometimes when we are looking at the opportunity we are so excited about the moment because many of us, myself included, who are men or women in the fishing industry, we're bold and we want to go out and take that opportunity, but I do really want people as we work through this, and I hope we do that, to really look and think about how to make that opportunity as successful as possible you know, that we don't get so excited about the prize at the end that we somehow miss the details and end up in a situation like we are with regard to EM in the other groundfish fisheries so that we really can capitalize on this opportunity. And with that I will close my remarks here so that I have something to talk about in a bit, but I am, I'm really excited and looking forward to talking about this more in the future.

**Brad Pettinger** [00:08:09] Very good. Thank you Christa. Anyone else? I don't want to continue to hound Marci to see how she's doing so, ah Marci, I see your hand up now.

**Marci Yaremko** [00:08:22] Hi. Yes, thank you Mr. Vice Chair. I believe Sandra should have a set of motions?

**Brad Pettinger** [00:08:33] Wonderful.

**Chuck Tracy** [00:08:49] Mr. Chair.

**Brad Pettinger** [00:08:49] Yes, Chuck. We lost you Chuck. You're unmuted but you're not coming through.

**Chuck Tracy** [00:09:09] Okay well I'm still struggling with my soundboard on my main computer, so I'm on the back up again. Yeah, just so you know it's going to take Sandra a few minutes to get Marci's motions into words so she can display them so just have to be patient for a few minutes.

**Brad Pettinger** [00:09:36] Sure no problem. We're good. Christa, your hand's still up.

**Christa Svensson** [00:09:47] My bad. Sorry I will lower my hand and let you have somebody else speak.

**Brad Pettinger** [00:09:56] We'll take you if no one else wants to... so.

**Christa Svensson** [00:09:59] I think we know I can filibuster if I need to.



**Brad Pettinger** [00:10:03] Okay, very good. Just don't go too far... so Maggie and Phil. So, Maggie you had your hands up first?

**Maggie Sommer** [00:10:25] Thanks Chair. Yeah, nobody wants too much dead air. Thought I would offer just a brief thought, particularly on Yelloweye rockfish. I am always very happy to hear reports from on the water that fishermen are seeing a lot of them out there. I think that's good news and kind of bears up what we are hearing from our stock assessors, that the stock is continuing to rebuild, but I certainly think there's still a need for great precaution there, even after it reaches the rebuilt threshold. I don't think we're expecting a very productive stock that is able to support a lot of catch so really appreciate the careful thinking about continuing to avoid Yelloweye rockfish and agree that an ideal, maybe or a better long-term approach would be some targeted hotspot closures if there are indeed some that could be identified. I will say there is some work, including some research within ODFW to do some satellite tagging and Yelloweye movement studies and potentially some modeling and habitat associations that might help inform our understanding of that, but it certainly won't be ready on the time frame of what we're hoping for in this action. I'd just thought I'd share that for folks' information, but in the meantime I do think it's a stock that we need to be very careful with. Thanks.

**Brad Pettinger** [00:12:06] I think it's wise, wise counsel Maggie. Phil Anderson. Phil.

**Phil Anderson** [00:12:14] Yeah. Maggie pretty much took the words out of my mouth, and I know I'm a broken record when it comes to this about being cautious and I am excited about the new opportunities that our history of sound management and dedication to rebuilding overfished species is paying off here. I'm anxious for the fishermen in our coastal communities to begin reaping some of the benefits of the sacrifices they've made and the successes that we've had. I just, I very much appreciate it as I said. Oceana's testimony reminding us of some of the habitat pieces that we want to be cognizant of and of some of the hotspots, you know ideas that have been tossed around a little bit, we've used some of those for sure in our present-day management when it comes to Yelloweye rockfish. We're beginning to relax some of those off the Washington coast in our recreational fishery, and we're doing that with caution. And so, you know, I was really struck by the testimony today and the emotion that was in that, contained in a lot of it about the excitement, both excitement and, I don't know how to characterize it, but just the passion I guess that the people felt about this and the opportunity to begin kind of rebuilding some of these fisheries. So, I'm all for that and just to reiterate that nobody wants to go through what we went through when we had 9 overfished stocks again and I know nobody wants to do that, and so I just think we need to be cautious and as we move forward. Make sure we've got some monitoring systems in place to ensure we know what's going on and I think we can, this can be a really good thing, so thanks.

**Brad Pettinger** [00:14:20] Yeah, thanks Phil. Okay, so I think, do we have that motion ready? I think...

**Chuck Tracy** [00:14:32] We do.

**Brad Pettinger** [00:14:37] Well, there you go. All right. Thanks Chuck. Marci.

**Marci Yaremko** [00:14:58] Okay. Sounds like Sandra is ready to go so we'll get rolling here. There will be a series of three motions here for Council consideration and I will note that they're not going to exactly follow the order of events that's bulleted out for us here as identified in our Council action on the screen, but this was, I think, organizationally a little easier way to get at this set of issues and hopefully they will flow from easiest to most difficult. So, with that Sandra, motion number one on purpose and need please. Thank you. Purpose and need. The purpose of these proposed actions is to provide access to additional areas that are currently closed to groundfish fishing inside the non-trawl rockfish conservation area. The non-trawl sector is presently unable to access many species of shelf rockfish where they are most abundant. The actions are needed to provide increased attainment of

available healthy shelf rockfish species, please strike the word 'of', thank you, that largely reside inside the non-trawl RCA, thereby increasing their utilization and economic value of the groundfish fishery. The actions are also needed to help diversify fishing strategies in light of restrictive salmon and crab opportunities, provide more stable year-round fishing opportunity, and expand opportunities to supply seafood while bringing financial benefit to fishermen, communities, and the infrastructures they support. The additional access might be provided by 1: Moving the existing non-trawl RCA boundaries and or, 2: Allowing groundfish fishing inside the non-trawl RCA using only select gears that minimize bottom contact.

**Brad Pettinger** [00:17:38] Thank you Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:17:43] Yes it does, if I might add the word 'draft' in front of 'purpose and need' at the very top, that would be useful. Thank you.

**Brad Pettinger** [00:17:54] There you go. Thank you. Chuck, I see your hand up.

**Chuck Tracy** [00:17:58] Thanks Mr. Chair. Just a question for Marci. So, are you proposing that the Council adopt this draft purpose and need?

**Marci Yaremko** [00:18:08] Yes, I am. Thank you. I neglected to send that part. Yes, I move the Council adopt the proposed draft purpose and need. Thank you.

**Brad Pettinger** [00:18:25] Okay, so now, Marci, does that accurately reflect your motion?

**Marci Yaremko** [00:18:34] Yes.

**Brad Pettinger** [00:18:36] Very good. Okay. Second? Louis Zimm. Louis, thank you. Marci, speak to your motion.

**Marci Yaremko** [00:18:47] Thank you Mr. Vice Chair. Just want to go back to the beginning of our discussion on this agenda item today and as identified in the scoping discussion document that Council staff worked so hard to prepare for us this meeting, Attachment 2, a purpose and need statement should clearly define the problem why an action should be taken and solutions to the problem. I think we've heard quite a lot about what the problem is and that's attaining access into the RCA and that the inability to access healthy stocks in the RCA means that we are not attaining some very healthy shelf rockfish resources that are available for better utilization. The increased access is expected to provide economic relief to small boat fleets, especially those that are struggling with tough salmon and crab seasons in recent years, we've heard quite a bit of testimony on that and of the need for urgency in terms of proceeding to provide some relief to these fleets that are very much struggling. As mentioned by the GAP in their report, the prices for hook and line rockfish are between a dollar fifty and two dollars a pound, and as we heard from Dan Platt, even higher for those that are able to sell off their boat. Allowing the fleet access to these stocks is something the Council can do to bolster the communities, as well as providing the public the ability to purchase fresh, local, sustainably caught rockfish. The Council priority item has broad and significant support, as we heard from the first group of testimony from PCFFA, who has worked tirelessly to get participation and engagement in this process from the, a good number of California ports north and south, and has been the subject of dozens if not hundreds of public comments supporting us to do something to allow fishermen a meaningful ability to attain the higher trip limits that the Council provided to the non-trawl fleets back in April of 2020. The support also includes, as PCFFA mentioned, the support of local congressional representatives which are looking to inspire growth and development in our coastal communities, and this is one very sustainable way to do

it. So, it's also timely, given what we've seen in some local market developments. We've heard from Harrison here today, I'm sorry, we heard from George Bradshaw today about local markets that are coming online and interest in purchasing a steady supply of rockfish and I think the opportunities that we provide them to continue to grow should do a fair amount to stabilize our coastal communities into the future and allow them to expand their markets and their infrastructure. Shelf rockfish... I think we also should reflect played a significant economic role, particularly in California, prior to the overfishing disasters in the early 2000's, and supporting this movement is a significant cornerstone for the recovery and innovation of the groundfish fishery and I look forward to continued work on this action. Thanks.

**Brad Pettinger** [00:23:25] Thank you Marci. Further discussion on Marci's motion? Maggie Sommer. Maggie.

**Maggie Sommer** [00:23:41] Thank you Vice Chair and thank you to Marci for the motion. I support this motion and the proposed draft purpose and need statement. We have heard quite clearly a description of the need here today and leading up to this meeting. I want to note that there were at least 12 comment letters in our briefing materials from Oregon-based fishermen and also want to thank the open access north of 40 10 representative on the GAP, Harrison Ibach, for outreach that I know he did to fishermen in Oregon as well. Just appreciate that from the perspective of my state. I do want to also acknowledge the recommendation made to us by our Habitat Committee and by Oceana in public comment to include in a purpose and need statement minimizing impacts to structure forming invertebrates and sensitive habitats. As I think we heard just a moment ago, a purpose and need statement should define the problem and the circumstances and very generally the solution. I don't, I guess I would say I don't, I would not characterize the habitat protections as an intent of this action, but rather a very important consideration that we will be keeping in mind as we go forward and so I don't want the lack of any statement about that in a purpose and need to signal any lack of importance of that, at least in my mind. It's something that I believe will be very important as we go forward, but I appreciate the purpose and need to put forward of the draft and look forward to further input on that from our advisory bodies and the public when we get back around to seeing it again and considering adoption of a final purpose and need at some point in the future. Thanks.

**Brad Pettinger** [00:00:01] Further discussion? Comments? Questions for Marci? Okay, seeing that I'll call for the question. All those in favor signify by saying 'aye'.

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

**Brad Pettinger** [00:00:22] Opposed? Abstentions? Okay. Motion passes unanimously. And now Marci, I guess, back to you for your next motion.

**Marci Yaremko** [00:00:37] Yes, thank you Mr. Vice Chair. Sandra, motion number 2 please. Thank you Sandra. I move the Council adopt the following. Do not proceed with scoping the proposal for commercial salmon troll fishermen to retain shelf rockfish while fishing in the non-trawl RCA as part of this package. Consider possible inclusion of this item in the 23-24 specifications process as the action would necessitate new off the top set asides.

**Brad Pettinger** [00:01:29] Thank you Marci. Does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:01:34] Yes, now it does.

**Brad Pettinger** [00:01:36] Very good. Looking for a second? Looking for....there we go. Maggie Sommer. Maggie thank you. Marci, speak to your motion?

**Marci Yaremko** [00:01:53] Yeah thank you Mr. Vice Chair. And I want to start this discussion by acknowledging that the reason that this proposal is part of the scoping discussion we're having today because salmon troll fishermen that are incidentally encountering rockfish are looking to minimize discards and retain fish that are being taken as part of their troll activities and discarded, and I think we all share in the desire to minimize discards, especially when we're talking about healthy groundfish stocks that likely have a buyer that would be eager to purchase that fish. So, I think that the discussion is important. I think the need for us to consider the intricacies of what a solution would look like is an important discussion, but I'm finding it to be somewhat different than the interests on the part of the directed groundfish fleet to access additional stocks. Setting incidental retention limits requires a deliberative accounting projecting the amount of impact in the biennial specifications process through the off the top set asides that we set each biennium. I want to reference the staff scoping document and how the process works in the specifications to have the deduction taken off the top up front and first before the remainder of the ACL is available to be allocated between the directed fisheries. So, in looking at what was put forward as part of the proposal here today, the emphasis on this request was for allowing additional retention of incidental rockfish species south of 40 10. Right now, they are allowed to retain Yellowtail rockfish in some amount south of 40 10 and are looking to expand that incidental retention. However, to do that for the species that they are interested in retaining, there was mention of vermilion, canary, and a few other species as part of this action, and I think we need to be cognizant of the allocative implications that would come with such a decision here in this agenda item. However, we are gearing up to undertake our specifications discussions here in the fall and this might be appropriate to be considered in the suite of management measures and adjustments we make in the next biennium. That said, I think some scoping on this, even for that process, additional scoping would be useful early on. I haven't heard anything about estimated amounts of vermilion or canary that might be expected in the incidental salmon troll fishery. I'm also questioning, based on the discussion with the SAS from their report, how much actual rockfish encountering happens incidental to salmon troll, particularly south of 40 10 just because I, you know number one, salmon seasons are constraining but we also have different RCA configurations south of 40 10 that seem to allow the possibility of encountering rockfish outside the RCA in salmon troll activities, so I would like to learn more about that, but again I think that is somewhat tangential to the true intent of the action that we are taking up in this agenda item. So, with that I would support with, support us removing the consideration for retention of shelf rockfish during commercial salmon troll fishermen as one of the alternatives in this non-trawl RCA action as we proceed.

**Brad Pettinger** [00:07:30] Okay, thank you Marci. Questions for Marci? Comments? Okay seeing none we'll call for the question. All those in favor signify by saying 'aye'.

**Council** [00:07:49] Aye.

**Brad Pettinger** [00:07:49] Opposed? Abstentions? Motion passes unanimously. Okay back to you Marci for the finale.

**Marci Yaremko** [00:08:05] Thank you Mr. Vice Chair. Thank you Sandra. Hi Sandra, looks like there's a redundancy in the top, double, double paste. Thank you. There we go. Motion number 3. I move the Council continue to develop a range of alternatives that would move the existing non-trawl RCA boundaries and or allow groundfish fishing inside the non-trawl RCA using only select gears that minimize bottom contact as follows. Number 1: The GAP summary recommendation number 1: Prioritize analysis of opening the existing non-trawl RCA to open access fisheries using hook and line gear and excluding long line dingle bar and pot trap gear, which is Option 1 in the table at the end of Supplemental GAP Report F.3.a. Number 2: GAP summary recommendation number 2: Conduct a complementary analysis that considers how the limited entry fixed gear fishermen can access their higher trip limits within the RCA using hook and line gears. Number 3: GAP summary recommendation

number 5: Conduct a complementary analysis regarding RCA line modifications, and this is shown in Table 1, Options 2 and 3 of the GAP Report, to allow limited entry fixed gear access to areas of the RCA. Looks like there's a redundant paste problem there too, Sandra. Item 3. No, yeah, just the parenthetical.... thank you. No, just the either parenthetical Table 1, Options 2 and 3. There you go. Thank you. And number 4: As the alternatives develop, engagement and technical assistance from NMFS would be appreciated on topics including but not limited to current and future observer coverage and considerations. Limited entry, fixed gear, permit regulations and endorsements, gear definition's, open access and limited entry declarations and trip limit provisions and specific information on the known locations of sensitive, vulnerable or unique habitats, including structure forming invertebrates that occur within the non-trawl RCA.

**Brad Pettinger** [00:11:38] Thank you Marci. Does the language now reflect accurately your motion?

**Marci Yaremko** [00:11:44] Yes it does. Thank you.

**Brad Pettinger** [00:11:45] Very good. Seconded by Marc Gorelnik. Thank you Marc. Marci, please speak to your motion.

**Marci Yaremko** [00:11:53] Yeah, thank you Mr. Vice Chair. Just want to back up and acknowledge the difficult work of the GAP in coming to agreement on the recommendations that they provided to us. I know those discussions were not easy. I really appreciate the hard work across the aisles between the open access and the limited entry fleets to recognize the need for equity. To recognize the complexity that could be involved in proceeding with one form or other of these actions, and I think we've done a tremendous job in our scoping activities to date. I appreciate the EC report and the statement from Greg Busch that he would like to do a little deeper dive into some of these very complex regulations, noting that many of them are very old. I think as we heard from Gary Richter, most of them arise from Amendment 6 and it's a very lengthy and complicated exercise to really get in and understand how we might make changes that allow for limited entry permittees to use open access gear to avail themselves of opportunities inside the RCA's, but then also not preclude them from the foundational opportunities that they have available to them as limited entry fixed gear permittees. I appreciate Dan Yoakum's testimony very much reminding us of the reason we have a limited entry program and the need we have to ensure that that sector of the fishery is considered as we proceed. So, I really can't say enough about the agreements that have been reached and the difficult work that it took to prioritize and hand us what really is a fairly narrow range of alternatives in the GAP's summary list. I think what we've heard clearly from them is that the priority needs to be finding a way to allow access into the non-trawl RCA using hook and line gear and excluding gears with significant bottom contact, that clearly is the most immediate need and the highest priority that is likely to provide the greatest good for the greatest number, and I think we've heard that over and over the past 18 months in our open comments and the comments under workload prioritization and again here today. That said, I think the GAP offering item 2 in their summary recommendation list, I appreciate them pairing that need here in their report to conduct the complementary analysis, recognizing that this may not be a simple quick fix and this might be on a different timeline, it's just going to take some more work from the folks that have the closest knowledge of the regulations and the various programs that are in play, such as our declarations and our observers so. Also like to speak to the alternatives in the GAP report that I didn't call out directly, which were items 3, this is the GAP's request for a literature review. I think a literature review is a fine idea. I think I'm uncomfortable providing specific direction on that point only because I'm not certain that that is the most efficient and effective way to bring the information into the analysis. It may exist within our Habitat Committee. It may exist with Council staff, and so I just want to speak to that. That doesn't mean that I don't think it's important. I think we are always going to be well served to bring the most current information that's available into our discussions and processes. Similarly, the item for this would be an item that would involve an analysis to consider all approved hook and line

gear EFP's. I believe that we see the analysis that would be conducted in support of item 1 should get us there. The EFP's have served us very well and provided us a wealth of knowledge about gear configurations that have all successfully avoided any significant interactions with overfished Yelloweye and also have avoided any significant bottom contact, so I feel like we don't necessarily need a specific analysis on the gear EFP's if we are proceeding with item 1. And another thing, just want to mention, I know we've had a number of comments around the table that I all support surrounding our need to proceed with caution. I think these alternatives are the way to do that. I think there is more to be learned and brought into the discussions, but I also want to mention the need for significant outreach and education that will come once this action, I think, comes to being. I think that the participants on the GAP recognize that. I think we also recognize that this is not intended as a free for all, at least acknowledging the priority that the GAP has identified to provide access to these areas. It is going to take some concerted outreach to ensure that participants are aware that this action is intended to develop opportunities on our healthy shelf rockfish species, so I too am of the mind that we need to proceed with caution. I think we need to talk long and hard in the course of this action about vermillion rockfish. I think that may come up in the spex as well, but I am viewing this action as focused on the priority of better attainment of the underutilized shelf stocks, namely yellowtail, chili pepper, widow and bocaccio. So, I just want to throw that out there at this time as we continue to develop our thinking around these alternatives when they come to be, and that I think we do need some deliberate consideration there and I appreciate the work that the GAP is already doing on that front with regard to looking at the specific gears that they wish to look at that avoid bottom contact. Thank you.

**Brad Pettinger** [00:21:56] Thank you Marci. Questions for Marci? Discussion? Bob Dooley. Bob.

**Bob Dooley** [00:22:06] Thank you Mr. Vice Chair and thanks, Marci, for the well thought out motion. Appreciate it. I have a question maybe then a comment. I assume in number 4 when you mention as the alternatives develop engagement and technical assistance from NMFS would be appreciated on topics including but not limited to current and future observer coverage and considerations that that does not exclude including the logbook that has been discussed and being developed for seabird mitigation and potentially for other fisheries as well, to include that is to give us a better idea of discards and such and interactions with other fish, is that, would that be included in that statement or a consideration?

**Marci Yaremko** [00:23:03] Thank you Mr. Vice Chair. Thank you Mr. Dooley. Yeah, this is kind of just a general list that was intended to include but not be limited to. I think we are eagerly awaiting the development of the fixed gear logbook that is a required element of at least one, if not two ITS's. I know that NMFS is getting going on that work in the background, and I know that the states are all committed to that process as well as the GAP and I think we have a good model. There are, I think, some things we can think about with regard to the information that is provided on a logbook that might get exactly, I think, what you're asking about. What information is it that we might want about gear configuration or about location or about deployment, environmental conditions, what have you that might help provide us with additional data as we move forward with opportunities to revitalize our open access and limited entry fixed gear hook and line fishery, so I think it is a very useful tool that will be available to us in the future, and you're right, I think that is, that there are things we should be considering as we look to develop that logbook form or forms.

**Bob Dooley** [00:25:01] Mr. Vice Chair thank you and Marci, thank you so much. That's exactly what I was getting at. I think that having some input into that logbook and making sure it serves the needs and we can get multiuse out of that will help us to inform us for future expansion even of this program to maybe other gears to help us know what's out there by having this information, so I look forward to the development of this and I'm glad it's included so thank you so much and great motion. I'll be supporting it.

**Brad Pettinger** [00:00:00] Thank you Bob. Further discussion? Louis Zimm. Louis.

**Louis Zimm** [00:00:05] Thank you Mr. Vice Chair, and thank you, Marci, for the motion. I will be supporting it. I just wonder if there's any geographic restrictions in mind. I know that Washington State has their own rules and thoughts about how to regulate and then also, of course, the situation south of Point Conception. Do you have any thoughts on that? Thank you.

**Marci Yaremko** [00:00:34] Yes, thank you Mr. Vice Chair. Thank you Louis. I believe we will be hearing from the State of Washington in a little bit on just that. In terms of south of Conception, I'm sorry I didn't quite catch your question.

**Louis Zimm** [00:01:00] Here I am again. I just wonder if south of Conception that we should be seeking to look at this over, or does this only include the area that the PCFFA proposed?

**Marci Yaremko** [00:01:17] Thank you Mr. Vice Chair. Thank you, Louis, for the question. We, in developing the motion, I think we gave great deference to the GAP in their effort to narrow the scope of the alternatives that we move forward with here today. I think that considering line changes, we've had some discussions about that, there is a lot that goes on with that. I will also I think acknowledge that we will be embarking on our biennial spex process which may reveal needs for adjustments to RCA lines once we have information available both on stock assessments and on current trends in catch and how we are performing. I have no information on that at this time so it's difficult to really gauge what actions might be needed in any particular area. So, I'd say that you know I view our spex opportunities as iterative and always works in progress, and I think just because the areas that were included in the GAP's report may not have included all of the West Coast, it doesn't mean that there won't be opportunities or vehicles to consider adjustments in other actions.

**Louis Zimm** [00:03:13] Through the Vice Chair, thank you Marci. I appreciate that and always looking forward to working with the department on spex. I think it's a good way to go and definitely allows us to really dig down and look at what is needed and what could be scientifically permissible, so I appreciate your answer. Thank you.

**Brad Pettinger** [00:03:41] Okay. Thank you Louis. Maggie Sommer. Maggie.

**Maggie Sommer** [00:03:49] Thank you Vice Chair and thank you Marci. I support the motion. I support the scope of action that is encompassed by this motion. I asked a question this morning about whether the GAP had considered including full removal of the RCA. I did give that quite a bit of thought and the pros and cons of including it at this point. I do agree with the comment that I think we are unlikely to be comfortable allowing full access to the RCA, at least until the Yelloweye stock is rebuilt and we aren't looking at another Yelloweye assessment until an update in 2023 I believe and that will be quite a while, and the concerns that this expansion or expanding the scope to include an option like that could delay the whole process. I really think the GAP landed on the path of wisdom in their recommendations. I know it was not easy. I appreciate the work that went into that and I fully support the prioritization laid out in their report. There are, of course, a lot of details to work out as the development of alternatives proceed. I'll note just as one example, federal gear definitions include a definition for commercial vertical hook and line, which means gear that involves a single line anchored at the bottom and buoyed at the surface so as to fish vertically, I believe sometimes called Portuguese gear or Portuguese long line, and I would just expect that there will be leeway as alternatives are developed going forward, to really look closely at the definitions and potentially include something like that in a prohibition if that's felt to be appropriate. Also, as alternatives are developed, I hope to see involvement by those needed to make sure the right pieces are there. We had a lot of very good preliminary information, as Marci noted, from the Enforcement Consultants as well as the Habitat Committee and

GMT, and there are a lot of people out there with relevant knowledge beyond just the, beyond just NMFS, called out in bullet or number 4 in this motion, who have knowledge that could be really helpful in developing workable alternatives, for example, some of the State Representatives on the Enforcement Consultants or some of the Representatives on the Habitat Committee who may have a good knowledge of new information on the locations of benthic sensitive habitats and perhaps some published studies on non-trawl gear impacts on benthic habitat. Along those lines, I'll say I certainly support the concept of a literature review, I know Marci mentioned that. I think it could turn up relevant information to help inform our understanding of potential impacts. I certainly appreciate the distinction between essential fish habitat and that process and the RCA's and their intent in this process and I don't mean to turn this into an EFH review, but at the same time allowing access potentially to the core and non-trawl RCA that's been closed for so long is not a routine management measure adjustment either, noting that the scope here does as a lower priority include looking at line modifications, and so I think it does, it would benefit us to have information on the best current scientific information and research results available that could inform us. I think I'll stop there. Thanks for the motion Marci. I appreciate it.

**Brad Pettinger** [00:08:04] Thank you Maggie. Kelly Ames. Kelly.

**Kelly Ames** [00:08:09] Thank you Vice Chair and thank you Miss Yaremko for the motion. I will be voting in support of the motion and I want to express my appreciation for the work that was done to get us here and note that we really do support at this time kind of the broader scope being adopted for this non-trawl action. We believe the Council should have a comprehensive understanding of the impact of modifying the fishing grounds available for non-trawl gears, and considerations that would analyze the components separately through different actions would make that understanding more challenging. Additionally, there may be some synergistic effects that could be, should be considered relative to the use of bottom contact and non-bottom contact gear types that need to be discussed relative to enforcement as well as monitoring for each section of the fleet. So, in sum, we do support moving forward with this broad scope of the action and believe it would be the most efficient and effective way to look at these items together. It would not foreclose the opportunity later for adopting a narrower range of alternatives for example, if one of these pieces had impacts that were uncomfortable or outside the range that the Council thought acceptable. So once again I will be voting in support of this motion and thanks.

**Brad Pettinger** [00:09:51] Thank you Kelly. Heather Hall. Heather.

**Heather Hall** [00:09:54] Thank you Vice Chair and thank you, Marci, for the motion. I want to start, it's getting a little repetitive here, but I do really want to acknowledge all the work that the GAP did to establish some clear priorities for this action, and I do agree with what's been said that they did the hard work there. I also had a question to Marci about your motion and Louis touched on this a little bit in his questioning before, but I noticed that your motion is specific to the GAP recommendations, and I'm speaking specifically to number 3 regarding RCA lines, line modifications, and we've had some discussions in Washington, just not fully ready to close the door on that at this point so I just wanted to confirm that you were not necessarily excluding Washington, but more thinking about sticking with the GAP recommendations as you drafted the motion?

**Brad Pettinger** [00:11:20] Marci.

**Marci Yaremko** [00:11:29] Yes, thank you Mr. Vice Chair. I, yes, I think you got it exactly right. I think we're cueing off the input from the GAP and it sounds like they did not view consideration of Washington RCA line moves or access to be among the priorities that they wish to identify here, but I think that if there is an interest in considering that as the discussions unfold and as we build our range of alternatives, I don't view this motion as forever precluding consideration of modifications to



alternatives. We're not adopting the alternatives today, we're just directing the development of the range, so I think our goal here in the next stage is to get more information and consider the range of alternatives as our next step. So, I think I wouldn't view this motion as completely shutting the door if there was interest in considerations off Washington. Thank you.

**Heather Hall** [00:13:17] Thank you. Thank you Marci. I appreciate that. Again, and this also goes back to what Miss Ames was just saying too with NMFS's support for a somewhat broader scope here and that that's appropriate. I know you've heard us talk quite a bit about the different approach that's been taken in Washington. We don't have a nearshore commercial fishery. We've been fairly precautionary with regard to our nearshore and have set a policy back in the 90's to preserve opportunities in the nearshore for our recreational sector, but would like to propose an amendment here to number 3 on your motion, if now's the time for that?

**Brad Pettinger** [00:14:20] I think it probably is. Please.

**Heather Hall** [00:14:22] I have.....thank you, Sandra. Sandra has my proposed amendment. So, I move that the Council amend the motion as follows, adding a sentence on to number 3 of the original motion that says, 'in addition to GAP options described in Table 1, RCA line modifications may also include discrete changes to the 100 fathom RCA boundary in Washington north of 46 16 north latitude'.

**Brad Pettinger** [00:15:06] Okay. Thank you Heather. Does the language on the screen accurately reflect your amendment?

**Heather Hall** [00:15:12] Yes it does.

**Brad Pettinger** [00:15:14] Okay, and a second? I see Butch Smith. Thank you Butch. Okay please speak to your motion, or amendment.

**Heather Hall** [00:15:20] Thank you. Again, we have been quite careful about how we've thought about changes to RCAs off Washington, recognizing that we have considerable Yelloweye habitat off our coast in addition to sensitive habitat and protected under EFH. The precautionary approach we've taken for our fisheries includes not just recreational but also commercial, but we think that there might be some opportunity to consider changes, particularly in deeper water in that shoreward 100 fathom line off Washington. We think that a reasonable way to at least evaluate that is to have some conversations at home with our non-trawl commercial sector and recreational anglers, get those folks together and look for potential places where there might be some opportunity. Again, I don't want this to be viewed as a huge departure from our interest in being precautionary. It could very well be that we come back when the Council takes this up again without a specific proposal that works for Washington, but we also don't want to preclude the opportunity for that at that discussion. We also note that you know we'll want to coordinate with our tribal co-managers as we talk about that going forward, but do appreciate the opportunity to add that in here for the analysis. Thank you.

**Brad Pettinger** [00:17:13] Thank you Heather. Discussion on Heather's amendment? Christa Svensson. Christa.

**Christa Svensson** [00:17:21] Yeah, thank you Vice Chair. I just will be real brief here. I want to say I'm in support of the amendment and I'm in support of the main motion as well and I just really want to appreciate everyone's, from public testimony on up to Council discussion here on the thoughtfulness and inclusiveness in providing opportunities for small vessels and for ports up and down the coast.

**Brad Pettinger** [00:17:50] Thank you Christa. Further discussion? Comments? Okay with that I'll call

for a vote on the amendment before you. All those who favor signify by saying 'aye'.

**Council** [00:18:03] Aye.

**Brad Pettinger** [00:18:07] Opposed? Abstentions? The amendment passes unanimously. Thank you. Okay that takes us back to the original and now modified amendment, or motion. And so further discussion or comments on it? Okay seeing none I will call for the question. All those in favor signify by saying 'aye'.

**Council** [00:18:38] Aye.

**Brad Pettinger** [00:18:40] Opposed? Abstentions? Motion passes unanimously. So, okay well good work everyone. Thank you, Marci, for your amendments and Heather for the, or for your motions and Heather for your amendment and I think I'll look to Todd. Todd, how are we doing?

**Todd Phillips** [00:19:05] Yes, Mr. Vice Chair after another marathon agenda item on groundfish, looking across the Council action I believe you have scoped the issue appropriately. You have provided staff and other teams as well as National Marine Fisheries Service and States, et cetera, with guidance on how to develop this particular action appropriately. You have a purpose and need statement, which I understand is ready for public review. I wanted to double check, triple check, even though I phoned a friend on that. That is my understanding. I'm sorry I was a bit lost there in my head. So, with your Council action yes, Mr. Vice Chair, I believe you have accomplished your task ahead. I did want to have her confirm the purpose in need statement is ready for public review. That's it. Thank you.

**Brad Pettinger** [00:20:01] Wonderful Todd. Thank you. I see Marci's hand up. Marci.

**Marci Yaremko** [00:20:03] Yes Mr. Vice Chair. In response to Todd's question, I would support the motion being put out for public review. Thank you.

**Brad Pettinger** [00:20:12] Okay, well there you go. All good, and with that I'm going to hand off or hand back the baton to our Chairman, Marc.

#### 4. Sablefish Gear Switching – Identify the Gear Switching Level to Use in Developing Alternatives

**Marc Gorelnik** [00:00:00] Thank you very much Vice Chair Pettinger. Great job this morning and the honor now falls to me to pick up where we left off on Agenda Item F.4. We have had reports. We've had public comment, and now we come to our Council action. Before we get started there, I just want to double check with Executive Director, Chuck Tracy, to see if he has any prediction as to when we may hear about salmon.

**Chuck Tracy** [00:00:37] Thanks Mr. Chair. No real update since we broke for lunch. We're still awaiting some updates from some of the ongoing discussions and I'm guessing that not until after we're done with this, as long as we do it in a reasonable timeframe, but we'll have to see, but not anything imminent at this point.

**Marc Gorelnik** [00:01:05] All right, thanks Chuck, and I'm sure whatever time frame we get this done and it will be reasonable by definition. So, I know there are some strongly held views, or least some views around the table on this issue, so we're quite a ways from hearing any motions. I'd like to get some Council discussion started here and I'll look for a hand to get us started. Such a shy group. Maggie Sommer, God bless you. Thank you very much. Please go ahead.

**Maggie Sommer** [00:01:49] Thank you so much Chair. Happy to kick us off and look forward to hearing the discussion. I just wanted to start with kind of recalling that we described the need here and the purpose and need statement we adopted as underattainment of most of the IFQ programs allocation, and the purpose of any action we would undertake to keep northern sablefish gear switching from impeding the attainment of northern IFQ allocations with, well, IFQ qualifications with trawl gear. We've heard substantial public testimony over the time the Council has been reviewing the catch share program, considering follow-on actions, and considering gear switching in particular, bringing us the perspective from many in the industry that gear switching is posing a problem and hindering attainment, in some cases directly through limitations on fishermen, on trawlers and on the number of trips they can take due to reduced availability or increased cost of sablefish quota pounds, in some cases indirectly as the uncertainty about future gear switching levels and potential access to fish for trawl gear may be inhibiting some infrastructure investment. And we've heard also significant public testimony describing the benefits of gear switching and raising questions about its role in hindering attainment of trawl allocations. The various committees that we have asked to examine the gear switching issue over time and, in fact, the Council itself have struggled to define the problem, to conceptualize solutions that don't just end up creating other problems down the road or identify a clear course of action, and really the take home to me is that this is just very illustrative of the diversity, not just within the IFQ sector as a whole, but even within the trawl gear user groups and the fixed gear user groups and maybe more broadly, quota owners and users. I understand the intent of the gear switching provision in the catch share program was to provide flexibility. It was clearly anticipated in the catch share program alternatives and the analysis that was provided that gear switching could include entry into the fishery for the sole purpose of using fixed gear. I also understand that some, and maybe many did not anticipate the degree to which this has occurred, and I also want to recognize that flexibility is a good, good sounding term but it means a lot of, it means different things to different people and in different circumstances. To some, it means the flexibility to use different gear types. To others, dedicating more sablefish quota to trawl gear would mean more flexibility for trawl gear users and first receivers. I do believe the intent of providing flexibility is important, as is the overall intent of the catch share program to allow the market to determine how quota trading and use occurs, and I do think there is a role for government action here in responding to the concerns brought to us by trawl stakeholders in maintaining and supporting the stability, as well as a certain character of the program and of its ability to achieve

Council Meeting Transcript  
APRIL 2021 (259<sup>th</sup> Meeting)

its goals and objectives, and this is really why I have been supporting the, in favor of us continuing to explore potential limitation of gear switching to meet this purpose we've articulated. Limiting it could provide certainty and we've heard in public testimony a great need for certainty. It could help meet the Amendment 20 goal element of stability. I will say I appreciate the reminder from the Groundfish Management Team at this meeting, but frequently, frequent reminders to us to focus on the program goals and objectives. And regarding the other elements of the goals, I think the picture is more complex. I'm sure there'll be further discussion and evaluation of any action we might take on gear switching in light of the goals to increase net economic benefits, provide for fuller utilization and consider environmental impacts. But I do think we are, you know as I said, I am in favor of continuing to move forward with some exploration of limiting gear switching. We have set ourselves up to take a step today toward that by providing some guidance in terms of a potential maximum level of gear switching for which alternatives should be designed to allow no more gear switching than that, and I think that might allow some helpful progress to proceed. So, I'll stop there with opening remarks but will be prepared to offer some specific thoughts on a level after we hear from others.

**Marc Gorelnik** [00:07:22] Thanks, Maggie, for getting us started and for those comments. Phil Anderson.

**Phil Anderson** [00:07:33] Thanks Mr. Chair. Thanks, Maggie, for those opening remarks. I agree with many of them and if I could just provide a few additional remarks. You know, in looking at the factors that are contributing to the utilization rates of trawl caught species, I think about four primary factors that have been illuminated during the multiple years we've been working on this issue. Vessel participation in the trawl fishery is one. Market limits for many of the underutilized species is another. Infrastructure limitations, the late capacity processor availability is another, and then the catch share program designs and specifications which speak to the issue associated with gear switching. I was around when this program was developed, and voted on, and put in place. I remember the conversations around gear switching to the best of my ability to remember that far back. I did go back and look at the EIS and I looked at the language associated with the gear conversion catch share program EIS's in that document, and I found the following within the IFQ program vessels would be allowed to use a variety of directed groundfish commercial gear allowing for, in quotes, gear switching. There's also an option for gear conversion, switching permanently from trawl to some other gear, and it went on to say once quota shares have been distributed, recipients would be free to use them with any legal groundfish gear, which aside from trawl, principally means bottom line, bottom long line and fish pots. It went on to say that there is and to recognize that there is a separate allocation of catch opportunity to non-trawl sectors, which would be unaffected by any catches resulting from the gear conversion under the IFQ program. So... just as a bit of a reminder of where we were at the time and how we described that and the thought that went into providing for this flexibility as it was envisioned at the time. What we've heard from our catch share program participants on this issue is, as Maggie said one of the things they're looking for, is certainty. The processors want it. Troll boat owners want it. People who are invested in gear switching want that, and we've heard that, of course, the processing industry is struggling and some place the blame largely on the fact that we have this gear switching element to our catch share program. We've also heard, we've heard a lot and I appreciate everybody that's taken the time to address the Council and bringing their thoughts forward. We've heard the health of the trawl fishery will continue to decline if we don't take decisive action to restrict gear switching for sablefish to no more than 10 percent of the trawl sablefish quota. We've heard that the processors want to process and market large quantities of underutilized species but are unwilling to move forward with that effort and make those investments unless the Council limits gear switching for sablefish in the trawl sector to no more than 10 percent. We've heard that trawlers in today's world are restricted in terms of processor-imposed landing limits. Prices for DTS species, among others, are at a very low point, and I don't want to suggest or discount the effects of the pandemic on that. Gear switching levels are relatively stable at the current level. We've heard that people believe they are not hindering the trawl fishery from increasing landings of

underutilized species. In September 2020, the analysts told us that they were unable to demonstrate that gear switching was hindering the ability of the trawl fishery and increasing their catch of underutilized species. The analysis and conclusions based on certain hypothetical scenarios and changes of the amount of sablefish that is taken with fixed gear is characterized as uncertain. And we've heard that sablefish are needed to prosecute multiple trial strategies, including DTS shelf, headwater rockfish and whiting fishery. And last, but certainly not least in my list, which is not meant to be comprehensive, is the trawl industry has identified gear switching as a major issue associated with the success or lack thereof of the catch share program for their sector. I know that everyone is telling us what they believe to be true, even if they're, even though there are discrepancies in what we are hearing. I know people are looking at this and telling us and giving us their very best advice and their perspective, but given that variety of input that we're receiving, to me it's no wonder that the Council is finding it difficult to decide on the appropriate course of action. So, I would just put forward some kind of general principles that are in my mind here as we move forward. One, and these are not in priority order by the way, I believe that placing an upper limit on the trawl sablefish quota that can be harvested using fixed gear is a wise thing for the Council to do and to help ensure the success of the catch share program. I support using the control date to determine the upper limit of trawl sablefish available to be taken with fixed gear, but I also hold, am open to considering recency in whatever the program design that we end up with is. I support maintaining the ability of active trawl vessels to use fixed gear to take their quota pounds and I support maintaining the ability for active trawl vessels to lease their fish to other trawl permitted vessels. I want to honor the investments that have been made by individuals of sablefish quota shares that are owned by trawl permitted vessel owners using fixed gear. And finally, I want the Council, should the Council decide to move forward in implementing an upper limit by creating a range of alternatives for public review as the next step, I support the alternatives being crafted using the most cost-effective approach, thereby minimizing the complexity of the alternatives and the costs associated with implementing the alternatives. So, Mr. Chairman, I'll stop there and listen for other perspectives.

**Marc Gorelnik** [00:16:50] Thank you Phil. Further... Brad Pettinger.

**Brad Pettinger** [00:16:59] Thank you Chair Gorelnik and thank you, Phil, for sharing your thoughts. I just think I'll give a historical perspective for some of the folks, maybe you're new to this Council groundfish issues. In 2003 the Council moved forward with rationalize the groundfish fishery, the trawl fishery in large part due to a quarter that we had to deal with bycatch wastage. The concerns of the fleet that we need to do, we need to change or how we did business. It was then shortly after you started that process in late 2003 or shortly afterwards that gear switching was, the concept was brought in. I need to go back at that time and see where we were at as far as the trawl industry as far as the public perception. You were constantly, consistently under attack by a large number or almost all the environmental community, many who wanted the trawling to be banned outright, and so out of that the concept of gear switching came out of a, kind of arose. Also, it's good to point out, I think that you should understand that the ACLs for Dover sole for 2006 was only 74 hundred metric ton, and since we were under a two-month trip limit scenario back in those days, it was tough to match up the right amount of fish of the mix. We left a lot of sablefish in the water. As a matter of fact, in 2004 to 2006 the trawl sector I think left 35 hundred tons of sablefish in the water. So, at that time, it was very much on our minds. We need to have some options. We were in trouble and I think we were grasping for straws. Now, equal sharing was extended to the whiting fleet, actually to all vessels, all permits holders and also to the whiting fleet and all of them, I mean, not just the ones who participated in the shoreside fishery, but even the mothership, and the reason that we did that, I was certainly in favor of that, is that we had a buyback program loan that we bought back like 40 percent of the capacity of the groundfish trawlers, but due to NMFS', the way they worded it, the buyback, it really did not extend the courtesy to the folks who fished in Alaska because it required that you give up all of your Alaska permits with no compensation, so those vessels could not participate and therefore saw no benefit to the buyback program. So, in my mind, even against the will of some of the folks in the industry say we shouldn't do

it, I thought it was appropriate that those individuals should get some equal sharing of that fish with the belief that basically it would filter back into the trawl fishery. I was on the TIC, the Trawl Individual Quota Committee during that time and EIS might... I mean Phil obviously he read out of it. The TIC never envisioned where we're at today and seriously knowing where we're at, what has happened, I'm not sure I would have been in favor of equal sharing back then because the fish did not flow back to the fishery, particularly the sablefish. I was, I sat in at the GMT discussion shortly after Jim and Jessi had just finished up the presentation to the, the GAP and the GMT, and it was interesting, it was mentioned there that really what's going on here is not gear switching. A few trawlers have tried it, maybe a couple are still doing some, but it really is, it's basically, it's fixed gear vessels seeing an opportunity and to harvest more sablefish beyond the three permit, the three tier permit limit that the Council put on that fishery. I will say I don't blame those individuals. Most of them are very, very successful participants. A number of fisheries, particularly the Alaska sablefish halibut IFQ fisheries and the tier fishery here on the West Coast... great fishermen... great operators. My hat's off to them. But they were involved in a IFQ fishery, a catch share fishery long before we were and they saw the potential in the newly inaugurated IFQ fishery as it was, like it was deemed to move forward in 2008, I think the Council finalized their work on that for us and NMFS got it to put into regulation, and they saw the potential and they started buying permits well before the rest of us knew what was going on, and because they understood what a catch share program is, the earlier you get into it the better off you're going to be, and there was a number thrown around here about ten dollars per pound for sablefish and actually it doesn't surprise me. It's, I think right now the going rate right now for a tier two permit, if you want to buy one on the West Coast, is about twelve and a half dollars a pound. But they offered to those individuals it's basically on the fish that the permit would receive in quota pounds, they paid, that's the, they paid ten dollars a pound for the sablefish but then all the rest of the quota came with it, so they got a great deal and my hat's off to them. They invested wisely and got in early. So anyway, so I think it's laying things out here as for how things are going. So why are we underattaining on dover? It was mentioned that in 2009 Petrale sole was overfished. Jim mentioned it. I think I brought it up to the Council floor I think in November, and I spoke with Jim and Jessi before the Council meeting about the information they had received and what they got out of looking into that, and the information they saw really wasn't much. They couldn't really find any smoking guns per say, but the only smoking gun I was interested in as far as impact is that the overfished status basically took about four or five million dollars per year out of the fishery, it is a very high margin species out of the fishery in 2010, 11 and 12. On top of that in 2000, between 2010 and 2013, sablefish quota dropped 40 percent and you combine that with a 30 percent or so of the quota being leased by the fixed gear vessels, there's a lot less fish, sablefish available to the fleet. I also should point out that the Council when we first started, the catch share program decided to leave all the old regulations in place that we had prior to catch shares, so the flexibility that we were promised to catch our trawl quota wasn't available to us just, until just recently so if you're looking for a reason that certainly didn't help. Also, the trawl fleet's looking for opportunities also, I mean it's been a tough time in 2010-11. We've been on our heels and the shrimp fishery basically took off and really it was a, it was a, everything going right for a fishery you could possibly imagine. The cold water shrimp fishery was expanded greatly in the 90's. Depressed on the West Coast due to that tremendous volume of fish or shrimp available internationally. Almost a half a million tons of quota was out there and in 2010 that those numbers come crashing down. That drove the value of the shrimp up per pound, it went from like 35 cents in 2010 to 70 cents by 2014. The catch per unit effort in the fleet over the previous four or five years was double the historical high on the West Coast and there's no observer coverage. So, you have a boat go out and fill the boat up in one day, 50, 60, 70, 80 thousand pounds will be the dogfish one day a week if you had the right market. So obviously people are going to take that opportunity. Another thing that hasn't been talked about is the 2011 tsunami that happened in Japan. It basically wiped out a large amount of the inventory and the freezers in Japan, and I believe it supercharged the sablefish market by golly and heightened people's demand for it and interest in processing it and catching it. I'd also point out that observer coverage the first couple of years, while it was paid for by NMFS a hundred percent. It was then phased out over another couple of years, like by

2015 it was all on the fishermen's back. But we're wondering why Dover sole attainment or coverage or the landings in the bottom troll fishery didn't do as well, you know if it's 500 dollars a day if you don't have EM, and most don't, is a disincentive. So, see if I can get things kind of leaned out here a little bit. So people will keep, you know are wondering or asking how much sablefish does the trawl fleet need? I'm going to channel my inner Eileen Cooney here, it depends. And a hundred percent monitored real time fishery, like we have the trawl fishery, you have to have stock assessments that are in harmony with what is actually in the water. If you're targeting a single species like sablefish in their tier fishery or even if folks are participating in the gear switching here in this program, the accuracy doesn't really matter to the individual, they are just going to catch their quota and they're done. In a mixed species fishery like we have in the bottom trawl fishery, if the assessment isn't as accurate or isn't accurate and there's less fish, less fish or it shows there's less fish than there actually is in the ocean, you're going to run out of quota pounds because you're catching fish that aren't supposed to be there. I would say I've been involved in this groundfish fishery for over 40 years, and I can say that sablefish is probably one of those species that has been hard to get a handle on, I think could be a way to put it. I should note that, well I should say this, you know we go by what the assessments say, that's the best available science and we proceed like that's what it is, and we got a 20 percent bump this year and it was pretty apparent we needed the bump, and of everything we've seen, there's been quite a few different year classes and there's a lot of fish around. The last stock assessment was, my understanding, I wasn't in the Star Panel, but I talked to folks who were there, it was tanking on the last day and it was pulled out of the fire the last half hour or so. I think John Field's recommended a few things and we almost got a decrease over the next two years, not an increase. And so it's very important to think about that, about that is that if there's more, if there's not, if the stock assessments aren't accurate you're going to run out of bullets when we probably shouldn't be, but and that's why it's such a big, that's why it's such a concern for us losing these surveys the last couple of years because it leaves holes in the information going into the stock assessment authors. The talk about stranding sablefish, leaving sable in the water, some fishermen mentioned about they adjust their fishing strategy by, you know, the mixed catch that they got going on, you know they're seeing. They catch too much they move off. I think for the last five or six years, maybe even actually at the start of this IFQ fishery, fishermen have, trawl fishermen have been trying to avoid sablefish because there's only so many pounds available and when they run out, they're pretty much done, and so that raises the question, do we have, can trawl fishermen target sablefish? Absolutely, we used to do it back in the day when a, you know 20 years ago you had trip limit with a suite of species to catch and if we hadn't caught it with our, maxed out our dover, we would run offshore and catch it in the, out in the deep. So, you can't do that. I would say that it was interesting the folks who were gear switching are calling themselves trawlers and I would challenge that respectively. They're fixed gear vessels that bought a trawl permit. That doesn't make you a trawler. If you buy an airplane, it doesn't make you a pilot. I don't, I know some of those individuals they said they'll never see a net reel on their back deck so anyway, so it's, I think we should at least put things in perspective there. They're participants in the program that we have lined up that allows fixed gear vessels to catch a trawl quota. Good testimony yesterday from Lori Steele especially. I was very impressed with what she had to say. I talked with her afterwards. If you look at the infrastructure on this coast I'm very, very concerned about what we have, what we're seeing. There's not many groundfish processing plants on this coast and I believe, I do believe her and what's she saying and she pointed out one thing she missed that in Oregon, the processing plants are dealing with a DEQ mandate on water quality and the requirements to build a water filtration plant or system on their premises are going to cost in the multimillion dollars and so people I don't, I might blame processors for a lot of things, but they're a little skittish about committing to things. If I had to, they probably weigh very carefully whether they really want to make that investment or not because nothing's for free here. That said, I'll stop right there but I'm looking forward to hearing what people gotta say. I'm, I would say that the, I think we do have clear direction from the participants in the bottom, or in the trawl fishery on the West Coast. You know nothing happens in a vacuum. Everything we do in life, be it personally, professionally on a daily basis has, you know there's result from that and so I hope whatever we do here

I hope we make the right decision because the ramifications coming down the pike as I see some of these are pretty hard to turn over. And Mr. Chairman I'll stop right there.

**Marc Gorelnik** [00:06:52] All right, thank you, Brad, for those heartfelt comments. Joe Oatman.

**Joe Oatman** [00:07:01] Thank you Mr. Chair. I'd like to take this opportunity to provide some comments on this matter as those relate to coastal tribes and their interests. Although coastal tribes are not directly impacted by regulation changes that may come into place through updating gear switching regulations, we recognize that indirect effects on the tribal fisheries may occur. After consideration of the advisory body reports, public comment, and the supplemental staff presentation, we would be in favor of freezing, reducing, and potentially eliminating gear switching opportunities moving forward. I'd like to provide the following comments as justification for this decision. First, processing capacity for both non-tribal and tribal trawl fisheries is already limiting to fishermen. Based on the public comments and supplemental materials, it is my understanding that the importance of sablefish within trawl vessel landings may be the tipping point for processors to determine if it is economically viable to purchase trawl caught fish. Any further loss of processing capability for groundfish fleets would significantly hinder the ability to maximize the availability of groundfish products to the public. Secondly, although the ability to buy and trade sablefish quota pounds is a business decision, we have heard from members of the public that the inflated quota pound price for sablefish hinders vessels to purchase or lease the amount of quota pounds needed to access other species. Reduction of the gear switching program may allow quota pound trading to equalize to levels where trawl vessels can access quota at levels that are needed to continue operation and access sablefish as well as other species. As indicated by these points, this issue encompasses more species than just sablefish. Both the Supplemental Staff Presentation and public comments indicate that a reduction in gear switching could help to more fully utilize Council-managed groundfish stocks. In the interest of sustainably maximizing harvest of all groundfish species, the tribes will be supporting limiting gear switching and reducing gear switching opportunities. I appreciate the opportunity to provide these comments in our Council discussion as we consider how to limit gear switching. Thank you.

**Marc Gorelnik** [00:09:58] Thank you very much, Joe. Corey Niles.

**Corey Niles** [00:10:10] Thanks Mr. Chair. Yeah, and thanks everyone. I don't know if I'll be able to respond to everyone's comments or should. First of all, Joe, recognize what you started off with there. No doubt about how our coastal communities, tribal and otherwise, are tied together. The tribes aren't directly managed, but certainly appreciate how the fisheries of the Washington coast, the coastal tribes, could be affected and look forward to working with the tribes throughout this process and I guess I'll, there's a lot of places to start. You know I was pretty new, came in early or middle of development of Amendment 20. Hearing Brad and Phil and others speak brought back memories. A member of the GMT learning from folks like Phil. I was watching some pretty big decisions get brokered. It was interesting times for sure and people were doing their best to make the best decisions back then. I think Brad mentioned making the right decision today. I guess I'll just give my start, or go to next with my perspective of what we were doing today was and that was the first thing we led off with this meeting when Phil had questions about the situation summary during the opening of the meeting and thinking to the comments of our analysts and Jim and Jessi, GMT. You know the purpose today was to talk about levels of gear switching for the purposes of narrowing in on a further refinement of the alternatives, or maybe a re-doing, a re-configuring of the alternatives that the SaMTAAC worked very hard on. So today, if we think we're coming away with a decision on a single number or something like that, I hope that's not what we're thinking. I think what we're doing is really narrowing the focus of where we go next and of all the hard work that's been done, and I would say we can't pick a single number now as in questions and answers. The analysis we have here is missing a huge piece of the Magnuson Act and our responsibilities under that to consider fairness and equitable National Standard 4 and other sections



of the Magnuson Act. So, I hope we're not thinking this is final here. We are seeming to at least, who we've heard spoke so far is supporting looking at putting a limit, some kind of limit on gear switching and we, you know, I can't say our agency is fully behind that. We are, but we are fully behind looking very closely at it and we have been for however many years now, and especially through developing Alternative 1 with the SaMTAAC. So, yeah, there's a lot of very nice things have been said. I will, I said some of them the other day, yesterday I guess it was, but you know we hear the challenging economic conditions of the non-whiting bottom trawl sector in particular. We heard those loud and clear from our valued advisors, you know, back before the five-year review, during the five-year review and that's why we're here participating. And it is challenging, as we heard in public testimony, even if the Council were to do something today, it's not going to be an overnight fix you know. The analysis we have before us here says it was basically, if you think gear switching is constraining, then this, if you don't, then that, it didn't tell us if it was or it wasn't. That said it does seem like there is some evidence where a really close look at freezing a footprint at least is something we should be really making the next step and narrowing in on. I do want to say, like I don't, recognizing the challenges, I mean I think there is some glimmers of optimism in this analysis. You see signs that if, you know, if this market were to take off on the thornyheads, the Dover sole, other flatfish, then the boats are going to be profitable. As it stands now, we're talking maybe 11, 12 percent of the sablefish quota share has been acquired by fixed gear operations, you know and just roughly speaking that amount of quota share is if you were to buy it or recent times to buy it, you're talking about a million dollars a percentage point. So, this is a 12-million-dollar issue. I'm sure it would be tough to purchase all that against our control rules, but that's the magnitude of this issue, and you see the numbers of, if these markets can be developed, the revenues will be there, that it's going to take the investments, I know there's already investments. We heard Ocean Gold speak to the investments they made in rockfish and they're hoping to make investments in flatfish and Dover sole. So, these are really encouraging signs and like a lot of people said, there's really good arguments on all sides. People made investments in all sides. And we're supportive of moving forward, looking closely at how we might at least put a limit on the fishery. So, yeah, a lot of great things were said. We also have heard rumor in the meeting that a whole new business is maybe starting to buy non-whiting groundfish in Ilwaco, which we were hoping for since, you know at least, you know before this program was developed so, you know, these investments may be happening now, and we understand what we're hearing from the non-whiting processing sector about the investment climate and how it's a challenging investment now. And uncertainty makes it more challenging, so fully understanding those arguments, also fully understanding that fixed gear has been important to Washington and made investments under the rules that we set and there's a lot of difference in views about what was intended with the program but, you know, I had my own expectations back then and we created an IFQ program which was far superior, is far superior to the way we were managing the trawl fishery before by trip limits and having people like me, you know, have to intermediate between, if that's a word, when people should fish and what they should fish for. So, this IFQ program is working in a large sense of letting fishing businesses make their fishing decisions, and there has been some market consequences of that. And as I noted some questions yesterday, all this talk about percentages in, it all, the foundation of this is an allocation decision made, I don't, I should have looked this up but 30, 40 years ago. Some of us may have been around then, but that is a long time ago for an allocation decision and the market mechanism has been telling us that the business world, the buying and selling of fish all the way up to the consumer has been pushing that allocation towards more gear switching. And again, I said it yesterday, I believe that, you know, I have a hard time believing, in this context in the commercial fishery like this, that the government can be smarter than business at moving resources where they need to go to make revenues out of it. But again, I guess fish does not turn into money as soon as it hits the dock, it needs the processors to develop the markets, to reach the consumers, to convince the consumers it's a good product, and there's a lot of good arguments here on the side and just, I'll try to wrap up here. I liked Phil's principles that he announced, and Maggie spoke to a lot too. So, I think what we have here to do is we do want to look at this closely, but we're going to want to be fair and equitable about it. We're going to want to consider how all the participants, you

know, fixed gear otherwise and invested otherwise dependent on it, on the fishery otherwise would be affected by the alternatives, and that's going to happen I think whether the Council likes it or not, because that is our obligation under the Magnuson Act to look at in our analyses. It's simple and cost effective is good but, you know, so is efficient and fair and looking for any kind of harm to individuals to be offset by some non-speculative benefit, and again, not to meaning that what we're hearing is speculative, but what I'm saying here, there's questions here and my question to Lori... I too, as Brad said, enjoyed or really learned from Lori's testimony yesterday, and I asked her a little bit more, could we see a little bit more on the investment outlook here? And I was genuine with that question. I do have, you know, want to see more but I'm hearing a lot of similarities here from who's spoken up so far and taken up more time than I need to but those are sort of the starting point thoughts that I wanted to express, so thank you.

**Marc Gorelnik** [00:20:27] Thank you Corey. Pete Hassemer followed by Marci Yaremko.

**Pete Hassemer** [00:20:33] Thank you Mr. Chair. A lot of really good, excellent words have been said here and I sincerely hope I can avoid repeating all of that and just add something new and constructive to this, and just to state where my initial position is on that at least at this time. Maybe I want to tear off of something or follow-up on something Phil had mentioned. He gave an excellent summary of a lot of things that we heard through the course of our deliberations, and we've heard that repeatedly. It was a strong message. One of the things we didn't hear and this, I want to repeat two sentences I found in a fact sheet that's on the Council's website under groundfish about the catch share program, and it really follows-up on Brad's comments. He gave that good history of the problems encountered in the trawl fishery with those trip limits and a lot of the short seasons and how that was impacting the trawl fishery, and those two sentences state, and this is in that early I think, or pre-2000 period, but it says 'the restrictions and closures to protect overfished species were very hard on the fleet and the communities that depended on a healthy fishing industry. Because the trawl fleet lands such a large amount of fish throughout the year, its health is critical to maintaining the fishing infrastructure needed by other fisheries, including salmon, crab, shrimp and others'. And part of that infrastructure there's a parenthetical there about ice machines, hoists, processors, and I'm sure there's other things but, you know, that's one of the things I don't think we heard or at some points we heard about the importance of that trawl fishery to this whole infrastructure and how its loss impacts that, and to me that's one of the principles that I would add to at least my list as I think about that, it is critically important up and down the coast to have this strong infrastructure to support multiple different fishing operations. So, as I go through that and think about what all has been said, I've come to the decision too that I do support at this time, at least moving forward with exploring some mechanism to limit gear switching. That is in my mind and part of that thinking is protecting that strong infrastructure that could develop along the coast, but at the same time another principle, and again I want to reference back, I agree with those that Phil stated that, you know, it's wise to consider a restriction on the upper limit of gear switching thinking about the control date and also some recency, decisions or provisions when we do that and honoring the investments that were made. Those are all important, but one I would add again to my personal list is that I have a concern that moving too fast towards either a zero or very low level of gear switching has the potential to leave sablefish in the water that otherwise would have been caught. I think there's some value in the diversification of harvest strategies that we have available to us to catch sablefish as well as other species and so we need to take a very careful and deliberative look at that. So, I think because of what else has been said and, you know, there's a number of other people that want to speak, I'm going to leave it right there for now, but just to summarize that moving forward with exploring mechanisms to eliminate gear switching, I'm in favor of that now, and stated a little bit of my justification and principles there. So, I may have something later, but that's it for now. Thank you.

**Marc Gorelnik** [00:25:39] Thank you very much. Marci Yaremko followed by Bob Dooley and Christa Svensson.

**Marci Yaremko** [00:00:00] Thank you Mr. Chair. Brad I want to thank you for taking us down that trip of memory lane. You referenced the development of the program back in 2003 when the discussions were just beginning and at the time an acknowledgment that the industry needed a change due to bycatch concerns and I wasn't involved with Council activities at that time, but I was involved with other state regulatory activities in California and I very much remember the decisions that took place in our state arena right around that time to abruptly bring an end to our spot prawn trawl fishery that took place off of Southern California due to significant bycatch events, and really no way to prosecute that fishery using trawl gear, and unfortunately the state program didn't quite have as, I guess, the happiest of endings in the sense that there wasn't an opportunity for everyone in that fishery to look to making changes in operations to minimize bycatch, though there was some conversion of some folks to using trap gear in a developing spot prawn trap fishery. But I think what we saw with the onset of the California, or the implementation of the groundfish trawl program in California in 2011 when it took effect, was exactly what the program envisioned in the sense that the fleet consolidated, and it consolidated very quickly. I think at the time we had in the neighborhood of 70 or 80 vessels that initially qualified. Under the program we saw, gosh, I think only 38 vessels participated once the program was actually implemented in its first year, and we've seen the continued decline in the number of vessels participating in the IQ fishery, which I very much would like to see a change in that trend. I think now in 2020 we're down to 18 participating vessels and I believe of those 3 are utilizing gear switching in some way, all or in part. So, I think what is most on my mind is that the program, when folks made decisions, when it was instituted on what to do with their investment, some folks sold their interests. Some folks decided to buy more of other people's interests and what we saw was a development of a new IQ fishery that has progressively looked different over time, and it has changed and morphed and begun to fill certain niches that present themselves as circumstances and needs change, and that flexibility was due in large part to the ability to gear switch. It's been a fundamental cornerstone of the program since its inception, and I think that many investments and decisions were made premised on an understanding that gear switching would always be an element of the program and that the use of various gears in the IQ fishery could ebb and flow as times and circumstances changes. I'm confident that in reviewing our record there was a clear intent to allow for gear switching with no limits, including the flow of quota shares, either by sale or by lease, including to those using non-trawl gear. We've heard a lot in the testimony about growing opportunities in the midwater rockfish, the whiting target strategies, and we've also heard some about the continued successes with landing and selling petrale at a good price. We've just reopened many areas to trawl fishing under our Amendment 28 actions that just took place in January of 2020, and we've been closely monitoring the progress of the midwater rockfish trawl EFP under our inseason agenda items at every Council meeting, and we've really enjoyed hearing about the continued successes in the performance of this fishery, yet I haven't heard a strong suggestion that sablefish is presently a constraint to any of the operations that are taking place today as our IQ fishery grows and changes. The analytical document on page 11 notes that preliminary data for 2020 indicate there may need, or there may be an increase in the need for sablefish for strategies that are expanding with the opening of the rockfish trawl RCAs. Yet again we haven't heard anything that sablefish is a constraint. It sounds like shares of sablefish are able to be purchased or leased on the open market. That they're available and that their transactions are flowing to and from the trawl fishery to the fixed gear fishery for those that make those opportunities available and want to make some money on the activity of leasing their shares. I guess what I'm struggling with is thinking about, you know, after years of discussion on this topic, I can't really come to any conclusion other than the interest in capping or phasing out gear switching is rooted in an interest in limiting or ending competition and in search of control of the marketplace, and this fleet is already consolidated and dramatically so, and at least in California, I'd wager to say, is already consolidated too much. Gear switching, as I described in the CDFW report yesterday, while we may not have a large number of participants, it is an important contributor to the diversity of our portfolio when it comes to sablefish landings south of 40 10. Capping or gear switching or phasing out these participants will just mean these landings won't be made in the future. At this time, there's no conservation concern with northern

sablefish, and I don't see a need to further consolidate this now diversified IQ fleet. I have concerns with equity after we've now fully embraced the idea of this diverse fleet and encourage them to utilize a variety of target strategies to get the fish out of the water. I think about John Corbin's testimony yesterday and him explaining to us that fixed gear landings of sablefish add value to the IQ sector at the top and given the high price paid, yet if there's more money to be made using those sablefish shares and mixed target trawl fisheries to get a variety of trawl dominant species out of the water, the marketplace will certainly respond to that need and shares of sablefish may not be so readily available for lease and we'd see trawlers needing them for their own operations instead. I'm mindful of the GMT's remarks to us that we've received significant input from groundfish fisheries stakeholders during Council meetings and during the Climate Scenario Planning Workshops and other avenues regarding increased need for flexibility in light of expected increases in market variability, and that for any allocation decision the Council makes regarding different gear groups and shifts in fishery participation, the Council really needs to keep the need for long-term flexibility in mind. I could not have agreed more with the testimony that I heard from Lori Steele yesterday with this reminder of how expensive the program is and that processors are being hit from every direction and money is being spent left and right and she is asking us for a lifeline. I'm just wondering if this is the right one. We do need to cut costs in the IQ fishery and we've heard that over and over from Sarah, Heather, and others in recent months about the IQ fishery paying to be 300 percent accountable between observers, VMS, logbooks, catch monitors, and they're absolutely right. But let's not give some a leg up and cut legs off from others in looking at how we make the IQ fishery more resilient on the cost front. I just, thinking ahead to how we would institute a cap, I just can't see a way to move ahead with a program that fairly and equitably implements a cap in this now fully diversified IQ fishery given the foundational premises of the program. The purpose and need that I'm looking that I see that we've adopted really doesn't seem to match with the needs we've heard this meeting. What I've heard is that boots are on dover trip limits, combined with limits on trips, coupled with no demand or low demand and low price for thornyhead, and yet the analysis that we're relying on or trying to rely on in this action was premised on our purpose and need that sablefish was a constraint. Looking ahead to the future, I believe the future is bright and there is much to be gained in allowing the IQ fishery to continue and grow and change, especially in response to many new opportunities that the trawl fishery now has available, including the elimination of the trawl RCA and the new opportunities afforded under the EFP. But I'll leave you with one other thought. What if, gosh I would hate to see this day come but what if we found ourselves in a situation where we had unfortunately reverted to a case where we had petrale overfished and concurrently had say dover overfished and widow overfished? What would we do? And what would be best for the trawl fishery? What might we be able to give them in terms of relief? Well, I don't know what we might be able to do, but one thing that I think would be a tool in their toolbox, would be that they'd be able to lease their shares and those shares could be leased to any participant that held a trawl permit that would be able to fish for the species that they could target and avoid those overfished stocks, and that may mean fixed gear. So, I just think about the importance of flexibility and maintaining this flexibility and I don't know what the future holds. I don't know what stock status information we're going to be working with in 10 years from now, but I am mindful that needs and circumstances can and do change and they have changed and I understood from the onset of this program the fundamental importance of flexibility to the industry, so I would sure hope that at least one thing that the industry would have at its disposal, should we find ourselves back in a bleak situation like that, would be that there might be some financial positive benefit that would accrue by an ability to lease their quota pounds to vessels who could use it wherever and however they might be able to, and I think the fixed gear and pot and hook and line fisheries hold some promise that that might provide some of the key. So, in summary, I very much support maintaining full flexibility with regard to gear switching into the future. Thank you.

**Marc Gorelnik** [00:15:48] Thank you Marci. Bob Dooley, followed by Christa Svensson.

**Bob Dooley** [00:15:54] Thank you Mr. Chairman. I agree with a lot of the comments that came before

me with Phil and Marci and Pete, Joe and Brad. I would, I don't discount the ones that Marci made. She made some very good points. I want to kind of go back a bit. But a lot of thoughts here, trying to get them condensed. Don't want a drone on forever. You know I started with this way back when, when, when we were conceiving the program. I remember the TIC Committee, I remember sitting in the GAP and talking about this, and my recollection of the gear switching alternative was really rooted in, was rooted in the trawl. I remember Tommy Ancona...remember Marion Larken. I remember Pete Leipzig all talking about maybe a dover constraining the ability to get it out, get the sable out of the water, and there was a concern about that, and I believe there was a year there where we left a bunch of dover in the water and that was the concern, that was the driving force. And I was in those conversations and I remember I never once considered, I know later it came as a part of the description, but never once considered that we would have sector switching, not gear switching, that fixed gear vessels would be coming in, but nonetheless, that's where we find ourselves. So, then you flash forward to the five-year review of the trawl catch share program and I remember sitting in those rooms as well at the coastal outreach and all of it. Was a member of the CAB. A member of SAM, now I'm a member of the SaMTAAC from both an industry level and then later in the Council, a representative seat for California, and the number one issue with, in my recollection that was brought to bear in the five-year review was this issue of sablefish and the gear switching constraining the trawl sector, that was the number one concern and it was elevated because the Council actually broke it apart and put it on its own path. Many of the other issues never elevated to that level and are still going forward, but this one got separated out. A ton of effort by the Council to put this together and to dig down into this issue. What came out of that and the process as it evolved, in my opinion, was we had people making proposals and coming up with alternatives, groups of people, individuals, I think at one point we had 24 different proposals on the table in the SaMTAAC. We eventually got that down to I believe three, maybe four with the bookends, four or five. But the one common thing about those, or actually uncommon thing about those, is they're all developed from the perspective of people who had a destination in mind. There was a group that had, that wanted gear switching unlimited. There was a group that wanted no gear switching, trawlers. There were, those alternatives were vested in that result, and what we ended up with was gridlock, and I go back and listen to the testimonies from the beginning until now and no one's moved, if anything they've gone further away from consensus. I recall the Council requesting industry to come together and think about this, you know to try to bring this to conclusion. It didn't happen, so it brings us to where we are in this Council meeting. In November, there was a decision made by the Council to say, wait a minute we've got the alternatives, but I don't see this coming together, so we have alternatives but let's pick a number. I know, Phil, in this discussion on the issue when the Council dealt with it on that day I read back through the, the draft transcripts from the November 2020 meeting page 104 to, or 99 to 109, and Phil actually quoted something that I, almost embarrassed because I said it so many times during the CAB and during the SaMTAAC and through Council discussion is, if you don't know where you're going, any road will get you there. And finally, I think we, I wouldn't take credit for anything, but we finally decided that was maybe the path to go, was let's define the destination. So, the job ahead, the task we have before us today is to define a maximum level. That was what was said in the motion. If you look back at the November 20 decision summary, it's pretty darn clear that that was to identify a maximum level of gear swishing, switching that would be allowed, and that's where we are and so I see the maximum as a maximum that can be allowed, and of course we can have a range below that that we look at through the lens of the alternatives that are at hand that we have on the table and maybe even additional ones, but that's the job... and so then it comes to the question, do we have, kind of what Marci was talking about, is there a problem? Well, I go back to the principles that the SaMTAAC chose in 2018, and there was like A through G, several principles, but the highlight is we believe that unlimited catch of sablefish through gear switching is not desirable. So that to me says there needs to be some level set to control gear switching, and I guess I look at it as if you could gear switch a hundred percent of it and you did, there would be no trawl sector, so I don't think that's what is envisioned here. I think we do have a problem. I think that we need to make a decision. The Council needs to get people to focus to come out of their corners and focus on a destination or at least focus the

discussion, so we're not in our corners and just holding on to our positions. It's amazing to me that we heard a lot of public testimony this time that was focused on basically the same thing they said two years ago. It's... not much has changed so I'm hoping this is a way to get us off of high center. So, what should we think about when we talk about a maximum level? Well, I do have some thoughts on that. The Council established a control date, 2017, and that was a message to industry that we may not consider any investments or activity that took place after that fact when considering limiting gear switching. It was a shot across the bow to everyone to, a warning to say, pay attention, your investment might not be honored. I think another one of the principles we used was we want to maintain gear switching options for trawl operations, that was a big, big from the trawler's perspective, that was a promise of the program. And it also said we want to consider the impacts to existing operations and investments, and I think that's a promise to the people that made those investments within the control date, used them and I think that's part of our alternatives. I think all of those could be dealt with as we go forward and consider those parts of it. So, I think you can't consider in the cap, if we're going to think of a cap, we should contain it to the amount of gear switching that was done within the control date from the start of the program, maybe the average. I think there's information in there that can inform that. That might be a starting point and totally justifiable. On another issue, I think that it shouldn't be a goal of this program to increase the lease value of quota, and I wanted to talk about that a bit. We have a, in this fishery and when it was created, we created a program where anyone can own quota and you don't have to have a permit to own quota. You don't have to have a vessel to own quota, and I wanted to clarify that because it was mentioned yesterday you needed a permit to own quota. You need a quota share permit but it's not, you can't fish with a quota share permit. You can only fish with a groundfish permit but then you need quota, so it's totally separate, and I will tell you as an example, my aunt who's 95, living her last days. She owns quota and it will pass in her family to my cousins. They don't have a boat. They don't have a fishing interest. I've talked to them about it. They're looking at that as a lease opportunity to make money. That would be income to them. When you talk about lease prices, the lease price to a gear switcher is higher than the gear, than the price to a non-gear switcher, or at least the gear switching price drives the quota price. Now when you are a seller of quota or a leaser of quota, a person that leases out and you don't own a boat, your concern is getting the highest price for that fish. That asset, making the most money off it. You're not concerned about the fishery. Yes, a trawler can make more money eventually on it, with it, but when it comes to a lease price, a gear switcher can pay more for it and will and that drives the overall lease price, so they typically outbid, I know this from experience. They typically outbid the trawler, so it is detrimental to the trawl program to drive lease prices up. It should not be a goal to drive the lease price up. If your intent is full utilization of the groundfish trawl quota, all quota, not just sablefish, so that needs to be thought of in this whole context of lease price versus lease price, lease price to a gear switcher, lease price to a trawler and the person who is leasing it out, because a person that is a trawler leasing it to another trawler, or leasing it from a trawler, that's a different mechanism as opposed to leasing it to a gear switcher who is, has the ability to take much more, pay for a higher lease price. That is detrimental to the program. I'm terrible at explaining that... I'm sorry. Okay, I would also say that the 'what if', what if the tool that we envision that Marci mentioned, the what if, what if everything went bad and we need, we can't get the fish out of the water? I don't think that'll happen in a year and as if many other 'what if's' in our, in the Council process, we will fix that when the time comes. I don't think we need to build the trawl program to anticipate something that may or may not happen. I think if the people that made the decision, then had the ability and the knowledge that they have now, and the information we have and the analysis that we received through hard earned time, could go back when the decision was made and decide whether there should be a limit on that or not. I kind of believe... I know I would have made a different decision. I wasn't, I didn't vote, but I would have made a different decision whether it should be an option or not. So, I guess I'll stop there but I appreciate the opportunity and I appreciate the people that came before me and I support a lot of what was said. I believe there needs to be a limit. I think there's a way to get there, and I think then we will have a more cohesive industry working to get through to apply the alternatives to that. So, I'll stop there and thank you.

**Marc Gorelnik** [00:00:00] Thank you very much Bob. Christa Svensson, Corey Niles and Bob, your hand? Okay there you go. Christa Svensson and Corey Niles.

**Christa Svensson** [00:00:08] All right, thank you Mr. Chair. I just am still thinking through everything that I've just heard, partially because it's set up so much of what I have to say and talk about in a way that I really hadn't planned on, on thinking about it so thank you to my colleagues who have all spoken so far. One of the kind of the key things that I just keep going back to and whether that's picking a level or whether that's the bigger conversation in terms of gear switching is that, you know, we talk a lot about increasing attainment in trawl fisheries, but who are we trying to help? And I'm asking that question, and it's again reframing that question that I asked I guess it was yesterday, it feels like it was longer than that, about, you know if we're looking at the DTS complex and they can't afford to pay more, is that who we're trying to help? Because their needs may be very different. Fishermen who are trawlers, as we've heard, they may spend part of the year shrimping. That's a different business strategy than somebody that's working 12 months a year. We've got processors that are very dependent upon both styles of fishing. We definitely relied on 12 month a year trawlers for the backbone of our work when I was at Bornstein, but we also needed the big volumes to help build programs and capacities, so I really am hoping that as we move forward we can start isolating down to say, hey if we're going to put a limit in, this is who we're trying to help so that we really are finding out and listening from those user groups....what it is their needs are and we're ensuring that we need it. The other area that I am concerned about, I will say I'm worried that gear switching is being used as a proxy and I like everybody else I think in the fishing industry don't particularly love seeing fishermen pit against each other. I absolutely understand there is concern from trawlers with regard to being out compete in terms of getting sablefish, but as was just mentioned, a leaser, anybody can if they set up an account, they can potentially if it comes on the open market purchase that quota or if they can't, then they could lease it in theory and lock a market, a market up that way. There is no guarantee that somebody that purchases quota in the future, whether it's for gear switching, for trawling or for any other purpose, that they will choose to use that fish trawling. They could make the decision to purchase fish, lock it up and just not let any of us use it, or it could be a venture capitalist type situation where they purchase the fish and then intentionally lease it to the highest bidder, and if this is the choke species, then that will be an issue. And so again, that gets me back to the, is it gear switching or is it that mechanism of the highest bid out there and, if so, will gear switching... it'll fix it today but it may not fix it five years down the road. Are we actually in taking this up are we addressing the mechanism that is causing the issue? Or are we picking a user group that is currently the one that is able to pay the most but 5 years from now or 3 years from now or 20 years from now because we didn't actually deal with the mechanism? We are in fact just setting ourselves up to have another conversation like this, which is extremely difficult, and so I'm hoping that as we work through this we can have a conversation around what I would call the mechanism, but also around who it is that we are actively wanting to meet the needs of, because I am afraid that within the trawl fishery and the trawl sector, we probably will not be able to meet the needs of everybody. So having a very clear idea of what needs we're trying to meet with this action should we take it up I think will be very important moving forward. Thank you.

**Marc Gorelnik** [00:05:48] Thank you Christa. Corey Niles followed by Butch Smith.

**Corey Niles** [00:05:54] Thanks Mr. Chair. I just had one pretty quick follow-up on something Bob said but if Butch hasn't got to go, his opening comments, I would, if okay with you, just wait until after Butch goes.

**Marc Gorelnik** [00:06:10] That's fine. Butch then followed by Corey.

**Butch Smith** [00:06:15] Thank you Mr. Chair. Boy, what a topic to cut your teeth on being the rookie of the crowd here, and you know we've heard some really compelling, thoughtful testimony. You know

on this issue I was so hoping that industry could have got together and had a collective recommendation, but it hasn't, and I do know a couple things. You know we want to see the fishermen get the fish out of the water, but we also need the processors in towns like Ilwaco, Westport, Newport and on up and down the coast to be able to process them and be in business to take those fish, and that's an important. You know we heard that from Lori Steele and others and, you know, yesterday we heard from leave it alone to, you know, 10 percent or less. I will be interested in hearing, which I have from the veterans of this issue that start from the start, what either a suite of numbers to look at or one, whatever it may be, what that sweet spot will look like, but apparently, you know to me it's obvious that there's some reason to certainly look at a couple of different percentages maybe, not just hold it down to one. And maybe there's still hope, you know, in that process, whatever we might do here that industry might see the light in getting together and maybe, maybe still time to come up with some of their own alternative. But anyway, I want to thank all the conversation. I want to thank the industry for reaching out and several Council people also to try to make me a little bit smarter on this topic. It's a vast topic and with a lot of rights, but not too many wrongs, and that's what makes this a real tough decision. So, thank you Mr. Chair, and thank the Council and the people who testified yesterday and clear back in September on this issue. Thanks Mr. Chairman.

**Marc Gorelnik** [00:08:56] All right. Thank you very much Butch. Corey, back to you.

**Corey Niles** [00:09:01] Yeah, thanks Mr. Chair. And this not to double dip but I think it does narrow in on where we may be going. But on Bob's comments, Bob and thank you for those and I fully, I remember you well throughout your participation in this process and learned and still learned so much from your experience. I guess on this idea of picking a maximum level in any kind of definitive way, I think you expressed the purpose that is very similar to the purpose that I have in mind, and it surprises me all the time how we can use slightly different words or the same words and have completely different ideas or the exact opposite. So just kind of some illustrations. I don't think we have the analysis in front of us to pick a precise, definitive one level. That's not to say we can't pick and maybe Butch is right or others are right, maybe it's one or two to focus us in on, but if it were one, just as an example, and fully agreeing with what a lot of people have said that we need to look at the control date, it's a very serious tool that we have. You know I spent, I remember well the Pacific Dawn lawsuit that followed up and, yeah, we have our EIS documents. I think the EIS document to no fault of the MS at all had one or two sentences explaining that decision and we spent quite a bit of time having to go back and explain the rationale and why we needed it, so very important but I don't see that analysis here. I don't think we could get to it on the fly here, but for example, and this is a program where it's totally different than it did before, and just a quick example of what if someone you had a business plan, leased some quota pounds in June, June of 2000, of the control that year, which is 2017, I'm trying to remember yet planned on fishing it in October. The Council comes in September and announces the control date. I had a business plan. I fished it in October, November, December, should we, should that, does that count as before the control date or after? And I think, I don't think we're talking, if we pick a number to start out with, I don't see it changing in major ways, yet a percentage point or two when we actually get to the analysis, we don't have that. That's the kind of a different question, but we haven't considered the effects on individuals yet, so that's what I was getting at earlier. And, Bob, I think maybe you're hearing different things here, but that's the kind of, I just want to clarify the statement I made at the beginning of, I don't see how we can arrive at a definitive single number. There are some, the questions that we would iterate through, I imagine, as we move through alternatives so just wanted to pose that question as kind of maybe more what's in my mind on the statements I made earlier. And like everyone said very graciously, I really appreciate all the comments that have been made so far and very thoughtful all around.

**Marc Gorelnik** [00:12:15] Thank you Corey. Is there further discussion or should we have a motion in order to prompt further discussion? Let me first see if anyone has anything they want to say now, get



off their chest before we have a motion? Louis Zimm.

**Louis Zimm** [00:12:39] Well thank you Mr. Chair. I just want to say that I am really torn by this decision. It perhaps does not directly affect my Southern California fishing culture down here, yet I'm sensitive to the discussion about losing infrastructure. We lost our infrastructure down here in San Diego when the tuna fleet was driven offshore. So that, I'm very sensitive about that. We have very little fishery supporting infrastructure down here, yet at the same time the people that have saved my community have been those innovative people that have figured out a way to remain fishing and to remain harvesting. So, as you can see, I have sympathies to both sides, and I just wanted to say that and I'm glad that everybody else is more educated on this and I just want to express my conflict. Thank you.

**Marc Gorelnik** [00:13:46] Thank you Louis. Anything, any further discussion? At least in this first phase of discussion. So, I'm not seeing any hands. Does someone have a motion to keep the ball rolling here? Maggie Sommer.

**Maggie Sommer** [00:14:12] Thank you Chair, I do, and Sandra and Kris should have it. I move the Council adopt for the purpose of guiding the development of draft alternatives that would limit gear switching a maximum level of fixed gear attainment of the trawl sectors of northern sablefish allocation of 29 percent.

**Marc Gorelnik** [00:14:52] Thank you Maggie. Is the language on the screen complete and accurate?

**Maggie Sommer** [00:14:55] Yes, it is.

**Marc Gorelnik** [00:14:58] I'll look for a second? Seconded by Phil Anderson. Please speak to your motion.

**Maggie Sommer** [00:15:04] Thank you Chair. I would like to also refer to and incorporate my earlier remarks and then to begin before I address the number offered here, I also want to say that I have heard that sablefish is a constraint to trawlers. I have certainly heard and we do have evidence that the industry is in distress, has been losing infrastructure with more at risk. I'm not under any illusion that limiting gear switching will be a silver bullet, but when I need a lifeline, I hope nobody is going to refrain from throwing one because it might not be the right one. I hope they throw me something that helps me stay afloat, and I do think we should consider limiting gear switching as one piece of the puzzle. As Bob noted earlier last November, as we began to consider a range of alternatives, we determined that given the breadth of the draft alternatives and the many options and suboptions they contained, there was no clarity on what they might achieve, and we decided to take a step first to identify a maximum gear switching level. My intent with this motion is not to set a firm cap today, but rather I am proposing that we identify a level today that would represent the maximum potential fixed gear attainment of the trawl allocation of northern sablefish, which we would then provide as guidance for further development of alternatives with the intent that alternatives should be developed and refined to allow no more than that level. We've seen a lot of analysis describing what has occurred to date in this program, and we've seen some hypothetical explorations of what might occur under various scenarios of different gear switching levels in the future. I appreciate the work that went into that analysis, as well as all of the additional analysis over the years that has led up to this, and I found it extremely helpful. I do not find, however, that it supports a clear conclusion that gear switching is limiting or that it is not limiting. Expecting certainty from the analysis isn't realistic. We only have the experimental treatment gear switching to look at. We don't have a control in which we have the first decade of the catch share program without gear switching to give us numbers on a page about what might have happened. I don't want to take this lack of certainty as a reason for taking no action. I very much agree with Christa that we should make sure we are addressing underlying mechanisms that are causing problems so that we're not back here

down the road to the best of our ability to understand and foresee that. I will say regarding the analysis, I don't put a lot of stock in the precise values of expected economic impacts of reducing or increasing gear switching in the analysis that was presented at this meeting because of some of the assumptions and modifications, pardon me, assumptions, key assumptions in there. I've got my notes garbled here, but I believe the overall direction of change under the various scenarios and the relative differences does represent what is likely to occur in terms of overall net change and impacts to specific subsectors. So given that uncertainty, given the need that the analysts had to make assumptions about future conditions, uncertainty around those as well as other factors, I don't find that the analysis itself points us to a specific level or action. I gave quite a bit of consideration to the recommendation from industry for somewhere around 10 percent or 12 percent. I believe 12.1 percent would represent the quota share that was owned by gear switching participants on the control date on the basis that allowing someone to fish what they owned with any gear they like makes sense and it's not something I am inclined to restrict. Even so, that's a low number. I am not worried about leaving sablefish in the water since I think trawlers can take it. However, that would clearly be a significant reduction in program flexibility. I considered a freeze the footprint number based on recent gear switching attainment on the basis that it is what has been occurring. I considered a middle ground, but I really don't find any clear basis at this time for selection of a number there, and I don't mean to suggest that that couldn't be a good place in the end, but what I concluded was that the Council adopted a control date in 2017 and I think this action signaled the Council's recognition of a possible problem and an intent to consider a limitation, and this provided me a basis for identifying a number representing what had been occurring at the time this issue was recognized as a problem in that way. 29 percent is the 2011 through 2016 fixed gear attainment of the total available sablefish. These figures came from the analysis table 1 in the analytical document, and I should say I rounded here to a whole number, 29 percent, and I chose 2016 because it was the last full year for which we had data before the selection of the control date. I certainly recognize this is a variation on a freeze the footprint alternative. It is a somewhat of a reduction from what has been occurring in more recent years. I will also note that I'm offering one number here, not a range, since the intent of this number is to be a maximum target for alternative development as I noted earlier. Alternatives could potentially be designed to... to allow less and as we have discussed, certainly actual attainment under any limitation program could be less depending on how that, how any implemented action works. Although I'm not offering a range in the motion, I would like to share my own opinion that I would consider the 12.1 percent of the quota share owned by gear switchers on the control date as a floor. And, you know, I guess working toward a conclusion here as we really continue to give such careful consideration and deliberation on how to best shape the future of the catch share fishery as a whole meet the diverse range of participant needs. I do want to recognize a couple of things. One is to keep in the front of our minds that the trawl fishery is a volume operation, it depends on that. Vessels and processors and the, a lot of the species that are being moved as our quality seafood products, our volume, and we need trawl gear for that. We have all recognized that there are trade-offs occurring under the status quo. Certainly there will be a different mix of trade-offs and a different balance of them if we take any action to limit gear switching. The Amendment 20 objectives, like the goals of the catch share program, our groundfish FMP and indeed like the Magnuson Act and its national standards, all encompass conflicts and trade-offs as well between desired outcomes for utilization, conservation for communities, flexibility, et cetera. Our next step would be to consider the mechanism for achieving potential gear switching limitation through future consideration of draft alternatives in conjunction with this target maximum, which should allow more meaningful and precise analysis of the potential impacts and the trade-offs that they would represent of fairness and equity concerns, impacts on individuals and other factors. It will be an iterative process. We'll have opportunities to adjust if we determine that 30 percent is not, pardon me, 29 percent is not the right number in the future. And with that, I'll note that we may wish to provide some additional guidance for further development and refinement of alternatives, and I do have some to offer but it is outside of this motion so I will save it for, to follow discussion and voting on this motion. Thanks, that concludes my remarks.

**Marc Gorelnik** [00:24:30] Thank you very much Maggie. Are there questions for Maggie on her motion? All right, let's have some discussion on the motion. Marci Yaremko followed by Corey Niles.

**Marci Yaremko** [00:00:01] Yes, thank you Mr. Chair. Actually, I do have a question on the motion. I'm not sure if it's a Maggie question or a NMFS question, but just as a matter of process, the development of the draft alternatives that would limit gear switching to a level of 29 percent, so I'm assuming that that means alternatives that would achieve that 29 percent number, but I believe that the alternative that would allow for status quo will always be an option in a range of alternatives? Is that correct?

**Marc Gorelnik** [00:00:52] Was that question for Maggie?

**Marci Yaremko** [00:00:56] Thank you Mr. Chair, I presume that question, well I'm happy to hear any one answer that question. Thank you.

**Marc Gorelnik** [00:01:11] Kelly Ames.

**Kelly Ames** [00:01:14] Through the Chair, thanks Marci for the question. Yes, as we move forward the no action alternative would always remain part of an option for the Council to consider.

**Marci Yaremko** [00:01:29] Thank you.

**Marc Gorelnik** [00:01:30] All right, thanks Kelly. Corey Niles followed by Brad Pettinger.

**Corey Niles** [00:01:41] I lost my mute button there. Thanks Mr. Chair. Thank you Maggie. I thank you for the explanation and for the motion. I think this is consistent with moving us to the next step. But I just to maybe to catch something that you said there and you, the 29 percent, and sorry I have a hard time following math sometimes as we all do I'm sure on the fly, but that was, you said it was the 2011 through 16 average of the available pounds from that, from table 1 in the analysis I'm guessing? And I didn't ask that very clearly, I could restate that.

**Maggie Sommer** [00:02:28] Through the Chair, yes, that's correct Corey.

**Corey Niles** [00:02:31] Okay thanks, and so, and I'm guessing your rationale was 2017 involves the control date September 15th and that kind of messes up the math, but I think if you do that, I'm looking now and if I've got the right numbers, it would round down to 29 percent as well, but is that your, was that the logic of 2011 through 2016? And apologies for making you repeat that rationale.

**Maggie Sommer** [00:03:03] Through the Chair, yes, you are correct. I chose 2011 through 16 because those represented full years prior to the time at which we selected the control date and that was the data that we would have been looking at, at the time reflecting the fixed gear attainment.

**Marc Gorelnik** [00:03:29] Brad Pettinger.

**Brad Pettinger** [00:03:31] Yeah, thank you Chair Gorelnik. Thank you, Maggie, for the motion. Really appreciate it and I do agree with most of your comments with that. Corey referenced my comment about the decision today and it was really, basically, the decision could be much different than moving forward with this motion potentially than others that I've heard at the table. So I appreciate Maggie's phrasing as far as that it's the maximum level, not necessarily a goal as some may read into this and it will help guide us to getting to whatever the number will be or help whatever modifications to the program we make here down the road. So with that, I'll be supporting the motion and I look forward to

hearing some of the direction maybe people may be giving and I might add to that. Thank you.

**Marc Gorelnik** [00:04:37] All right. Thank you Brad. Is there further discussion on the motion? All right, I'm not seeing any hands so I will call the question. All those in favor say 'aye'.

**Council** [00:04:54] Aye.

**Marc Gorelnik** [00:04:54] Opposed, no?

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

**Marc Gorelnik** [00:05:09] Any abstentions?

**Louis Zimm** [00:05:12] Louis Zimm abstains.

**Marc Gorelnik** [00:05:14] All right. So, the motion passes. Thank you, Maggie, for the motion. I know you have further guidance, but we've been at this for about two hours, so we will take a 10-minute break and come back to get additional guidance and any further discussion on this agenda item. I have 3:36. We'll be back at 3:46.....(BREAK)..... Welcome back. It is 3:46 and we will continue with the Agenda Item F.4. We've taken important action already, but there is some additional guidance coming. I'll call on Maggie, but I'll wait for anyone to raise their hand. Maggie Sommer.

**Maggie Sommer** [00:06:21] Thanks Chair. Thanks for the break, too. Yeah, I thought we might be able to offer a little bit of additional guidance. Not sure we'll get all the way to the questions posed in Section 5 of the analytical report, for example, but I'll start with those. One was on using the control date, and I think it was suggested by my use of it in determining the level I proposed earlier. I do think we retain and use the control date in determining qualification for any gear switching privileges. I also think it will be valuable to include some recency provision. So, some indication not just of participation before the control date, but of more recent participation, recognizing that I think some earlier information had shown us that there were participants who gear switched relatively early on in the program, but have not since then, and I think we would be interested in including a recency provision. I do not have a recommendation on specific years at this time. And then my other thought is there was a question posed about thinking about long-term and short-term gear switching levels. I've only offered one level here in the motion earlier and I'm really only prepared to think about one level and one action as we proceed with considering gear switching limitation. I think we would want to see what happens following any potential implementation of that and take those results and circumstances into account in a future review of any action and its effects before we determine whether we might want to, for example, ratchet down more or make any other changes. So, there are a few thoughts to get us started, and I suspect we'll hear more from others around the table.

**Marc Gorelnik** [00:08:45] All right, thank you Maggie. Let's see if there's some discussion here. Corey Niles.

**Corey Niles** [00:08:54] Thanks Mr. Chair, and thanks Maggie. I think, yeah, I'm in agreement with what you said there. I just want a couple of thoughts on elaborating on the control date, and I just, as I mentioned earlier, I don't, I had the Pacific Dawn follow-up experience and it's still, for whatever reason, fresh in memory because we had to do everything almost all over again, but on the control date I just... on a question and answer on the motion. You explained it was the year we were looking at when we announced the control date, but you know, I think the control date becomes effect when people are put on notice of it, and it looks in terms of a percentage level, it's a rate of around 29 percent, so at that, from that perspective it doesn't look like it matters. But I think if you look, start looking at

individual behavior and the fair and equitable side, you know it's that kind of maybe a difference there in terms of people had no idea we were going to for sure announce a control date until it was published in the Federal Register. So that's just a little tiny, not maybe, not tiny, but just a thought. And the recency I believe that's a question we should get guidance from, or the analyst should get some guidance from on from NMFS and NOAA GC to staff because that was also a big part of the analysis, and the Magnuson Act tells us to, it's not our choice. It'll be somewhat of a weighing of factors when a decision comes so second, just two thoughts there, yeah, there might be some, and I have no doubt Dr. Seger will help us find them on the control date. But, yeah, that recency one I believe it would be more of a legal, not a policy question, but of course there's limitations on how recent we can look and how we are to weigh recent versus factors like the control date and past participation. And then on the long-term versus near-term, I think those are considerations to keep in mind, but I think the one, the percentage level you've identified with will allow some discussion and thought on that in the analysis.

**Marc Gorelnik** [00:11:33] Phil.

**Phil Anderson** [00:11:37] Yeah, thanks Mr. Chair. Well, I don't have a lot to add. I appreciate the thoughts that have been expressed so far. I laid out some principles in my opening remarks when we started this topic and I find what I've heard so far to be in line with those, not that they have to be. There is one just general concern that I have, and that is the cost and complexity of implementation and that there could well be some cost recovery implications associated with it. And so, one of the things that I spoke to was crafting an implementation regime that was, that used the most cost-effective approach that we could while meeting all the other objectives that we're trying to meet. So, while that isn't anything specific, I hope that we can keep that in mind when we're moving forward. We can, obviously we know we're capable of building very complex management regimes, but I think we ought to be looking for ways to do this that means our overall objectives and doing it in the simplest and most cost-effective way that we can. Thanks.

**Marc Gorelnik** [00:13:16] Thank you Phil. Bob Dooley followed by Maggie Sommer.

**Bob Dooley** [00:13:21] Thank you Mr. Chairman, and Maggie, Phil, Corey, thanks for those comments. You know the comment I would add to this is that as we look at this going forward, and I remember all of the alternatives have many options and places to look at, and they may be informative to talk about long-term and short-term options, I think I recall there's a couple of different options that talk about different, you know, different destinations, either sunsets or there's many, many things in there that could address that. And I think the control date, you know, I think as far as that goes, I think there's, I think it's important to respect that control date. I mean history will tell us that we need to if we're going to, if we're not going to do that it may have adverse consequences, so I respect that. As far as recency, I think there's some recency options and provisions that might guide us in the alternatives as well, so I don't think we need to reinvent the wheel, maybe adjust the wheels and maybe, you know, maybe pick and choose a bit, but I think there's a way to do that. And with respect to the cost effective approach and cost recovery, I really do think that that's something we need to pay attention to as a Council and maybe guided by some of the principles, I know we've never really formally adopted, adopted those, they may be able to get us a place where we address some of those, may get us to a place where a concept could of, you know, how does, how to format this within the ITQ sector that would address multiple issues. So I think that we need to look at this maybe not as one alternative, the other alternative, but as a destination of where we're looking to go, and I know I'm not really good at expressing myself sometimes so I hope I'm not confusing people, but I think if we focus too much under the hood and get into the details too much and don't step back and look at it in totality, we could create a monster, and I think that we could do a better job if we maybe take a few minutes to, you know, to look at it from a larger perspective to achieve the goals that we're trying to achieve. So, I hope that made some sense and I'll stop there. Thank you.

**Marc Gorelnik** [00:16:13] Thank you Bob. Maggie Sommer.

**Maggie Sommer** [00:16:19] Thanks Chair. The mention of cost recovery had reminded me of one thing I forgot, which was that I would ask the National Marine Fisheries Service if possible to maybe coordinate with the Council or at least to keep costs in mind as we move through this process, and I'm thinking of the item I noted earlier in the Cost Recovery Report for the Office of Law Enforcement review of SaMTAAC information and, you know it sure seemed like a very early stage in the process for that to occur. The Council did not see results of that, and I fully appreciate the intent may have been to inform Kelly and NMFS staff who were directly engaged in SaMTAAC, but it just seemed, it struck me as one example of an area where maybe cost could be, or at least we could think about this more efficiently. Thanks.

**Marc Gorelnik** [00:17:39] Kelly.

**Kelly Ames** [00:17:43] Thank you Chair Gorelnik. Thank you, Miss Sommer, for the question. Yes, we have committed through the Council process to identify items that are recoverable as you scope the items, so you are well aware. We have identified, as you noted, this item could be recoverable. It is really important for us to have early and often communication, including with enforcement as alternatives are developed because it streamlines the process. So, identifying issues early now saves time later. So, we do want to continue that sort of coordination as we move through this action. And I will just remind folks, you know, last year, April 2020, NMFS did submit a report for the Council's consideration where we highlighted across the SaMTAAC alternatives. So, again not yet alternatives that have been adopted by the Council, but the ones that were under consideration in the SaMTAAC process, and you know suffice to say, the greater the complexity it is likely that there will be higher costs. So, as we move into the Council discussion on range of alternatives, I am with you all that I hope we can seek to reduce complexity and reduce cost so that we end up with an efficient program. Thank you.

**Marc Gorelnik** [00:19:14] Thank you Kelly. Further discussion? Other guidance? Jim, please let me know how we're doing here.

**Jim Seger** [00:19:41] Thank you Mr. Chairman. I think you're doing quite well. You have met the goal of identifying gear switching level that will help us, help guide further development of the alternatives, and we've got a little bit of additional guidance that we can take into account as we're moving forward and determine what we bring back to you as soon as you determine under future meeting planning the next time that we'll be on the floor with you. Again, I've said it several times, but I really appreciate the Council's attention and diligence to a lot of material that we presented and a lot of, obviously a lot of presentation time and listening to public comment, everything else as well, so thank you.

**Marc Gorelnik** [00:20:22] Yeah, and I want to recognize, as others have, the work that staff has done to make this agenda item go forward. I also want to thank the public who have both through written and verbal comments have provided valuable input to the process. So that will conclude Agenda Item F.4 for this meeting.

## 5. Cost Recovery Report and Final Regulations

**Brad Pettinger** [00:00:00] That would take us to public comment, and last time I looked I didn't see any comment cards, so that will take us to Council action and the guidance there is on your screen. With that I will look for hands to start discussion or not. Ah...Maggie Sommer. Maggie.

**Maggie Sommer** [00:00:30] Thank you Vice Chair. I'll start off some discussion. Appreciate the report and want to for the report we just heard from the GAP in addition to the information provided earlier by the National Marine Fisheries Service, you know and we all recognize that this is part of an ongoing expression of some concerns by industry members about both the transparency of information and their ability to understand in what they feel is sufficient detail, what the cost they're being charged for and also just the overall level of the costs. And I think maybe... I wanted to start just a little bit of discussion on that, picking up on the comment in the GAP report that one appropriate vehicle for EDC cost or modification consideration to reduce costs might be the next catch share program review, and I guess I would expand that with my thinking that there are probably other areas where we could look for some cost reduction, but noting the GAP's wondering if kicking off these conversations sooner, whether that's through some NFMS at industry meetings or Cost Recovery Committee might lead to more timely outcomes. And I am very sympathetic with the, I think the implicit concern that working through the five-year review process will be really, really long and they're looking for some relief from cost sooner, so I just wonder if at this point either NMFS or perhaps other Council members might have some ideas for us to start thinking about in terms of how to really be efficient and work effectively toward looking for some solutions to reducing costs for industry and a process for doing that.

**Brad Pettinger** [00:02:47] Thank you Maggie for that. Anyone else want to take a bite of that apple? Kelly Ames. Kelly.

**Kelly Ames** [00:03:01] Good morning Vice Chair Pettinger, Council members. Thanks, Maggie, for opening up the discussion. I, too, have heard a lot over multiple agenda items regarding the cost of the trawl rationalization program, including as we seek to make additional changes to the program, and so there has been this discussion surrounding the five-year review and I appreciate the GAP's concern about the timing and the timing of doing a review, and then, of course, the follow on action and their desire for quicker action. And I guess I just want to point out that the Council could set the scope of the five-year review at any time. They don't need to wait. You all, we all do not need to wait until 2022 to have that discussion, and if we know now that cost is a main area of interest, then I think that scope could be set now, not at this meeting, but at a meeting noticed earlier than 2022. And to me, I think an important part of that cost evaluation is looking at the regulations, the required parts of the program that the Council had recommended, evaluating the cost and also simultaneously evaluating how changes to the data streams, what those changes, what changes to the regulations would do to changes in the data stream and how that would influence management. So, the GAP focused their report on the ESSR program and particularly the EDC, and I think we should have those sorts of discussions about all of the required program elements, and look at as you change those requirements, how does the data change that informs management and is the Council comfortable with changing those data streams? For some of the features the Council may not be comfortable in making changes, but perhaps for others you may be comfortable bringing in some variance into the data stream as a way of reducing costs, and so I think that is certainly an appropriate scope for the five-year review if that's what the Council would like to do, and again I think the task could be set early. The data could be provided early to facilitate a more-timely discussion and review.

**Brad Pettinger** [00:05:52] Yeah. Very good Kelly. Appreciate that and let's see Marci's hand. Marci Yaremko. Marci.

**Marci Yaremko** [00:06:00] Yes, thank you Mr. Vice Chair. Thank you Kelly. I appreciate that thought. I, too, share concerns with cost and appreciate your acknowledgment that possibly the five- year review is the time and place to get going on that and that, in fact, we don't need to wait for the schedule, the commencement time of that item. I guess I'm wondering from you, I thought I heard that we could define the scope of that review obviously in advance. I think what you might be getting at is that we may consider moving up the five-year review scoping on our agenda and our Year-at-a-Glance agenda that would allow us to indicate our intention to proceed or even conclude that scoping and narrow the scope so that the focus is on cost, you know these issues pertaining to burdensome costs in the IQ sector and that we might be able to take that up quite soon. I guess I'd still be curious from you what the, where the actual action would come and end point? I realize there are a number of elements that would be required in the review as you described about lost data stream potentially and how that might impact the program and our ability to manage the fishery using the best available science. So maybe you can elaborate a little bit more on when you might expect the five-year review program, regulatory program might conclude and have a real effect?

**Brad Pettinger** [00:08:11] Kelly.

**Kelly Ames** [00:08:16] Through the Vice Chair and Miss Yaremko, I actually would want to ask Dr. Seger or Mr. Tracy to weigh in. I mean, really a lot of this depends on how the Council sets their schedule for considering the review. It depends on the breadth of the analysis that is considered in the review and the timing in which you begin consideration for what we typically call the follow-on actions from the review. So, to me, it's all in the bailiwick of the Council schedule and prioritization. You know, thinking about the five-year review I think you would also, if you're going to move up the timing of those discussions you need to circle back and look at your other groundfish priorities and how you'll rebalance the workload to accommodate an earlier discussion on the five-year review scope and doing some pre-work before the review is kicked off.

**Brad Pettinger** [00:09:23] Okay. Jim Seger. Jim.

**Jim Seger** [00:09:25] Thank you Mr. Vice Chair and Ms. Ames. One question I had about your suggestion of moving up the scoping, were you talking about moving up the entire scoping or just an action that would say the scope will at least include cost recovery so we can get moving on that? I would be concerned about moving the entire scoping up a long time before the actual start of the review just because matters might change by the time you get the review, but it would seem like to say that, yes, this review is going to include cost recovery with them, provide the pretext for moving ahead and starting some work.

**Brad Pettinger** [00:10:04] Kelly.

**Kelly Ames** [00:10:08] Through the Vice Chair. Thank you Jim. Yes, I was basically identifying one part of this scope and leaving the broader scoping to the formal kickoff in 2022, and just to be clear, in my mind the focus is not on cost recovery, it is on the total program cost as required by the program. Some of those costs are industry costs. The other costs are agency costs. So, what you see in front of you today in the Cost Recovery Report does not represent the total cost for operating the program. It, of course, only represents those costs that have been deemed to be incremental or are specifically but for the rationalization program, and I think it is important for the Council to see the entire cost of the program including those paid by industry, because that gives you the full view of the cost to operate these rationalized fisheries.

**Brad Pettinger** [00:11:21] Okay. Further discussion? Comments? Maggie Sommer. Maggie.



**Maggie Sommer** [00:11:33] Thanks Vice Chair. I just wanted to say I really appreciate the discussion we just had and I would certainly support the approach that Kelly just offered, that we might consider an early identification of the total cost of the program being part of the five-year review so that we might set us up with some opportunity to get information on that sooner and make some progress on considering any changes we might want to make and be comfortable making and that could reduce costs for both industry and the agency in this program.

**Brad Pettinger** [00:12:18] Thank you for that Maggie. Good...oh your hand went back up. Okay. Anyone else? Corey Niles. Corey.

**Corey Niles** [00:12:36] Thanks Mr. Vice Chair. Not to leave any question open to silence, just wanted to support what Maggie said there and express appreciation to the GAP and to NMFS for the work that was done ahead of this meeting. It was really nice to see a positive note in the GAP report. But, yeah, and on the way forward I think, and not to repeat what Maggie said, just lending support for that way forward.

**Brad Pettinger** [00:13:09] Okay. Thank you Corey. Appreciate that. Anyone else want to chime in? All right, so Jim we have comments. I guess let's, so we have comments been given. Where are we at as far on this, what else do we need to do here? I see we have to adopt the final regulatory changes so fill us in because we.....

**Jim Seger** [00:13:50] Yeah, Mr. Chairman, thank you. First, just to, to summarize my understanding is that you have an interest in looking at bringing all the costs, bringing that whole issue up earlier and starting to get some reports and information and so forth together, but it was also noted that this may be plays into workload prioritization or for groundfish new management measure prioritization type action? So based on that I'm kind of anticipating right now that the next time you would see this would be I think you have another groundfish prioritization action in June so we would include this as something to be considered at that time for how you want to move forward. If that's not what you're anticipating, then let me know. And then the other action here is to finalize the regulatory action that is covered in the NMFS report with respect to how the catch or how the cost recovery is collected in the at-sea fishery.

**Brad Pettinger** [00:15:01] Okay so it sounds like we need to have something on that. Kelly Ames. Kelly.

**Kelly Ames** [00:15:09] Through the Vice Chair, yes, I do have a motion for the regulatory changes, but if there was going to be any discussion on those changes I could stand down.

**Brad Pettinger** [00:15:20] Well.... Corey Niles.... so stand by. Corey.

**Corey Niles** [00:15:25] No discussion. I would, yes, grateful for Miss Ames to make a motion. Just want to express the support for the GAP report and hoping that's what Miss Ames motion will include, but I have to say I was a little bit confused on the language here and what we are doing in terms of adopting changes or really encouraging NMFS to make changes, but I should've just let Kelly go on with the motion and ask questions there but... so I will lower my hand and see what Miss Ames has.

**Brad Pettinger** [00:16:04] I think we're going to find out here. Marci Yaremko. Marci.

**Marci Yaremko** [00:16:07] Thank you Mr. Chair. I'm sorry that I missed the chance to ask a follow-up of Mr. Seger on his comment about next steps. I just want to make sure that I understand that while this could be a topic for consideration under workload prioritization, I think with regard to the ad hoc

committee that would come to us in June, we also have the opportunity here in agenda planning as we look at our Year-at-a-Glance with regard to the five-year review item, as I understand it, I mean we've already had some very initial briefing on that item so would it not be appropriate to consider agendaizing that on a somewhat different schedule than it might currently appear on the YAG?

**Brad Pettinger** [00:17:10] Well, I mean obviously, the workload planning is going to determine what we're going to do. Certainly, we've heard what people would like to see happen. Beyond that I think that's what tomorrow we're going to determine what's moved forward or move up or not. Does that kind of put things in context enough for you or do someone else want to weigh in here? I see Chuck's hand. Chuck.

**Chuck Tracy** [00:17:41] Thanks Mr. Chair, thanks Marci. Well, I don't actually see it on the YAG, the next iteration of program review, but it was, the Council set the review schedule up to be every six years so that it could fall after the spex cycle was done, which we will be entering starting at our next meeting. So, I don't... it's not on the YAG, which at this point only goes through next April. That being said, I mean the Council can always add things wherever they like. However, I think Miss Kelly, Miss Ames and Dr. Seger's comments about groundfish workload prioritization I guess I would echo those that this is something that should be considered in the scope of our entire groundfish workload capacity, and that's where we, that's the intent of that agenda item is to look at those things in whole, and so I would recommend that if the Council is considering doing something off schedule that they should consider it in light of the other priorities we have identified and are currently working on and what would have to be displaced in order to accommodate moving something like that up.

**Brad Pettinger** [00:19:16] Okay. Thank you, Chuck, for the clarification. Marci, did you have anything else?

**Marci Yaremko** [00:19:22] No, thank you, that's helpful. I had expected to see it somewhere on the Year-at-a-Glance but admittedly I didn't have that document open so I appreciate that and certainly we, I guess our next opportunity to discuss will be in June under workload prioritization as you've indicated. So, thanks very much.

**Brad Pettinger** [00:19:44] Very good. And so with that, Kelly, seeing no hands I'd like to see that motion. There you go.

**Kelly Ames** [00:19:56] Thank you Vice Chair. I have sent a motion in writing to Sandra because I thought that would be easiest. I imagine it is traveling through the internet, so I'll stand by.

**Brad Pettinger** [00:20:34] The ether's a little heavier today, or slower than normal.

**Kelly Ames** [00:20:40] Well it certainly was a lot easier when she sat right next to me.

**Brad Pettinger** [00:20:49] And you did send that to Kris also, right?

**Kelly Ames** [00:20:53] I did, yes.

**Brad Pettinger** [00:21:04] Wonderful. Okay.

**Kelly Ames** [00:21:08] Great, thank you and I do have just a couple modifications. Thanks for your patience. I move that the Council adopt as a final recommendation that the cost recovery language be adjusted to state that the value of Pacific whiting instead of all groundfish, be used in the annual cost recovery fee calculations for the at-sea sectors as described in Agenda Item F.5.a, NMFS Report 2.

**Brad Pettinger** [00:21:47] Okay, thank you Kelly. Does the language on the screen actually reflect your motion?

**Kelly Ames** [00:21:55] Yes. Thank you.

**Brad Pettinger** [00:21:58] Okay. Do you want to speak to your motion please?

**Kelly Ames** [00:22:04] Yes, thanks. NMFS Report 2 covers in great detail the lack of data available to calculate the fee percentage based on all groundfish, and as such, we are recommending we move to Pacific whiting, which is the current practice for doing the fee calculations.

**Brad Pettinger** [00:22:27] Okay. Looking for a second. I see... oh....

**Chuck Tracy** [00:22:32] Go ahead. No sorry.

**Brad Pettinger** [00:22:34] Need a second. I see Bob texted me he'll second it. So, I'm assuming he has.....so I say Bob Dooley seconds via text. Don't know if that's proper or not but let's go with, there he is. Okay very good. Proceed. Kelly.

**Kelly Ames** [00:23:02] Pardon me?

**Brad Pettinger** [00:23:08] I'm sorry. We got the second now.

**Kelly Ames** [00:23:15] Great. Do need me to repeat the rationale for my motion? Are we ready to proceed?

**Brad Pettinger** [00:23:21] Yeah, no speak to your motion but maybe I was muted on my end. I apologize, but yeah, speak to your motion as you think is needed.

**Kelly Ames** [00:23:31] Great. Thank you. The rationale for this recommended regulatory change is provided in NMFS Report 2. In sum, there are insufficient data for basing the fee calculation on all groundfish. We have been using Pacific whiting instead, and so we are seeking to make a regulatory change be consistent with our current practice. And with that I'd be happy to answer any questions.

**Brad Pettinger** [00:24:00] Okay. Questions for Kelly? I see Bob Dooley. Bob.

**Bob Dooley** [00:24:04] Thank you Mr. Vice Chair. I'm sorry I've been having a lot of difficulties on my internet this morning. I can't seem to get it to work but it seems to settle down now. Sorry about that. But Kelly, thanks for the motion. I have a question for you. It was mentioned in the GAP report about cost recovery for this action in that it was originally in the November 2012 that it got changed from the original desire to just use whiting only and now we're going back, even though that was the original intent. Will this whole exercise be cost recoverable or will it be acknowledged as a change by the agency?

**Kelly Ames** [00:24:56] Through the Vice Chair, Mr. Dooley. Yes, Miss Kent spoke to this during her presentation. We have determined that the cost is recoverable. We would not have this regulation but for the trawl rationalization program. The regulatory change will be a very low workload and not require significant time to complete, and that is our rationale.

**Brad Pettinger** [00:25:27] Okay. Thanks for that Bob. Further questions of Kelly? Corey Niles. Corey.

**Corey Niles** [00:25:36] Not a question but maybe just a comment if that's okay Mr. Vice Chair?

**Brad Pettinger** [00:25:41] Please.

**Corey Niles** [00:25:42] Yeah, just supportive the motion, supportive of the work that NMFS has done with the GAP. Also just wanted to just to comment that this concept of ex-vessel value, especially in the catcher processors fleet is, is an underestimate of what this fishery is valued, that it produces. That's not an issue to bring up now but do recognize the difficulties if anything we're underestimating the value that these fisheries are earning. I'm supportive of the motion.

**Brad Pettinger** [00:26:21] Okay. All right, further discussion? Bob Dooley.

**Bob Dooley** [00:26:30] Yes, thank you Mr. Vice Chair. I think it's very important to take what the GAP suggest in there very, very seriously and discuss this. I think the cost recovery part of this is significant to the industry, not maybe in dollars, but in format. This was not a change. This was the original part of the program. NMFS proposed to change to use all fish after the fact and now they're proposing to go the other way and, you know, it seems to me that industry should not be saddled with that change. I think that they, you know it's not a big issue dollarwise it doesn't seem, but it is a, I don't know that, that change was not requested by industry. In fact, it was the opposite. Industry wasn't for that change to begin with. They would rather use just whiting and pointed out the rationale and the Council agreed with that, so anyhow not a, you know, I don't want to make a big deal about it, but it seems to be pertinent to the whole cost recovery conversation, particularly when we start talking about five-year review and going through this and making sure we set up a program that, you know, that deals with what's cost recoverable and what's not. So, I'll stop there but I just thought I'd bring it up again. So, thank you.

**Brad Pettinger** [00:28:09] Thank you Bob. Further discussion? Comments on the motion? Okay well I'm not seeing any hands so I'm going to call for the question. All those in favor signify by saying 'aye'?

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

**Brad Pettinger** [00:28:28] Opposed? Abstentions? Okay I think that motion passed unanimously I believe so thank you all. I'll turn to Jim. Jim if you finish us up here.

**Jim Seger** [00:28:51] Thank you Mr. Vice Chairman. Yeah, I think you've finished your business on here. You'll be talking about taking a look at the costs of the program and prioritizing, prioritizing that when you consider groundfish new management measures in June and fitting it in there, and then you just need this regulatory recommendation. We're ready to move on.

**Brad Pettinger** [00:29:14] Very good. Thank you Jim.

## 6. Inseason Adjustments for 2021 – Final Action

**Brad Pettinger** [00:00:00] That finishes public comment, which brings us to the Council action before you and now will entertain discussion. Motions. Ah, Marci Yaremko. Marci.

**Marci Yaremko** [00:00:21] Thank you Mr. Vice Chair. Maybe we'll take care of the easy part of this first. I have provided a motion to Kris and Sandra.

**Brad Pettinger** [00:00:31] Okay.

**Marci Yaremko** [00:00:33] Thank you. I move the Council adopt the GMT recommendation described an Agenda Item F.6.a, Supplemental GMT Report 1 regarding the modification needed to the RCA language in trip limit table 2.

**Brad Pettinger** [00:00:49] Okay, does the language on the screen accurately reflect your motion?

**Marci Yaremko** [00:00:51] Yes it does.

**Brad Pettinger** [00:00:56] Looking for a second? Seconded by Marc Gorelnik, or Chair Gorelnik. Marci, speak to your motion.

**Marci Yaremko** [00:01:02] Yeah, thank you Mr. Vice Chair. Just real quickly I want to acknowledge and appreciate the work of the GMT in bringing this housekeeping item to us and the very nice suggestion on the part of NMFS that this is the most expedient pathway forward. I appreciate them thinking about that. We do need this change made and so I appreciate them putting some thought into how this can get done most readily. So, appreciate the discussion on that point.

**Brad Pettinger** [00:01:40] Okay, very good. Questions for Marci on her motion or discussion about it? Okay. Marci, your hands still up.

**Marci Yaremko** [00:01:48] Sorry.

**Brad Pettinger** [00:01:49] No problem. Okay, seeing no hands so I will call for the question. All those in favor signify by saying 'aye'?

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

**Brad Pettinger** [00:02:02] Opposed? Abstentions? Motion passes unanimously. Okay, thank you Marci. Okay further discussion? Corey Niles. Corey.

**Corey Niles** [00:02:32] Yeah, thanks Mr. Vice Chair. I think I'll start off with some discussion and gauge where other Council members are. I'll start off by saying I think that we are supportive of adjusting the salmon troll lingcod allowance as we've been discussing this agenda item and adjusting it from 1 per 5 down to 1 per 2. I really appreciate the efforts of the GMT to produce the analysis and have the discussion. I'm still a bit unclear on the debate they're having on whether this qualifies as inseason or not but that aside, I guess I will, and maybe a heads up that a question is coming to NMFS's way here. Yeah, my understanding doing this inseason actions over time, there's kind of two main factors in play, one is whether the impacts have been analyzed sufficiently, adequately or not. The second, and I think this is what Miss Ames questions we're getting at was the waiver of notice and

comments, and I'm not going to try to repeat those, the factors there, but it's something to do with having the benefit of the change going into place outweighing the need and benefits of public notice and rule, notice of comment and rulemaking. So, I guess the question for you, Kelly, is do I have that understanding is have the impacts been considered and analyzed in the past and what is the rationale for notice and comment, waiver of notice and comment, excuse me?

**Brad Pettinger** [00:04:33] Kelly.

**Kelly Ames** [00:04:36] Through the Vice Chair. Thanks, Mr. Niles, for the question, and I do have some thoughts that I'd like to share which encompass both the APA and NEPA requirements. So, first I just want to start off by saying I really appreciate the GMT's detailed analysis of the measure, and I wanted to highlight that when interest in adjusting the ratio was initially raised, we noted that it would be most helpful to have the analysis in sufficient time so that we could evaluate whether the legal requirements, which include both NEPA and the APA associated with the inseason actions had been met. We did follow the discussion through the GMT through our NMFS members on the GMT, however you know we really were waiting for the final analysis to be presented which didn't come until last night. And so, frankly, we just have not had sufficient time to have the discussion, to make a determination to tell you whether those legal requirements have been met and this action is eligible for an inseason item. And I want to be clear that my statement here is not to lay blame on the GMT. I absolutely understand and appreciate the challenges of working through this proposal. I'm just simply noting how the timing of the final analysis affected our ability to have a final determination in time for you this morning, and this is also not to say that I, you know, we have had many side emails going on, on this issue and appreciate the feedback I have received from my NMFS and General Counsel colleagues, however I have been on the Council floor during this time and have not been able to follow all of that dialogue. But to summarize here for you all, I mean understanding whether the impacts of the inseason adjustment have been previously disclosed in past NEPA documents is difficult for this request because of the lack of at-sea monitoring in the salmon troll fishery and the variation and complete list of the state level landings data, you know the GMT discussed this in their Report 2. It's also difficult to determine when changes to the ratio results in changes in behavior that could result in targeting, which would then potentially result in impacts outside of those previously disclosed in a NEPA document. So, since we haven't had time to really go through in detail the record of the 19-20 EIS analysis and compare it to the information brought forward by the GMT, it is possible that if the Council made a recommendation on this inseason adjustment that we could later determine that it does require additional NEPA and potentially even a proposed and final rule if we do not find that the APA good cause waiver for prior notice and comment has been met. If we do need additional NEPA or need a proposed and final rule, you know, we would want to know pretty clearly from the Council today where this would fit on your groundfish priorities. Regarding NEPA, I haven't had the opportunity to discuss with Mr. Tracy, but given the NMFS workload I would not anticipate we would be able to close any, answer any additional questions from the 19-20 analysis that would be needed to support this action, so we would be looking for Council staff to assist in that development of the additional NEPA. And with regard to rulemaking, even if we receive the APA good waiver, good cause waiver on prior notice and comment, so meaning we don't have to go down the route of a proposed and final rule, given the NEPA question here, it's likely we would have to put this measure into a separate inseason action because we wouldn't want to hold up the other items inseason while we address this NEPA question, and so everyone is clear when we proceed to implement the motion that was just passed on the RCA adjustments, we also intend to include in that inseason rulemaking the halibut retention in the primary sablefish fishery, and so I wouldn't want to hold up that inseason action while we are continuing to look at the record on the NEPA for the salmon troll adjustment if it is recommended by the Council.

**Brad Pettinger** [00:09:43] Corey. Okay.

**Corey Niles** [00:09:49] Sorry looking for my mute button. I also noticed a couple of hands went up. I was just asking about the two criteria Kelly spoke to about is all.

**Brad Pettinger** [00:09:56] Okay, so your hand's still up.

**Corey Niles** [00:09:56] I have responses, but I'll yield to Chuck and Phil there.

**Brad Pettinger** [00:10:01] Okay. Chuck, I see your hand up.

**Chuck Tracy** [00:10:07] Thanks Mr. Vice Chair. Just wanted to circle back with Kelly on her response. So, you mentioned the NEPA, the burden of doing additional NEPA analysis and that workload issues between whether the region or the Council staff would need to do that. So let me just get that clear. So, were you speaking of if additional NEPA is needed or were you talking about, so I... or were you talking about to determine if additional NEPA is needed when you were referring to the need for Council staff to be available to help?

**Kelly Ames** [00:10:50] Through the Vice Chair, Mr. Tracy, it would be the first one you mentioned. If additional NEPA is needed, we would need assistance in preparing that NEPA to support the action.

**Chuck Tracy** [00:11:07] Thanks and then just a follow-up Mr. Vice Chair. So then, so that's a question that hasn't been answered yet and so we won't know the answer to that till presumably NMFS has a closer look at the spex analysis to determine if additional NEPA is needed. Is that... do I have that right then?

**Kelly Ames** [00:11:29] Through the Vice Chair, Mr. Tracy, Yes, as well as we would take into account the information presented today by the GMT, the discussions under public comment. So, we would use the record here at this meeting as well in that determination.

**Brad Pettinger** [00:11:50] Okay. Chuck, are you good? I see your hand's down, so okay. Okay Phil Anderson. Phil.

**Phil Anderson** [00:12:04] Thanks Mr. Vice Chair. I have a question for Kelly and I will preface this with this is not directed at you Kelly, but this is one of those times when what is seemingly a fairly straight forward action turns into a quagmire caused by, in large part, our process that frustrates me, but that aside, I'm also not interested in trying to push this issue through a knot hole that creates all kinds of problems for any anyone, any of us, NMFS or the Council staff or state staff. I am supportive of the action. I think the question is for me the timing of the action and if we can... if... so here comes my question, is, you know if we looked toward to 2022 as the year that we would try to get this in place, would that make getting over some of these hurdles in the short term with and have less potential impact on workload associated with other higher priority items possible? So just trying to understand a little bit, understanding that there was a question, the analysis about whether additional NEPA is needed, and all those kinds of things could be done but at a slower pace and giving us an opportunity then to consider this at a later date with the hope I'll say, of getting them in place in 2022 instead of 2021.

**Brad Pettinger** [00:14:26] Kelly.

**Brad Pettinger** [00:14:30] Through the Vice Chair, Mr. Anderson, I understand how the process can be frustrating, so I appreciate those concerns. We, if the Council is interested in this measure, we could certainly talk about the appropriate Council process and whether there is additional NEPA needed to support the action so that that is something we could certainly discuss.

**Brad Pettinger** [00:15:05] Okay. Phil, you good?

**Phil Anderson** [00:15:10] As good as I can be.

**Brad Pettinger** [00:15:14] Okay.....(laughter).....Marci Yaremko. Marci.

**Marci Yaremko** [00:15:15] Yes, thank you Mr. Vice Chair. I'm thinking back to exactly one year ago in the April 2020 inseason agenda item. And as I recall the shoe was on my foot last year and we had a very similar set of circumstances in that we were interested in proposing some RCA line changes as a matter of an inseason action and we could not get a definitive answer at the time from NMFS similar to the situation that I see here in front of us. I think that Kelly, as well as the NMFS staff involved in these discussions have made very clear to us that they just don't know yet if this proposal is in bounds or out of bounds and it will take some time to figure that out, and that's almost verbatim what I had heard from Aja back a year ago, and so I think in that case we considered the action under inseason with the recognition that if the Council forwarded a proposal, NMFS would undertake its normal review using its normal standard for inseason actions and make that determination as to whether the proposal is in bounds or out of bounds. So, I think where I'm looking for some clarification from Kelly maybe, is that in this mention of additional NEPA necessary, that to me would not suggest an inseason action, but that some other type of action would be required. So maybe I'm not characterizing this quite right or understanding it quite right, but I would understand that if we were pursuing this as inseason, it's a yes or no and then we, if the answer is no, then we would have other opportunities to consider other vehicles to make adjustments such as through the biennial specifications. So, maybe Kelly can elaborate. Thank you.

**Brad Pettinger** [00:18:18] Back to you Kelly.

**Kelly Ames** [00:18:20] Through the Vice Chair, Miss Yaremko. So, you know the inseason requirements are, you know, we rely upon past NEPA analysis to support inseason changes. Additionally, inseason actions rely upon the ability to receive the APA good cause waiver for prior notice and comment. So, I know that sounds like a lot of mumbo jumbo, but those are the two pieces that really are key to understanding whether something is eligible for inseason, so it is possible that some additional NEPA is needed, but we could still meet the APA requirement. Part of that is related to timing. If the NEPA could be done fast enough and there is still reason to expedite the action in the public's interest, you know that is a possibility, but they are two separate legal mandates that relate to one Council inseason recommendation.

**Brad Pettinger** [00:19:37] Okay. Corey Niles. Corey.

**Corey Niles** [00:19:40] Thanks Mr. Vice Chair and thanks Kelly. That gets exactly back to where the question I asked was what the two considerations were and I was planning on speaking to them and I'm sympathetic to the time. I have... so I'm going to... I have frustrations with the process and folks will be hearing about that after this meeting so we can have a constructive dialogue, but I'm sympathetic to the time and in being in the chair and having many things to think about and so I'll start. This is a new, this is new to an inseason request. It was what we were contemplating back when we and in 2018 when we came in late in the spex process, we did a spex analysis view, and for those who don't know I was the analyst, the primary analyst for that. It went through the GMT and then through the NEPA process, but going through the spex is overkill on this and, you know speaking of workload issues, spending the right amount of time on the right, you know the importance of the issue is kind of a key ingredient of that, but if folks would open that GMT report number 2 and look on page 5 and look at figure 1, which was all but the last two years was the same, that the Council was looking back in 2018, you'll see, you know and many of you sitting around the table know this much better than those of us who don't sit in



the seats for salmon issues, but you can see a big feature, a feature of this graph here. The red line is the total number of vessels landing chinook per year. And this is areas north of 40 10, all three states. That black line below it is a subset of that line. It's the boats, of those boats which ones landed, the number that landed lingcod. So, the thing that sticks out to me is you see in the early years how many more vessels there were participating than in the latter years, and my understanding, and I could be wrong, is that that jump or that peak has, is in large part to how Oregon manages its troll fishery and the days at-sea available and also when the catches are good more boats jump in. So you can, that's going to be a major factor of how much lingcod we're going to expect for the coming season at this meeting and again, that you all know better than me, we have an idea of what effort is going to look like in the salmon troll fishery, so as a major factor of what lingcod catches and other catches would be, this seems like as a decision maker the right time of year to make it. You go down to the table 3, which Whitney summarized for us, you can see there's not a clear pattern and if people, we don't have a projection model yet, but if people think some of our projection models are much different than this then we should talk as they're pretty much close to this, this amount of variability and not a lot of explanation of what's going on, but you can see how the landings of lingcod bounce around as a function of the chinook landing. So, there's just a lot of variability. It's not, and I'll, one thing Kelly said in the GMT statement that's just incorrect is that the data is incomplete. The fish tickets are as complete as they always have been. It's the same data folks used to manage the ocean troll fishery, it's just that the fish are, they don't write down 10 chinook in California and Oregon or at least report it to Pacfin. They write down the pounds in dressed pounds. In Washington we required it that they write down the numbers of fish otherwise the landings, the fish tickets are as complete as our fish tickets are. So that's my explanation of why this is a good time for the Council to take up this issue, and yet there is a lot of variability here in it. If it came time, it looks like there was going to be a big chinook year, or we saw landing's jump higher than expected, we would want to pull back at this time of year. It's not just a loosening of the ratio. It would be a tightening of the ratio and doing it close to the fact of when we have the best information about what the salmon seasons would be. And on the good, on the waiver for a good cause, on the APA, you know if, I don't think our role here is to tell NMFS how to issue rules but if the reason for that would be if their notice and comment of rulemaking isn't fast enough to match this process and to go into effect, you heard Steve say Oregon's already fishing. Washington is going to start in May, and they're done in September, so I would presume there is reason to waive that, that good cause. The exception here, I know this is a new thing so but if it becomes routine, as I think it should be, you'll see if you can get that rule into place like the rule, we do for halibut every year, incidental halibut, it's the same logic. The salmon seasons, you're planning them now, you haven't even decided yet what the seasons going to be like and those go into place fast in May. So that's the APA. The first part was why we should be doing this now. The second part is that's the good cause waiver, and then the third is on the NEPA impacts, and I understand, again, people haven't had time to digest this yet, I would and it is still possible that folks will have time and digest the information, yet here's what the impacts are in my mind, and one is the Yelloweye bycatch. And I don't know if folks, and maybe we can have the GMT correct me if I'm wrong, but the impacts, if you look on table 4 and again, this is kind of, this is not representative data in the fact that this is data coming from people and people just off Oregon that are using troll gear to target bottom fish and lingcod, not people using it to target chinook, so it would be you would expect on the high side in terms of Yelloweye, which is what the GMT was telling us. So, if you look at the 2018 and the number of haul, the last time we looked at this the data was only good through, or we only had data through 2017. So now we have two more years of data. We have, it's not a huge amount of hauls observed, but it's a lot more than we had and I'm pretty sure with the GMT saying is that the new estimate of what the incidental impacts of Yelloweye would be are actually smaller than what we analyzed in the 2019-20 spex. So that's indication of one why I think, I would be surprised on that factor if new NEPA analysis is required. And then the second, you know, and I'll stop here soon, is on this, you know, the other, one of the other considerations is how much lingcod is going to be removed, landed instead of discarded, and how does that affect the allocations that we agreed to in 2019-20 process. So, if you look at table 5, and I'm going to, and let's

forget for a second how this magnitude of fish matches up against our ACL for lingcod, yet we are talking about a, and I'm going to get confused in this table as I try to talk, that we're talking a very, we're talking 8 or so metric tons and maybe I'm looking at the wrong table here. No, I think this is right, but we're talking 8 metric tons of lingcod and that's a small increase and I don't, I think I might have lost the table here. And let's see, yeah sorry, okay table 1 is what I was thinking of. You can see the incidental open access set aside is 11.68 and the GMT is telling us it would be surprising if we went over that. I'll also just remark that last time we adjusted this in the spex, it was from 1 to 15 down to 1 to 5, which was a big change, bigger change than we're talking about here and yet you can see from 2018 to 19 in the spex we lowered the incidental open access amount from 16 to 9.8. So, from that big change back then I don't, my memory is we weren't really paying attention. That's 5 metric tons of lingcod, but back then it wasn't a big deal. You know, the incidental allowance was going up as part of the spex or loosening yet our set aside was going down and had we know this is going to be an issue now we would have thought harder about that 16, but to end and I don't have the ACL table up here, but that 16 metric tons or 9 metric tons, 11 metric tons, and just looking at the non-trawl allocation of lingcod north, I think we're hundreds and hundreds, maybe five hundred, I don't have memory, but we're hundreds of metric tons under the ACL. ACL is really what we in the past couple of years, we've heard NMFS point to in terms of being a key factor in whether NEPA analysis was going to be needed or not. So, if we're talking about 3 or 4 metric tons and a lowering of the Yelloweye bycatch triggering a NEPA analysis, I would, I'm not seeing why that would be a possibility at all. So again, I'm way ahead of everyone digesting this information. I've spent more time doing it, but I think the prospects of new NEPA analysis being required would be, if new NEPA analysis is required I would be shocked frankly and honest. The other issue people bring up, and it's been brought up every time this comes up and the Council has, is dealt with it in terms of the Yellowtail rockfish aspect of the troll limit, is the fairness and equity side and that has been analyzed and debated. So again, that's arguing for it's appropriate to discuss these inseason. Whether the Council recommends a change or not is a different matter. I just, my point here is I don't see how the impacts have not been looked at thoroughly enough to be considered analyzed for NEPA and significant impacts to the environment. Sorry, that was way longer than I meant to but that's my thoughts here. You know there was three pieces there. Why this is a good time to make the decision. Why there's good cause to waive notice and comment and why the impacts have been well within what we had analyzed in the last EIS.

**Brad Pettinger** [00:00:00] Okay. Thank you Corey. That was a really good explanation of the background there I think on the, for the discussion. With that anyone else? Any motions? Ah ha! Corey Niles.

**Corey Niles** [00:00:24] Well, I'd first say, and like and as Phil were getting at, I have no indication if that's my interpretation, my understanding, my arguments, but if it were determined that new NEPA analysis were necessary, and that good cause couldn't be waived. I know I always trip on that phrase, then, no then, we wouldn't make this request, but I would offer a motion, you know, contingent upon on those findings. I don't know if there's reactions to that, what I'm contemplating here is we, I hear some support for the action, the workload consequences not so much, and if those are, those workload consequences are there, yeah, I would be on the not so much side of things, yet I would be prepared to make a motion on those grounds if people speak up, and even that's too far I will ask people to let me know before I go down that road, but that's what I would be thinking Mr. Vice Chair.

**Brad Pettinger** [00:01:34] Okay, thank you Corey. We'll look for some hands and I'm not seeing any so I would say proceed.

**Corey Niles** [00:01:48] Okay, thanks Mr. Vice Chair. And those of you who know me best that's probably the longest I've ever talked in a while. Catching my breath here. And I did hear Chuck this

morning, so apologies to Sandra and Kris, but maybe Kris could do some cross training on trying to catch a motion on the fly, and if that's okay, Mr. Vice Chair, I'll go ahead.

**Brad Pettinger** [00:02:19] Please.

**Corey Niles** [00:02:19] I move that the Council recommend adjusting the incidental salmon troll lingcod allowance to 1 per 2 chinook salmon plus one lingcod with a trip limit of 10 lingcod.

**Brad Pettinger** [00:03:12] Okay, Corey, does the language on the screen reflect, accurately reflect your motion?

**Corey Niles** [00:03:18] Well, I will admit to when I did this analysis back in 2018 I also spelled lingcod without the G in the title of the document so with that change.

**Brad Pettinger** [00:03:34] Okay. Looking for a second? Butch Smith. Butch... oop... Chuck you have something for us?

**Chuck Tracy** [00:03:44] Yeah, just a question. You had mentioned in your preamble the contingency understanding. I just want to know if that's part of the motion or not?

**Corey Niles** [00:03:59] Yeah, no big pardon Chuck. I was contemplating whether to put that in the wording to make it extra clear. You know, with the second, it would be too late to do that, but I was hoping the rationale would be enough in speaking to it again. But, yeah, very much so speak to what my preamble there, what the intent would be.

**Brad Pettinger** [00:04:30] So, Chuck, do we need to potentially modify that or did the discussion previously or yet to come, would that give enough guidance?

**Chuck Tracy** [00:04:42] Thanks Mr. Chair. Well assuming the second has occurred, then I think it would be appropriate in this case for an amendment to add that in.

**Brad Pettinger** [00:04:58] Okay.

**Marc Gorelnik** [00:05:01] Actually, I don't see a second recorded on the screen so perhaps Corey can make his change now.

**Brad Pettinger** [00:05:13] I thought I saw a hand so... but that is true, there is no recording of the second so I would say unless someone sees different maybe Corey... we could modify that accordingly?

**Corey Niles** [00:05:33] Yeah sure. Yes, thanks Mr. Vice Chair and yeah, Kris, Sandra, I'll just add, let's add a second sentence that says this recommendation is contingent upon NMFS's determination that the action has been adequately analyzed and that cause, or excuse me there, and that reason good cause for waiving notice and comment is met.

**Brad Pettinger** [00:06:48] Okay.

**Corey Niles** [00:06:50] An apostrophe there, sorry after NMFS to be somewhat proper about it.

**Brad Pettinger** [00:07:07] Okay. So, Corey, now does the language adequately reflect your motion? Accurately reflect your motion?

**Corey Niles** [00:07:18] Well, I think a couple of hands went up and there might be a....

**Brad Pettinger** [00:07:25] Okay.

**Corey Niles** [00:07:25] Oh sorry it does, yeah, I'm not talking or reading but I think, you know it's, and sorry Kris and Sandra, it's notice and comments. Instead of those comments, it's notice and comments.

**Brad Pettinger** [00:07:41] And Chuck.

**Chuck Tracy** [00:07:46] Thank you, so if the action has been adequately analyzed, so that does not quite do it for me, I guess. It has already or previously been adequately analyzed, something like that would make me a little more comfortable.

**Corey Niles** [00:08:06] Excuse me for speaking over you there, Chuck. Yes, that is more accurate to what I meant. And then again, after waiving, it should be instead of those notice, without the 'd', excuse me and then take the 's' off comment, the 's' off the comment there.

**Brad Pettinger** [00:08:50] Okay. All right. So, Corey, are you, is the motion now accurately reflect your, does the language on the screen to accurately reflect your motion?

**Corey Niles** [00:09:11] I believe so Mr. Vice Chair.

**Brad Pettinger** [00:09:15] Okay. Second by Phil Anderson I believe, unless Phil has a question?

**Phil Anderson** [00:09:20] Nope. Just a second.

**Brad Pettinger** [00:09:23] Very good. Thank you Phil....(laughter)... All right Corey, I guess you'll speak to your motion?

**Corey Niles** [00:09:32] Yeah, thank you Mr.....I don't want to speak any longer, I think I said it, I said a lot of things so just to the main point. I hear what Kelly tells us about not having time to go through this analysis. The GMT process is supposed to be doing this in our minds but I'm recognizing this is a new process. We haven't asked for it in inseason so understanding people's differences here, but I believe once they have time that they will see that it was analyzed and that there is a good cause for waiving of notice and comment, but in the case if they don't, then you know, then they're not going to make the change, of course, and we'll bring it back for prioritizing the change as part of the groundfish workload.

**Brad Pettinger** [00:10:30] Okay, very good. Questions on the motion? Comments? Marci Yaremko. Marci.

**Marci Yaremko** [00:10:40] Yes, thank you Mr. Vice Chair. I will be voting for the motion, but with some reluctance. I defer to WDFW and the State of Washington on this recommendation and the relative importance of it to their activities in Washington state. I will note that at the very beginning of this discussion it was acknowledged that this is a policy decision more so than it is one of informed science and data. I appreciate NMFS's caveats that this recommendation may or may not be possible as an inseason action and we will wait to hear back whether it meets the standards or not, and I guess I would just note that regarding the discussions surrounding incidental fishery activities, I think we continue to see this particular opportunity, lingcod, that is apparently incidental to the directed commercial salmon troll fishery. There's growing interest in it. I really appreciate Mr. Wilson's testimony. I thought it was heartfelt and honest and I certainly understand where he is coming from and the opportunity that he

sees. I'm also somewhat concerned the opportunity of, or that this opportunity will allow for development of this supposed incidental fishery to grow, and I continue to encourage the State of Washington to pursue directed open access groundfish opportunity for their fleets that are looking to diversify their activities. I think we've heard a lot from the GMT about the lack of information available in this sector of fishing activity. I think we have information in our directed OA groundfish sectors because they do carry some level of observers and they are subject to requirements under groundfish regulations that provide us information we need to make decisions for management, and I would just encourage those discussions to continue because I do hear the interest and the need and I feel like continuing to provide additional carve-outs of opportunities incidental to salmon is not really in the spirit of where we're going with management in our... you know... with regard to harvest of our groundfish resources off our coast. We have similar situations in California. We have these discussions on an ongoing basis and at least off our coast, it's pretty clear that we need to decouple our rules and our management of activities as best we can... salmon and groundfish... so that there's a clear set of standards and that there's equity. So, I guess I encourage some more discussion on this as we move forward in other discussions and other agenda items, but again I defer to the State of Washington on this particular recommendation. Thank you.

**Brad Pettinger** [00:14:58] Thank you Marci. Marc Gorelnik. Marc.

**Marc Gorelnik** [00:15:03] Thank you Vice Chair. I'm going to support the motion. I think that this particular segment of the commercial fishery has been very hard hit by challenges in salmon abundance and salmon availability and, you know, and this is true up and down the coast and what with climate change and other impacts I don't think these challenges are going to get any easier, so I think allowing the retention of some lingcod is appropriate and necessary to the viability of that fleet. I do think that Marci made some good points that we're perhaps approaching this issue indirectly when we ought to be approaching it directly, but maybe that's something we can take up in the next spex cycle. And I guess I am a bit concerned. I appreciate Corey's comment that this change in ratio is not as great a magnitude as the previous change in ratio, but it does approach a point at which it's unlikely to be achieved or even approached absent some degree of targeting so I guess I have some concern there, but I do think the fleet does need this opportunity but I think this is maybe a stopgap and we probably ought to approach the issue more holistically the next opportunity we get.

**Brad Pettinger** [00:16:57] Thank you Marc. Phil Anderson, Phil.

**Phil Anderson** [00:17:00] Yeah, thanks Mr. Vice Chair. I would just briefly speak in favor of the motion. I'm hoping that NMFS has the opportunity to look at it and determine whether or not it's appropriate to move forward under an inseason action, and even if that takes a little bit of time, if the answer is yes, then there will be benefits in 2022 as well. And with respect to the policies that the State of Washington has employed for managing its groundfish fishery off its coast, it might, if the Council or my colleagues from California wish to have a discussion about that, that's fine. Happy to do that, but we have taken a different approach than California or Oregon. We have always been respectful of the way that you have approached the management of your groundfish fishery, and we would ask you to do the same of ours. That doesn't mean that we aren't willing or happy to discuss the manner in which we have chosen to manage the groundfish fishery off of Washington, but that is not, in my view, part of this action, but if they want to agendize it for a future discussion I'm happy to talk about that.

**Brad Pettinger** [00:18:37] Thank you Phil. Chair Gorelnik I see your hand's still up. Okay. All right not seeing any hands so with that I'll call for the question. All those in favor signify by saying 'aye'?

**Council** [00:18:57] Aye.

**Brad Pettinger** [00:18:58] Opposed? Abstentions? Motion passes unanimously. Okay, with that I'm going to turn to Todd and see how we're doing here. If we've completed our action? Todd.

**Todd Phillips** [00:19:24] Yes, thank you Mr. Vice Chair. Looking at the action for this particular agenda item, it is my thought that you have covered the item appropriately. You have two motions that are shown here on the screen that addressed one, the trip limit, or excuse me, the RCA language in trip limit table 2. And then you also have a motion here for the allowance of lingcod and the changing the ratio, excuse me, changing the ratio of lingcod in a salmon troll fishery. So, I believe that you have completed this action, yes, and I see Kelly has her hand up.

**Brad Pettinger** [00:20:09] Kelly.

**Kelly Ames** [00:20:12] Through the Vice Chair, yes, thanks for the summary. I did just want to bring back up the topic I raised at the beginning about the NMFS report that we prepare on the salmon catches in the EFP. During the GMT report discussion, Miss Yaremko was asking whether those data could simply be incorporated into the GMT reports where they summarize salmon catch in the fishery to date, that's table 1 of Supplemental GMT Report 1, but I did want to note that the salmon data for the EFP is not directly available. In Pacfin those are specialized reports that we have requested of Pacific States and so there is still a workload to QAQC, those data and make them available, whether they are in a separate NMFS report or encompassed into a GMT report. And so, we would be interested to hear from the Council the frequency upon which you would like to see this data for the EFP. If you want us to maintain our reporting each Council meeting or if we could move to less frequent reporting and still satisfy your needs for data.

**Brad Pettinger** [00:21:37] Okay, thank you Kelly. Would anybody like to speak to that? Marci Yaremko. Marci.

**Marci Yaremko** [00:21:45] Sure. Thank you Mr. Vice Chair. Thank you, Kelly, for recalling. We should have a little more discussion around this point. I appreciate the workload that this report generates for your staff. I guess maybe I would suggest that we receive a report, well I guess one question I have is, are the chinook estimates that are contained within the EFP report also encompassed within the GMT's table that they provided to us, and I think the answer is yes, but I should have asked that before. Presuming it is yes, I think, you know I'm comfortable with maybe receiving a report like you've traditionally provided to us maybe once in April and once in November, some sort of frequency like that. I think that the fishing activity commences somewhat early in the year so I think, you know, a look at during one of our early meetings is a good idea and then something that's closer to a total for the year is also useful, so I would support an April and November schedule presuming that we can't easily incorporate it into the GMT's table.

**Brad Pettinger** [00:23:23] Thank you Marci. That certainly seems a good suggestion, depending, dealing or being that the, the numbers are way below what people might have thought they would have been. Any more comments on that, on Marci's comment or suggestion? Okay I guess that's, we'll go with that then. Todd, does that provide the direction that....?

**Todd Phillips** [00:23:58] Yes. As I understand it at least the recom... well the... Miss Yaremko has asked that we see the salmon reports every April, November. If that information is not contained within the normal GMT report out on salmon bycatch in the fishery. I would note that it is my understanding, and we probably have to pull Mel into this discussion that that information, the EFP information is not in that normal report as a normal download from the Pacific, PSMFC website, or Pacfin website, excuse me, but I would have to check on that for, to double check. If a member of the GMT could possibly comment on that information that would be very helpful.

**Brad Pettinger** [00:24:54] Okay. I see Mel was moved up. Mel.

**Mel Mandrup** [00:25:00] Hi, yes. No, I don't believe they are included in that scorecard since NMFS typically provides the additional report and this is, we get this data from Pacfin but it's not from a public, public version of it and so we do summarize it the way we need to for public consumption, but no, I don't believe the EFP take is in there unless Pacfin is including that into the IFQ midwater numbers, but, yeah, I would have to crosscheck that.

**Brad Pettinger** [00:26:03] Yeah, but.....

**Mel Mandrup** [00:26:10] No, I don't believe they're included.

**Brad Pettinger** [00:26:18] Okay so all those numbers are pretty minute to the overall scheme. I don't know if they really change the flavor of the report, but Marci.

**Marci Yaremko** [00:26:30] Yeah. Yes, thank you Mr. Vice Chair. Thank you Mel. It sounds like there's some discussion that needs to happen in the background, and I don't think we can have that here today, but I think I'm interested in knowing in total how we are tracking against our limits that are established in the ITS, and I thought that was the ultimate purpose of the table that the GMT has prepared for us and provided in this report. So, you know, I've kind of wondered all along when I read the EFP report from NMFS, you know, we know that's not the whole picture, and then we know now in the GMT report that that potentially looks like not the whole picture. So, I think I'm interested in seeing the whole picture at some point. Doesn't have to be routinely I suppose. I appreciate Kelly's comment on, you know that the work required to QAQC, so I think, you know, if we're not going to answer the questions about how we can pull all this together, you know, to calculate a total, if we don't have some quick answers to that then again, I think I'm comfortable with the April and November schedule on the EFP progress and incidental retention coupled with the GMT's routine report, but I would note I think we want the year end final total so that we see how we did. Thank you.

**Brad Pettinger** [00:28:16] Marci. Mel your hands up?

**Mel Mandrup** [00:28:22] Hi... yes, I think I'd just like to offer that we could, the GMT can work with NMFS on the side to see if there is an easier way to provide these numbers so we're not sending out two reports and perhaps ease some workload considerations.

**Brad Pettinger** [00:28:43] Okay, thank you Mel. Although I get to thinking about, look at that as far as the, what Pacific States is reporting for salmon impacts, I'd be shocked if they weren't all in there to tell you the truth. Okay Todd.

**Todd Phillips** [00:28:58] Yes Mr. Vice Chair. Thank you very much for entertaining my questions and thoughts there. Looking across again the action that was before the Council, I believe that you addressed it and we have some direction to go with this particular salmon number issue and we, myself and the GMT, will discuss it and bring it back before the Council for a definitive answer, if not sooner, per email. Thank you.

**Brad Pettinger** [00:29:33] Okay. Thank you Todd.

## 7. Implementation of the 2021 Pacific Whiting Fishery Under the U.S./Canada Agreement

**Brad Pettinger** [00:00:00] That takes us into public comments, and I don't believe there are any unless someone signed up the last few minutes and to Council action I believe. So, with that, I'll open the floor up for discussion. Corey Niles. Corey.

**Corey Niles** [00:00:31] Thanks Mr. Vice Chair and since seeing no hands I'll start off and I don't want to repeat what Phil said. He gave a great overview as usual. I know I was in and out of the JMC meeting as was Whitney and other staff this time and really impressed with how the science, the JTC works with how the AP, the U.S. AP has been working. It's an open and public discussion is going on so nothing but support for what Phil said and for the GAP recommendation there. This, Council, in my state in particular, whiting is a very important stock. We do want to keep an eye on the treaty. Phil is our representative and we're lucky to have him, but we've also got Mr. Waldeck, Steve Joner, and Frank Lockhart of course looking out for us, so I feel like we are, our conservation policies and our economic policies are well represented. And, yeah, just on the conservation picture I think Phil hit a couple of things that stick out in my mind and I'm jealous of with whiting is that it is an annual decision informed by really good science and looking at a decision table that goes beyond what we have for most groundfish and being able to look at risk. And in terms of conservation, you know, the worry here is we're approaching B40, which is the target level, and one of the consequences of that is, as many of the groundfish people know here, is when you go below B40 there's an adjustment to your OFLs, ABCs and ACLs yet if you look at what's been happening while the stock's been way above B40, you know the JMC has been doing the level, the precautionary level, they've been setting the TAC as many multiples below what a 40 10 adjustment would be, you know proportionally, even below B40. So, it's been a very precautionary approach from my perspective. It might be a tough decision next year, but I have no doubt that they'll again follow the science and do their best to balance the risks there. Yeah, I lost my train of thought on one other thing... oh... the management strategy evaluation... where it looks like the 40 10 rule might not be the smartest way of managing the stock, and so that's another thing that gives confidence is they are looking at those harvest policies and better ways of doing the thing. And all this is really to say is, yeah, just supporting the GAP recommendation and Phil's statement of how we think NMFS has the information, understands the conservation picture here well, and it's very much in line with the Council's policies if not even considered more precautionary. But, yeah, thank you to the JMC, the AP, JTC, and it is hoping they, we can get to agreement next year but understanding that everything was tried to reach agreement this year.

**Brad Pettinger** [00:04:16] Okay. Corey thank you. Bob Dooley. Bob.

**Bob Dooley** [00:04:20] Thank you Mr. Vice Chair, and thanks Phil and Ryan and Corey for the comments before. I've been a member of the advisory panel since 2014. I have to believe the last two years in particular, the level of advisory panel....(cell phone noise)....Sorry, oh donuts. I'll bring them tomorrow morning....(laughter).... Anyhow the level that the advisory panel has risen to has always been high, high quality but the analysis that we've gone through to justify the positions that we've advocated has really been superb. I've got to really compliment our Chairman, Joe Birsch, in the advisory panel and this year particularly, not the whole advisory panel, there's a whole plethora of people, but particularly Sarah Nayani for helping us with a lot of the spreadsheets and so I am really confident that we stated the case in a conservative manner, and I think that given all of the tools needed to justify an conservative position there. I got to believe, and the Canadian, our Canadian counterparts, their good to work with, their good people, and I would say that, you know, this Covid virtual meeting has been a little bit of a negative impact on that. Not, it's just a lot easier to sit across the table and talk to each other than it is through that. It's a lot easier to walk away. I don't think, this year we were so



close I think we wouldn't have, we would have had an agreement this year and I really thank the considerable effort from the Joint Management Committee and those four guys do one heck of a good job and represent our country very, very well in this process, so I appreciate the support and I, that's all I have to say. Thank you.

**Brad Pettinger** [00:06:35] Thank you Bob. Further discussion or comments? Okay. I don't think there's any action here I don't believe that needs to be done. I'm not seeing any hands. People must be hungry. John, I'm going to look to you real quick like and see do we need to do anything else here?

**John DeVore** [00:07:07] Yeah, thank you Mr. Vice Chair. No, you don't. I mean it's completely volitional on the Council of as to whether they want to make any recommendations to the National Marine Fisheries Service on a U.S TAC. So, the fact that folks are not raising their hands and whatnot I think speaks volumes that you don't want to do that. So, with that I think you had a thorough briefing of the JMC process. You understand the issues that led to the impasse and with that, it sounds like you are comfortable with how NMFS is planning to proceed to come up with a first and interim rule or an interim allocation to get the fishery started and then a notice and comment rulemaking to come up with a final TAC, so I'd say with that you have completed this agenda item.

**Brad Pettinger** [00:08:15] Thank you John. As we heard, it really is an outstanding team that we have represented the U.S. in this process.

## **G. Pacific Halibut Management**

### **1. Incidental Catch Limits for 2021 Salmon Troll Fishery – Final Action**

**Brad Pettinger** [00:00:00] No public comment which would take us to Council action and with that always looking for a hand. I see Chris Kern. Chris.

**Chris Kern** [00:00:16] Sure. Thanks Mr. Vice Chair. I'll take a shot at a motion if it's your pleasure.

**Brad Pettinger** [00:00:21] Please.

**Chris Kern** [00:00:23] Okay, I would move the Council adopt final landing restrictions for Pacific Halibut caught incidentally in the non-Indian salmon troll fishery as reflected in Agenda Item G.1.a., Supplemental SAS Report, dated April 2021.

**Brad Pettinger** [00:00:41] Thank you Chris. Does the language on the screen accurately reflect your motion? After she gets done typing it of course.

**Chris Kern** [00:00:55] Yeah. Sandra did you catch the incidentally, caught incidentally in the non-Indian salmon troll fishery? Perfect.

**Brad Pettinger** [00:01:24] Okay, very good. Second? Heather Hall. Thank you Heather. Speak your motion, Chris?

**Chris Kern** [00:01:34] Very briefly. I know the SAS has been working on this. Sounds like they've come to agreement on this, and it meets all of our conservation needs and our other guidance so I'm ready to move it forward. Thank you.

**Brad Pettinger** [00:01:50] Thanks Chris. Further discussion on the motion? Okay seeing none we'll call for the vote. All those in favor signify by saying 'aye'.

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

**Chris Kern** [00:02:02] Opposed? Okay, abstentions? Very good. Motion passes unanimously. Moving right through it here. Robin, I turn to you.

**Robin Ehlke** [00:02:23] Thank you Mr. Vice Chair. You made easy work of this agenda item. The Council has adopted Option 1 consistent with the SAS recommendation, and with that you have done your work under this Agenda Item G.1.

**Brad Pettinger** [00:02:38] Okay, very good.

## H. Administrative Matters

### 1. Research and Data Needs Update

**Marc Gorelnik** [00:00:00] We will pick right back up on Agenda Item H.1, Research and Data Needs. And our action here is to provide guidance. We've received quite a number of reports. Each of them seems to offer its own tweak on fields and time and labels and whatnot so it's up to us now, the Council, to synthesize these recommendations and provide some meaningful guidance on the development of the database. So, I'll look for someone to raise their hand here. Maggie Sommer, thank you very much.

**Maggie Sommer** [00:00:50] Thank you Chair Gorelnik. I'll break the ice and I will start by saying I appreciate all of the advisory body reports and I am reeling a little bit as I am trying on the fly to compare those and pick out the gems from each one, but I do have, I guess, an overarching comment and then I will highlight a few that I can certainly support at this point. Number one, the intent of this database is to keep track of needs that this Council has identified, along with the priorities related to those needs, et cetera. I will say it struck me in reading through some of the advisory body reports that they really seem to be maybe stretching beyond that and proposing that we add some fields, for example, that would help us keep track of whether a, there is a, there's funding for a project, how long it is taking et cetera, and that seems to me to be moving it toward a database that would be tracking research in progress and keeping up to date on actual on the ground, on the water research and I, I did not think that was the intent. I may be mistaken in that but I'm just trying to keep the scope of this narrow enough so that it's useful to us. I have been thinking about it as really just to track those needs we have identified based on our management needs. There are some low hanging fruit items. Certainly, I think there was broad support for a couple items. One which John DeVore called out with one of the slides in his presentation, which was the potential addition of columns to track priorities within a number of our management teams and committees. The Habitat Committee specifically asked that they have one added for Habitat Committee priorities, and I would support that. The.... let's see... I note that I think all or almost all of the reports we heard recommended reviewing the priorities and updating them on a more frequent basis than five years. There were some specific suggestions and some that acknowledged the, just the difficulty of scheduling and the potential benefit of aligning with other fishery management plan activities and considerations of science. I can't get to any specific recommendation on timing at this point other than to say, yes, generally every two to three years seems appropriate to make sure that we are responding to current circumstances and evolution in the needs we have for research and data. And just to pick out, several other comments that I found particularly helpful were some from... let's see... another one from the Habitat Committee recommending that habitat be added as an option in the column for research focus. This is the one that currently has fishery management plans, ecosystem, et cetera. And the Ecosystem Advisory Subpanel had what I thought was a good recommendation of adding a project or research goal field so that the purpose of the research in advancing Council decision making is clearly articulated. I think I'll stop there. Those are the, what really stood out to me as highlights from the reports I heard today, but acknowledging that there's a lot more in them and appreciated that. Oh, pardon me, there's one more. The discussion of how to identify the relative priorities in these. There did seem to be general support for, I think, the SSC's recommendation of a more or less hybrid approach, going with a high and unranked ranking, but then also adding some indication of time sensitivity for each high priority item in distinguishing between urgent and longer-term needs, that seems well worth considering as well. Thanks, and I'm hoping that one of my colleagues has maybe a more concrete suggestion on process and how to move forward from here, I'll say I did see a note while I was speaking that looks like Heather's. Heather Hall's computer quit on her so she may be off the meeting momentarily and maybe we'll see her back.

**Marc Gorelnik** [00:06:18] All right, well Maggie thank you so much for getting us started. I've taken some notes, but I probably missed some of what you said. Hopefully, John DeVore has captured that.

And as far as habitat as a category, I sort of took that column to be, those labels as being non-exclusive, so habitat could be included but maybe I interpreted that column wrong. Let's see, additional comments? And Heather's I'm sure trying to get back online. Oh... Heather is back online. Welcome Heather. Go ahead. Your hand, there you go.

**Heather Hall** [00:07:06] Thank you Chair Gorelnik. Yeah, sorry for that Maggie. I caught the tail end of what you were saying, and it was along the lines of what I was thinking. I thought that the advisory bodies did a really good job of identifying some specific requests for the database and I think I heard John DeVore say in the beginning that they were welcoming changes to the database to capture those. So, I thought, I think as you were suggesting, you know, to get the SSC database team those recommendations and that they implement as many of them as reasonable. The process part to me is a little more challenging to have a solid recommendation on right now. I did think that some of the input from the advisory bodies that spoke to the idea of prioritizing by FMP seemed like a good idea. I feel like it has some pros and cons. I don't know if the, that would be a lot of work spread out for, I keep calling them the database team, but getting those, that input sporadically when it makes sense for each of the management teams or the FMPs, but thought that was a good idea. But wondering if there was enough input in the advisory body reports on that need for a process, that maybe the team could come back with a proposal later this fall, a more specific proposal for a process that took that input from the advisory body reports into account as a starting place. Thanks.

**Marc Gorelnik** [00:09:24] Phil Anderson.

**Phil Anderson** [00:09:27] Thanks Mr. Chair. Generally support comments of both Maggie and Heather. I was, in particular, I think the SSC's recommendations for them being the ones to take on the task of curating the, the database I would support. And I also think the strategy that they were suggesting in terms of how to prioritize and having some that are in that high priority category with the others left unmarked, or unranked, excuse me, made sense. I do think that prioritizing by FMP has some merit to think about. I think if there, eventually there would need to be kind of a maybe a roll up perhaps, maybe there's a better term but assuming that there, and there has been more high priority research and data needs than we have the capacity to do, which brings me to the, well at least one of the last thoughts I have is that it's almost at some point we need to get an understanding of the list of high priority research and data projects that we want to do. What the capacity is to do them and if there are some conflicting resources available then we need to kind of figure that out and get a sense of what we actually can accomplish within a particular time frame. And maybe here, and I'm just missing it, but that to me is, would be a key ingredient or piece to have to understand looking out over the next, whatever the appropriate term is, if it's three years or if it's five years of the high priority items that we have and there's only a capacity to do a portion of them, how do we go about making decisions at that point? I liken it somewhat to the, well to several of our processes. The Model Evaluation Workgroup is one that I can think of that we generally get a list that's bigger than the capacity of our analysts to do and so we have to make some choices. So, I'll stop there. Thanks.

**Marc Gorelnik** [00:12:30] Thank you Phil. Marci, followed by Chuck.

**Marci Yaremko** [00:12:37] Yeah, thank you Chair Gorelnik. If Chuck is wishing to respond to earlier remarks, I certainly can let him go first.

**Marc Gorelnik** [00:12:47] Chuck.

**Chuck Tracy** [00:12:48] Yeah, thanks. I did want to just comment on Phil's last point there about our capacity to, you know, to do something about some of these priorities, and I guess I would just point out that, you know, this research and data needs process and document has reached beyond what the

Council's capacity is. There are a lot of people that look to this document to submit funding requests for things like Saltonstall-Kennedy funds or the Science Centers that have used our priorities to solicit funds from headquarters, so it, you know, the people that find use for this document or for the priorities the Council establish go beyond just what's our, what's within our capacity in our advisory bodies and staff to address, so I just wanted to make that point that, you know, it's a useful document far beyond the Council's reach, I guess.

**Marc Gorelnik** [00:14:00] Thanks for that Chuck. Back to you, Marci?

**Marci Yaremko** [00:14:05] Well, Chuck said almost exactly verbatim what I was going to say. I think the advance of a database and a product that culminates a document that we've put together previously that was kind of unwieldy, I think we've made a huge advancement here with the database itself, regardless of what we do with prioritizations or labels. I think really what matters is what we do with it and how we advertise the availability of this body of work. I appreciate and want to call out the EAS report that talks about the need to ensure that this reaches our larger academic scientific communities that are out there looking for work and looking to direct work, especially of our future fishery scientists and managers in various academic institutions that are looking for research funding or projects for graduate students. I think this database, you know, it's more about how we market it and how we get the word out of its availability I think that matters over activities to attempt to prioritize everything that's in here, because certainly researchers are going to be interested in certain lines of work and money may be available for certain activities and not others and I guess I would just caution that I don't want to see us go too far down the path of saying that one priority is higher than another. I think we can do some of that, but I would just caution against us sending too strong a message. I think all of these concepts have been important to us at one time or other in our various discussions over the years and time may be right for some new research on them. So anyway, I appreciate your remarks, Chuck, and just want to echo them. Thanks.

**Marc Gorelnik** [00:16:46] All right. Further guidance? Ryan Wulff.

**Ryan Wulff** [00:16:53] Thank you Chair. I agree with all of the points that have been raised. I just wanted to add one request here from NMFS perspective I don't think's been captured in the previous list. I think it would be helpful as we move forward toward the database to also include in the list a number of the research and database conservation measures that exist in a number of our biological opinions that are relevant to the FMPs. You know a couple for example in the humpback parts that we discussed earlier today. So, we'd like to see going forward some way to at least capture those measures into the database. Thank you.

**Marc Gorelnik** [00:17:45] Thanks Ryan. I'm a little bit confused. You're referring to research and data needs in furtherance of topics relevant to the biological opinions?

**Ryan Wulff** [00:18:01] No, maybe I wasn't clear. So just incorporating in our research and data needs, there are a number of measures that are research and data related that are in our current opinions, and it would be good to have those specific research and data needs that are outlined in those conservation recommendations or other aspects of the opinion just included in the database as well.

**Marc Gorelnik** [00:18:27] Okay. Further discussion? John, I'm not sure how detailed of guidance is required under this Council action. You've heard the Council discussion. You heard the helpful comments and specifically the list of items that Maggie sent forth. Is there adequate guidance set forth here or not?

**John DeVore** [00:19:11] Well, perhaps. With your permission maybe I can just briefly summarize the

points I captured, and then in that summary I do have a couple of clarifying questions that'll be helpful, at least from my perspective.

**Marc Gorelnik** [00:19:28] Yeah, I think that's a good idea. That would also give the Council an opportunity to see if there's any dissent at all on that list. So please go ahead.

**John DeVore** [00:19:40] Okay, so the first point I heard was support to track all advisory body priorities directly through the database. That's pretty straightforward. General support for increasing the frequency of determining research priorities to perhaps every two to three years, but then beyond that come back sometime in the near future with some process recommendations for doing that given the workload considerations and other things that different advisory bodies brought forward. I heard support for adding a habitat field or element in the research focus field, and here's my first question for clarification. Right now, the development team had habitat and ecosystem projects bundled under the research focus called ecosystem. You... is there a desire then to split out habitat project from that and just differentiate them from other ecosystem projects? That's the first question I have. I can wait for an answer or keep going?

**Marc Gorelnik** [00:21:03] Well, let's hit that. I guess the question is how granular do we want to be here or is ecosystem, is that not accurately capture habitat concerns? So, I don't want to state my preference here, I have the gavel, so I'd like to hear what folks around the table, see if we can come to an agreement on whether we need to separately identify habitat or deem habitat within an existing category. Maggie Sommer.

**Maggie Sommer** [00:21:48] Thank you Chair. I was picking up the Habitat Committee's recommendation to differentiate habitat there from ecosystem. If I had an opportunity, I might ask them about it, but I'll say my own opinion is that it does seem valuable to separate it out.

**Marc Gorelnik** [00:22:12] Okay, does anyone disagree with that? All right, so there's your answer John.

**John DeVore** [00:22:21] Okay, thank you. And then I heard some support to add a research goal field, and I was a little bit confused there. We have this field called related Council action, which is intended to explain how research results would inform a Council decision making, so how would a research goal field be distinct from that or is it?

**Marc Gorelnik** [00:23:02] Maggie.

**Maggie Sommer** [00:23:03] Thank you Mr. Chair. I don't think it is distinct. I had missed the overlap. I noted that recommendation in the Ecosystem Advisory Subpanel's report but now with you calling that existing field to my attention, they sound the same to me.

**John DeVore** [00:23:23] Okay, very good. And then I heard support for the ranking system that was recommended by the SSC. And to be clear, they had three different elements there. One was high and urgent, the other was high, and then all others unranked so that's the understanding I came up with. And then while I guess I've got the floor on Ryan's point on including conservation objectives from ESA consultations in the database, I think that's totally reasonable, but it seems to me that would be maybe in the next, the next time the Council determines research priorities we could add conservation objectives from ESA consultations that seem to be applicable in the database then. I mean right now we're not adding anything new in the database. We're waiting for the Council to embark on a process to do that, but I guess my point is that seems to me to be there's a reasonable candidate research projects from ESA consultations can be considered when we do that next.

**Marc Gorelnik** [00:24:53] Well, Ryan has his hand up so I'll let him respond to you.

**Ryan Wulff** [00:24:58] Thank you, through the Chair, thanks Jim for the points. Yes, that's definitely more of the appropriate process. And just to clarify, these aren't conservation objectives, right? These are specific research or data related examples that are in conservation recommendations as part of the buy-op and happy to do that as we get to the next stage in the process.

**John DeVore** [00:25:22] Okay, thank you, that's clear. And then I just might note that one of the key words that we are putting into the database right now or, is the word 'habitat' you know to kind of as a way to sort out habitat type projects, but it's not really a difficult chore to differentiate habitat projects from other ecosystem type projects in the research focused field, so if that's the Council's desire we'll structure it that way. And that is what I captured Chair Gorelnik, and I would say that we have enough guidance to get to the next step and the Council can decide that next step later.

**Marc Gorelnik** [00:26:17] Maggie Sommer.

**Maggie Sommer** [00:26:20] Thanks Chair, and thanks to John for that summary. I just wanted to say that although I mentioned some things that stood out to me as highlights from the reports we received today, there was a lot in there and there were probably some very good ideas that were not touched on and I hope that as further development proceeds, the team will really look at those reports comprehensively and take a lot of that into consideration. And then in particular I have a, I guess a parting comment on the prioritization and just a moment ago, John, you noted what the SSC's was. There were a few recommendations in the advisory body reports. I appreciate the intent to keep it simple and I also agree very much with Marci's comments earlier to not really worry too much about that. This, hopefully database will be indicating the Council's research needs to a much broader suite of potential researchers and I think that is really the... where we're going to see a lot of value in this project.

**Maggie Sommer** [00:27:45] Thank you Maggie. Chuck Tracy.

**Chuck Tracy** [00:27:50] Thanks Mr. Chair. I did hear a couple other things I thought might be worth sort of touching on, and one of them was Heather Hall's requests that the research and data team bring some process suggestions back at the next opportunity. So, and then I guess along with that, Phil had mentioned that, you know, to consider the SSC to sort of be the curator, at least as one, certainly one option, and also that the priority should be considered within FMPs, so there should be priorities within FMPs as one approach. So those are just some other notes that I took.

**Marc Gorelnik** [00:28:52] John, are those notes now in your notes?

**John DeVore** [00:28:55] Yes, yeah, they were. I had mentioned the Heather's recommendation for the team to come back with some process recommendations and certainly noted that you were comfortable with the SSC remaining or being the curator of the database so that is captured.

**Marc Gorelnik** [00:29:22] Great. Anything further around the table? Speak now or wait for this agenda item to come back at a future meeting. All right. John, I'm not seeing any hands, so you have what you need?

**John DeVore** [00:29:44] I do indeed. Thank you very much. Well done.

**Marc Gorelnik** [00:29:47] All right. Well, that will conclude this Agenda Item H.1.

## 2. Update on Executive Order 13921

No transcription for this agenda item.



### 3. Legislative Matters

**Marc Gorelnik** [00:00:00] That concludes public comment. We've had all our reports. It takes us to Council action, which is to consider the report and recommendations and I guess with specific focus on those two letters. We have received some suggestions from the AS on the letter to the Interior and the Washington report perhaps has some suggestions for our letter to NMFS on 216(c), so maybe we should first take up these letters sequentially and then have any other discussion on any other part of the committee report, if that makes sense. So why don't we take them alphabetically and start with the letter on Section 216(a), which is the letter to the Department of the Interior and NMFS. So, I'll open the floor. There were some recommendations from the Legislative Committee and, which were minor, and then some suggestions from the AS, so what is the pleasure of the Council? Corey Niles.

**Corey Niles** [00:01:26] Thanks Mr. Chair, and thanks to the Council staff for the drafts. They are, we've heard good reflections of Council thought and discussion from the last meeting, as Joel also brought up in his public comment in our morning meeting today, and I thought it was a good one and I do, and I don't know if it's a question for Council staff or just a point of discussion. I think he's right in terms of the letter captures, maybe to put it this way, it captures what the Council has done to protect essential fish habitat and close other areas, but I don't see it addressing necessarily the other side of the coin in terms of how are the Council's mandate to comment on other actions that have effects on essential fish habitat and much of those in the Council's work, as we saw last week at the beginning of the meeting, is in freshwater systems. So, I would just, you mentioned the AS's comments, but I also wanted to point to Joel's testimony there and I thought it was a good point and could we incorporate that side of habitat concerns into the letter? And especially and I'm out of my depth here not being a salmon manager, but in terms of what's going on in the freshwater systems and how it affects the Council's fisheries was what I heard Joel suggesting and I do think, I'm not seeing why that would not be consistent with the Executive Order comments. So, I just want to put that one out there, too, in addition to your list Mr. Chair.

**Marc Gorelnik** [00:03:10] Yeah, thanks. I didn't mean to exclude Joel. I think Joel makes a valuable point and he also provided some very helpful comments and testimony at the Legislative Committee meeting. Caren Braby.

**Caren Braby** [00:03:29] So I also wanted to thank Council staff for the two letters. Really appreciate that, especially with the quick turnaround time between March and now and I will, I said in March I'll say again today, I think it's really important that we make these statements on both 216(a) and later we'll talk about (c) so appreciate that. I also support in addition per Joel's comment on fresh water, but to specifically pull out comments from the AS Report, I agree and I think that a lot of Council family folks are thinking about how to define 30 percent by 2030, not in terms of potentially trying to change an outcome, but make sure that the outcome is meaningful and looking at what we already have put aside in a variety of ways and making sure that those are considered as the federal agencies struggle with how to define 30 percent protection, and so I think a statement to that effect would be important. That definition of 30 percent by 2030 is important and appreciate the map that has been included for the Council letter. I'll come back to the map in just a second. But I also wanted to pull out from the AS, HMSAS report the comment on multiple outcomes from multiple actions and offshore wind developments as an example, and we have a lot of assumptions about how those may work in practice on the water and there will be, assuming those go forward, there will be de facto marine reserve type effects from those if they do in fact exclude certain types of activities, and so I think that combination of actions needs to be part of the consideration as those definitions move forward and evaluation of goal attainment happens by the federal agencies in trying to meet those goals. So, I think both of those comments could be addressed in a sentence or two in the letter and that that would be helpful. I also, to that end I think that maybe the use of bold italics in the sentence that the Legislative Committee has

modified that speaks to conservation includes wise use, bold italics or some way of emphasizing that could help focus attention on that concept, which I also agree with. So, thank you for indulging me as I go on. One final comment on the map, it doesn't indicate percentages of the... the 700-fathom exclusion line or of the EFH areas. I don't know whether that would be helpful, but just thought those might, the percentages since we're talking about 30 percent by 2030, the percentages might be helpful and I didn't see that, I may have missed it. And then also the EEZ line indicated on the map would be helpful just to indicate that that is the U.S. waters. I'll stop there. Thanks.

**Marc Gorelnik** [00:07:36] Oh thanks Caren, those are great suggestions. Further suggestions and discussion on the letter on 216(a)? In particular anything in addition to what Caren suggested or as well as, I'm not sure maybe we need to come back to the freshwater angle, but at least in terms of the marine angle, does anyone disagree with anything Caren has suggested? Which I'm hoping Jennifer has captured here. On the fresh water angle, that would be quite a pivot in the existing letter, but I think it's a valid point that frankly the lack of protection of freshwater systems is one of our greatest challenges in managing salmon fisheries, but I'm not exactly sure how to address that within this letter, but if it's the will of the Council we can task Council staff with doing that and then we will come back to this letter on day last to approve a final draft. So, let me see... Caren, your hand is still up or do you have?

**Caren Braby** [00:09:17] It's not for this question you raise, thanks.

**Marc Gorelnik** [00:09:20] Okay. All right so I'm looking for some Council direction here, either on the topics that Caren has raised or on the freshwater angle that Joel Kawahara raised. Chuck Tracy.

**Chuck Tracy** [00:09:37] Thanks Mr. Chair. Just to touch on the freshwater issue. So, you know, when we drafted these letters we thought about pulling in the entire EFH designation process into the letter but kind of elected not to, just you know if we identified EFH or, you know, we would designate the entire EEZ as well as quite a large freshwater area, and it just seemed like that was maybe getting away a little bit from the points that we were trying to make, which were more of the large closures with the footprint closure and the deep sea coral protection issues and the bottom trawl, bottom contact protection, you know, to say that we're doing something particularly for, you know, for conserving certain habitat types I guess. EFH doesn't really necessarily do that directly. It does require, you know, some consultations to occur if federal actions are going to occur but it doesn't, you know, it doesn't really protect I guess habitat, so for that reason I guess we thought that it would maybe detract a little bit from the message that we were trying to get across to the Department of Interior. I guess I would also note that there is with this particular letter that 216(a) there is a little bit of a deadline on that. Department of Interior's report to their task force is due on April 20th.

**Marc Gorelnik** [00:11:41] Thanks Chuck, and that's what I referred to... to make this pivot to this issue. I wonder if.....oh, Virgil Moore. Go ahead.

**Virgil Moore** [00:11:50] Thank you Mr. Chairman. I certainly support your recommendation to have staff take a shot at making some of the changes that Caren suggested, although I do respect what we just heard from our Executive Director about the time sensitive aspect of this and keeping the letter somewhat focused but... and so the, you know, the fresh water aspects of this, yes, I get that coming from the state that we do, but I'm not sure this is the place for us to make that point. I think we need to stay focused and this letter with, is well done in my opinion. We reviewed it in the Legislative Committee and some minor tweaks to capitalize on what the Council does would be in order. I could accept it as it is now, but I think an opportunity to tweak it a bit and bring it back to us later in this meeting would be worthwhile, but we do need to get this approved now.

**Marc Gorelnik** [00:12:59] And I would point out this is probably not our last opportunity to comment

here. It's the beginning of the process. So, while I understand the freshwater point and it is, as I said before, one of our largest challenges in managing our salmon fisheries is our problems in our freshwater systems. So, let me ask if, what is the sense of the Council here? Does anyone feel strongly that we ought to include a freshwater component in this letter on 216(a)? All right, Corey Niles.

**Corey Niles** [00:13:44] Thanks Mr. Chair. Feel strongly, you know, I here Chuck's point and Virgil's point, at the same time, I don't know and I wouldn't push for this, but I don't know why a sentence or two about how the Council's conservation goals, which we're making this, we're making some statements about the nuances of conservation and the various reasons for protecting a space in the ocean, but our conservation goals are also affected by complex freshwater habitat issues, too, I don't so wouldn't want to delay any deadlines and I don't see a sentence or two harming the overall point that it kind of reinforces the point that, you know, the protecting and conserving species, especially for sustainable fisheries management is complicated. It takes more than just setting aside a certain percentage of habitats, but, yeah, late in the stage here, not our only opportunity, but I just, I wouldn't see a sentence or two completely detracting from the points we're making, but if it is a matter of timing then just wanted it to acknowledge and express those views but wouldn't, not pushing strongly to be incorporated.

**Marc Gorelnik** [00:15:09] Well my... well let me just throw a suggestion out there and then see if anyone bites on it, to maybe simply drop a one sentence or two sentence footnote raising the issue without really getting into it, because I think getting into it is going to delay this letter unavoidably. So let me just throw that out there as a possible suggestion. Caren.

**Caren Braby** [00:15:34] Yeah. Thanks Mr. Chair. I agree that a sentence just reflecting that this letter is focused on ocean habitat and not freshwater, but that the Council has significant need to understand freshwater habitat issues and protections as well. So similar to your comment, I would support that. I think that it's missing part of the story if we don't mention it but getting into it is not necessary.

**Marc Gorelnik** [00:16:08] All right. So why don't we do that? Mention the issue but not get into it, that sort of opens the door perhaps for us to engage in that later and it avoids ignoring it altogether, is that acceptable to the Council? And let me ask Council staff whether a one or two sentence comment like that in the letter or in the body or in the footnote wherever staff prefers, would that delay revisions kind of unavoidably?

**Chuck Tracy** [00:16:53] Mr. Chair, I don't think that would delay anything substantively. I think I'm kind of looking at the top of page two where we're talking about EFH and HAPCs for example, we could certainly throw in a sentence there and probably satisfy the Council's wishes.

**Marc Gorelnik** [00:17:15] All right, and how about we have some suggestions from the AS, actually some specific suggestions from Caren Braby, can those be accommodated without delay?

**Chuck Tracy** [00:17:37] Thanks Mr. Chair. I would have to maybe take a little more time to assess that out. I haven't, I don't know maybe Jennifer's got some thoughts on that. I guess I haven't, I'm not, I don't have the specifics quite organized in my mind yet and where they might fit in, but I would think we could probably do something like that over the next couple of days, but Jennifer might have some more thoughts on that.

**Jennifer Gilden** [00:18:13] Yes, Mr. Chairman, I don't see any problem adding those elements in over the next few days.

**Marc Gorelnik** [00:18:21] Great. That's terrific. Thank you, Jennifer, and thank you Chuck. So, any

further comments on the first letter, the letter regarding to 216(a)? I think we have some solid direction there. So, let's move on to the second letter dealing with Section 216(c), and we didn't receive any specific suggested changes to it, but the State of Washington's letter may suggest some additional elements so let me see if anyone wants to raise their hand to suggest any changes to the letter on 216(c)? Caren Braby.

**Caren Braby** [00:19:20] Thank you Mr. Chair, and thanks to Washington Department of Fish and Wildlife for submitting the letter. I think that they did a great job focusing their comments and I think that a couple of simple borrows from that letter would be a way to strengthen an already good letter on 216(c) and particularly, I think the acknowledgment that mitigation is the core issue and that is, can be phrased in a lot of ways, but essentially it's greenhouse gas effects that are the primary cause and what we're talking about in 216(c) is adaptive and resilience building measures that are within a Council's authority to affect. The other thing that I would add as a friendly addition is the focus, focused statement on the value that the Council holds in NMFS's continued ability to conduct scientific monitoring and assessments, and we all know that in recent years there have been significant challenges to maintaining basic foundational stock assessment surveys, ecosystem surveys, and that it's essential for us in terms of thinking about climate resilience that NOAA continues to get the support, budgetary and otherwise from the national government, from the federal government to continue to provide those services, not just for our Council, but for all Councils and so I think a sentence to that, a sentence or two to that is an important ask. I think the letter as stated really does a great job of describing the Council's activities and the Council's approach and what we can bring to the table to help with NMFS's approach on climate resilient fisheries, but not so much what we really need from NMFS to continue, and that's a statement both to NMFS, but then also to the, the federal government generally and how to support NMFS supporting the Council's work. But just again, just a sentence or two to talk about the importance of science monitoring assessments, continue funding those for NMFS so that they can do that good work because it's so essential to our ability to manage those fisheries and be climate resilient.

**Marc Gorelnik** [00:22:26] Thank you Caren. Further discussion on the draft letter on 216(c) and any specific suggestions to staff? Chuck Tracy.

**Chuck Tracy** [00:22:46] Thanks Mr. Chair. Caren, could you maybe help me out a little bit more with your first borrow from the WDF letter on the mitigation aspect of what you're thinking of there?

**Caren Braby** [00:23:03] I think that... thanks for the question Chuck and through the Chair, sorry for process. I think that the borrow would be just a simple acknowledgment that that mitigation piece is very important and it is not a direct part of the Council's authority to manage and so we're focused on a climate resilient piece of this and looking at recommendations on adaptation and resilience building, but that other piece, the greenhouse gas piece, the mitigation piece has to be dealt with as well and that's something, it's kind of like the freshwater piece that we just talked about on the previous letter. It's an important thing to acknowledge. It's not the focus of this letter. Does that help?

**Chuck Tracy** [00:24:09] Yes, thanks it does. Yeah, and I think this letter in particular is, you know, it's a little, its scope is a little broader than the 216(a) topic and I think they're looking for not just what we've done, but ideas for what could be done, and I don't think that's restricted to what the Council can do so I think that's fine.

**Marc Gorelnik** [00:24:38] Looking for additional hands for discussion on this letter and I'm not seeing any hands. Caren has provided a suggestion, I think Chuck has captured it, and let me just see if there are any objections to that change being included in the letter. Or any further discussion on this draft letter on to 216(c)? Okay, let me ask if there's any further discussion on this agenda item, on any of the proposed legislation? Anything? All right I'm not seeing any hands so I'm going to ask Jennifer if we

are, how we're doing here understanding that we'll come back to this agenda item briefly, hopefully on day last to approve the letters. Jennifer.

**Jennifer Gilden** [00:25:52] Yes, Mr. Chairman, I think in terms of the two letters between Chuck and I we have a detailed work plan and we can bring that back in a couple of days for Council approval. There was actually the question of whether that, the Legislative Committee should meet in June. That still needs to be settled.

**Marc Gorelnik** [00:26:13] All right. That was the recommendation of the Legislative Committee. There... is anyone, anyone disagree with that recommendation? All right, then I'll consider that recommendation accepted. Anything else Jennifer?

**Jennifer Gilden** [00:26:39] No, Mr. Chairman, I think that completes this agenda item, at least for the time being.

**Marc Gorelnik** [00:26:42] All right. Thank you very much everyone for your work on this agenda item. Thank you, Jennifer and Chuck. The letters, the draft letters I thought were excellent and we'll make a few changes, and we'll look at them on Thursday, and so that concludes this Agenda Item H.3.

Reconvened on Thursday, April 15, 2021

**Marc Gorelnik** [00:00:00] All right, so now we're back to our, now we're on Council discussion so Corey Niles.

**Corey Niles** [00:00:16] Yeah, thank you Mr. Chair, and I want to echo the thanks that have been given to staff for the quick turnaround. Maybe just trying to follow back up on Marci's train of thought there and maybe I didn't follow it along, but I think the two points and maybe not coincidentally, but they're starting to be articles showing up in the news about the current administration's upcoming actions to address the mitigation side of the greenhouse gases. You know, the one I read this morning trying to warm up the brain was reminding us that you know, action is going to be taken hopefully to reduce the rate at which carbon dioxide and other greenhouse gases are being put into the atmosphere, yet even if we stop the brakes now completely they're are going to be in the atmosphere for hundreds of thousands of years and warming is going to continue. So, I think there's, if I'm not following the Marci's train of thought, I think there's, the two points I think we're making here is, you know, that's the root cause. That's one side of resilience is the mitigation side, the other side of resilience is the ability to adapt to the changes if possible, and so I think that's the second point. The conclusion is we can't do much about what's happened and we're going to have to react no matter what and then and our foundation for adaptive management is, a lot of it comes from the core work, the science work that NMFS does itself, supports for the states and the tribes and all of us so that was my quick response to I think Marci's thought there. Maybe I got, I didn't follow her point completely, but that's how I was reading this letter. And again, thanks to Jennifer and Chuck for the quick turnaround and responsiveness to our comments.

**Marc Gorelnik** [00:02:29] All right, thanks for that Corey. Further discussion on the letter? Any recommended changes? Marci Yaremko.

**Marci Yaremko** [00:02:40] Yeah, thank you Mr. Chair. Thank you, Corey, for your response. I guess I'm interested in hearing other perspectives around the table. But you know... again... now that I read these two paragraphs in the same letter together, one early on in the letter and then the second at the conclusion, I guess I just feel like our, you know, our normal behavior would be to support funding for NMFS and maybe not comment on priorities for others, and I don't think we do that. I mean I think the

sentences are, you know, not so clear that we're saying, 'hey, fun to work on greenhouse gas'. But I guess if..... it sounds like I'm probably in the minority here, but I feel like the letter is on more solid ground if we didn't include the reference to the executive and legislative functions in the second paragraph.

**Marc Gorelnik** [00:04:03] Caren Braby.

**Caren Braby** [00:04:07] Thank you Mr. Chair. I appreciate the comments and the train of thought that Marci has shared with us and Corey's response to that. I continue to think that that acknowledgment of greenhouse gas emissions as being a primary leg of the stool, if you will, is important. I think that there could easily be a very helpful transition sentence between that one in that second paragraph that says something along the lines of, you know, our Council and NMFS in working with us, working collaboratively with the Council does have a direct role in adaptation measures and the adaptive response to climate change is then the focus of the remainder of this letter so that it... and that's the end of that kind of transition sentence concept, which would then acknowledge the issue, but then recenter the focus of the discussion on what is within the Council's authority and primary responsibility.

**Marc Gorelnik** [00:05:48] Marci Yaremko. Marci. So, we have a suggestion, I think a point first raised by Marci and now Caren that the mention up front of greenhouse gas emissions over which we have no jurisdiction perhaps takes away the real thrust of the letter and could be, that paragraph could be revised to ensure that the focus is on the Council's actions and work with NMFS. So, is there any consensus on revising that paragraph accordingly? Louis Zimm.

**Louis Zimm** [00:06:51] Thank you Mr. Chair. I do support that proposal to revise that paragraph. I would like to point out that our fleet in San Diego is having huge problems with trying to meet future requirements from carb with old vessels that cannot install Tier 4 type engines, and it is really a threat to our industry so, and I also think that it's not the Council's place to advise on this reducing greenhouse emissions. I think that is in the ballpark of other places so there might be some thought of asking the government to support funding to find answers for our vessels to reduce greenhouse emissions. That's something to think about.

**Marc Gorelnik** [00:08:10] Corey Niles.

**Corey Niles** [00:08:15] Yeah, thanks Mr. Chair. Thanks, Louis, and I believe you were an active participant in the climate change scenario planning workshops, and I think that would, if you didn't say that idea there when it comes September, I think that's perfect and, you know, and that kind of program could come through NOAA, who knows in the future. But I was just quickly going to say that I think Caren was right on in her suggestion of a transition sentence. The transition and the point she was making is the one we had in mind and the one we included in our WDFW letter. So, yeah, it's, the transitioning to that focus on, hey don't forget to keep communicating, and NOAA does have a key role in our government and nationally but internationally a leader in modeling the climate and so it's perfectly within their, not NOAA fisheries necessarily, but the other parts of NOAA are very, are some of our greatest experts on greenhouse gas emissions and their effect on the planet. So, I just, I think Caren had it write on with just a quick transition sentence or two, you know, the remainder of this letter I can't write out loud, but the domain of this letter is focused on our ability to adapt and NOAA fisheries' ability to support that.

**Marc Gorelnik** [00:09:47] All right, thank you Corey. Marci Yaremko.

**Marci Yaremko** [00:09:51] Thank you Mr. Chair. I've had some trouble with my tech today. I think I support your suggestion that you made earlier with regard to revising the second paragraph. I guess I'd

just add specifically I would prefer not adding another sentence but modifying the second sentence in that paragraph to refocus it so that it flows directly to the content below. I think the first sentence in the paragraph is just fine, but it's the second sentence that I think would benefit from modification. Thank you.

**Marc Gorelnik** [00:10:47] So we have one suggestion for a transition sentence and another suggestion that the, effectively that transition should happen in that sentence. I don't want to spend a lot of time wordsmithing this letter on the Council floor, but there seems to be an agreement that paragraph two does need to be revised in some way to maintain the focus on what the Council can do with NMFS. So let me first see if there's any disagreement on that point and then see if the Council is willing to defer to staff to find the best way to revise that sentence slash paragraph? Or does the Council who want to spend more time on the floor discussing it? Caren Braby.

**Caren Braby** [00:11:55] Thank you Mr. Chair. I support deferring to staff's best solution on getting this done. I think that we've identified a gap here that there is a transition needed, and whether it's in the second sentence of paragraph two or a third sentence is immaterial. It's conceptually I think for me that that transitions from greenhouse gas to the focus of the Council and NMFS collaboration with the Council on adaptation that's the important nugget here. Thank you.

**Marc Gorelnik** [00:12:37] Butch Smith.

**Butch Smith** [00:12:40] Mr. Chairman. I think that's your best idea all week. Letting the Council clean it up and get it going. I'm sure they're very capable of, they've heard the discussion, I'm confident that they are very capable of taking the comments and getting it just right.

**Marc Gorelnik** [00:13:01] All right, and so that sort of seems to be the consensus unless someone disagrees so I gather that is what we will do. I don't know if we need a quick response following the remaining edits or not. Let's see if maybe Chuck Tracy has some input on that.

**Chuck Tracy** [00:13:33] Thanks Mr. Chairman. Well, I would hope that the addition of a transition sentence is not, doesn't constitute something substantive enough to require a quick response process. I would offer, I mean staff, we will work with perhaps Marci and Caren to make sure that they are both satisfied with the result and we do have a little bit of time on this letter. There's no particular deadline associated with it. Of course, we would like to get it out, you know, fairly soon but unlike the letter to the Secretaries of Interior and Commerce, which needs to go out essentially tomorrow, this one we've got a little time so I think we can work with those Council members, if that's all right with you.

**Marc Gorelnik** [00:14:34] I think that sounds like an excellent plan and I'm not seeing anyone rushing to the raised hand feature to dispute that, so thanks Chuck. And we've had some discussion on one of the letters, not much on the other, so is there any discussion on the letter on 216(a), the one, the letter that needs to be finalized and transmitted very quickly? And I'm not seeing any hands. I think these were the remaining actions they were holding over on this agenda item and it seems like we have closure there. So let me turn to Jennifer and see what I've missed.

**Jennifer Gilden** [00:15:29] Yes Mr. Chairman. You haven't missed anything. I think with these decisions we can go ahead and send these letters out. We will, like Chuck said, we will check with Marci and Caren on the second paragraph of Attachment 8, but I think Attachment 7 is ready to send out tomorrow.

**Marc Gorelnik** [00:15:52] Great. All right, well then that will conclude this Agenda Item H.3.

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

**Marc Gorelnik** [00:00:00] So that will take us to Council discussion and action. We fundamentally have two issues before us, but one has to do with COP 26 and the other has to do with the upcoming meeting of the Groundfish Endangered Species Workgroup. So, with that let's see if, why don't we take those in order or whatever order folks want. Go ahead Maggie.

**Maggie Sommer** [00:00:40] Thanks Chair. I was going to go in order and make some comments on the first bullet there. I think that what we should do is consider any long term changes to the seats on the Groundfish Endangered Species Workgroup in June, beginning in June as we consider our suite of membership changes, membership appointments and today limit Council, potential Council appointment to that workgroup just for the upcoming April meeting on a short term basis, and I would support the GAP's recommendation of Mr. Bob Eder, noting the discussion we had, the responses John just provided and the information on Bob's qualifications provided in the GAP report.

**Marc Gorelnik** [00:01:38] All right, thank you Maggie. Further discussion on our first bullet there? Marci Yaremko.

**Maggie Sommer** [00:01:48] Yeah, thank you Mr. Chair. Just want to fully support Maggie's remarks on this temporary appointment of Mr. Bob Eder. I know our California folks felt like he was extremely qualified and given the content of the agenda in the upcoming workgroup meeting, he is the right person for the job in their view. So, passing those comments on and support this temporary appointment.

**Marc Gorelnik** [00:02:21] Thank you Marci. Phil Anderson, followed by Brad Pettinger.

**Phil Anderson** [00:02:26] I would concur with both Marci and Maggie's remarks.

**Marc Gorelnik** [00:02:32] All right. Brad, followed by Louis Zimm.

**Brad Pettinger** [00:02:35] Thank you Chair Gorelnik. I've known Bob for over 30 years and he's just an outstanding individual to represent that fixed gear fishery, both the, for sablefish pot and the Dungeness crab fishery. I mean he's about as good as it gets. He served on the FHRC with me for a number of years and just did a fantastic job, so I think the GAP was wise and able to pick the right guy. Thank you.

**Marc Gorelnik** [00:03:12] Louis Zimm.

**Louis Zimm** [00:03:14] Thank you Mr. Chair, and I also support this direction that we're taking here, and I would like to note that even though the Council does not work with the Dungeness crab fishery, that the information that Bob could bring in from his involvement on the Tri-state Dungeness Crab Committee would be really, really helpful. I know there are other people that have been on this committee that have been involved, but nobody that's actually from the actual fishing fleet. So, I think this is a really good way to go. I know when others of us in the GAP were brought into the assessment process that the people on that committee really appreciated our input and it helped clarify a lot of issues so thank you.

**Marc Gorelnik** [00:04:10] All right, thank you Louis. Brad, do you have a further comment, and your hand is up? Heather Hall.

**Heather Hall** [00:04:21] Good morning. Thank you Chair Gorelnik. I don't want to belabor this, but



also want to share my support for the approach that we're taking here with this appointment, specifically for the April meeting and support for appointing Bob Eder and for many of the reasons that Louis just mentioned, work on the Tri-state Dungeness Crab Committee and the linkages there I just, I think it will help the discussion in April and so I just wanted to share that. Thank you.

**Marc Gorelnik** [00:04:59] Thank you. Thank you, Heather. So, this is a Council appointment. We typically do those by motion, so would someone like to offer a motion? Maggie Sommer.

**Maggie Sommer** [00:05:25] Thank you Mr. Chair. I was not anticipating a motion so had not sent one to Sandra, but it should be short, or Kris, whoever's behind the curtain there. If you're ready, I move the Council appoint Mr. Bob Eder as a GAP, pardon me, could you back up and replace 'a' with 'the', representative. I'm sorry, I'm not good at this on the fly. Let's go back, let's delete and go back to after Eder, yep, starting there, let's say, to represent the GAP. Perfect. Thank you. Yep, delete GAP also, oh no... you're there, good, to represent the GAP on the Groundfish Endangered Species Workgroup at the GESW April 2021 meeting. I think that looks good to me.

**Marc Gorelnik** [00:07:11] All right, so if that looks good to you, confirming the language on the screen. I'll look for a second? Well, a lot of names went up there, but Bob Dooley won the race. Please speak to your motion as you feel necessary.

**Maggie Sommer** [00:07:28] Thanks Chair. I don't think it is, but just want to first of all thank Mr. Eder for his willingness to serve in this capacity and also to the Council members for the comments they provided on the benefits he can bring based on his participation in a lot of related forums, and thanks.

**Marc Gorelnik** [00:07:52] All right, thank you. Any questions for the maker of the motion? Any discussion on the motion? Okay I'll call the question. All those in favor say 'aye'?

**Council** [00:08:05] Aye.

**Marc Gorelnik** [00:08:05] Opposed, no? Abstentions? Motion passes unanimously. Thank you very much Maggie. And I believe that was the only action we had under the first bullet but if I missed something I'm sure someone will correct me. So, let's go to the second bullet, and that has to do with the proposed changes to Council Operating Procedures, and I see Maggie's hand up so I will call on Maggie.

**Maggie Sommer** [00:08:43] Thanks Mr. Chair. I would offer a motion for this one as well.

**Marc Gorelnik** [00:08:49] All right, please go ahead.

**Maggie Sommer** [00:08:52] I move the Council adopt the revisions to COP 26 presented in H.4.a, CPSMT Report 1, April 2021.

**Marc Gorelnik** [00:09:05] And since you authored that language, I assume it's correct on the screen. Looking for a second? I see Briana Brady's hand up. I assume that's for a second?

**Briana Brady** [00:09:18] Yes, thank you.

**Marc Gorelnik** [00:09:20] All right, please speak to your motion.

**Maggie Sommer** [00:09:25] Thanks Mr. Chair, and thank you very much to the team for pulling together the recommendations and the strikeout modifications to the COP intended to improve the

process for considering methodology reviews and give everybody a heads up a little sooner about what might be taking place at November meetings, as well as some clarification on the process for initiating review of existing methodologies and appreciate the input as well and the questions requesting some clarification on some of the terminology and their proponents and roles. I think that those are relatively minor. I feel comfortable that it is pretty clear from what's already in the COP. You know I'll note that in the teams' report where they provide COP language at the bottom of page 2 where there's a few bullets. The second one of those says the name of proposers, including researchers who will participate at the methodology review and will be expected to conduct analyses during that review. I think that that helps address some of the questions that were raised but I would provide some leeway to Council staff if there's some additional minor clarifications that they feel they could provide based on the Council discussion today that that would be acceptable as well. Thanks.

**Marc Gorelnik** [00:11:12] Are there questions for maker of the motion? Heather Hall.

**Heather Hall** [00:11:23] Thank you Chair. I don't know that this is a question, but I just wanted to, I support the motion. Also wanted to say I appreciate the work that the management team did to propose the changes to the COP language and also appreciate the input from the SSC and the direction that Maggie's going with giving the Council staff the opportunity to add clarifying language here to help the issue around proponents versus analysts, we talked a bit about that in our morning delegation meeting and so just support that approach for this. Thank you.

**Marc Gorelnik** [00:12:17] Thank you Heather. Further questions of Maggie on the motion or discussion on the motion? I'm not seeing any so I will call the question. All those in favor say 'aye'?

**Council** [00:12:36] Aye.

**Marc Gorelnik** [00:12:37] Opposed, no? Abstentions? The motion passes unanimously. Thank you for the motion Maggie. Let me ask the Council if there's any further action or discussion on this Agenda Item H.4? And not seeing any hands, let me go back to Mike Burner and he'll tell us whether we've done a good job or not.

**Mike Burner** [00:13:20] Thank you Mr. Chairman. I think you have done a good job. I appreciate the two motions. We at Council staff will move forward with arrangements for Mr. Eder to be a short-term representative for the April meeting of the Groundfish Endangered Species Workgroup and we will work to get a final version of COP 26 as adopted and posted up on our website for everyone, so thank you I believe you've completed your business under H.4. I also agree with Miss Sommer's recommendation that if we were to look at long-term changes to the Groundfish Endangered Species Workgroup, that we do that at your next meeting when we're scheduled to look at the composition of all your advisory groups. So... thank you very much.

**Marc Gorelnik** [00:13:58] All right. Thank you Mike. Well, that will conclude this agenda item.

## 5. Future Council Meeting Agenda and Workload Planning

**Marc Gorelnik** [00:00:00] It is 12:30, the anointed hour for us to continue with Council discussion and some decisions on agenda and workload planning and as is traditional I'll turn to Chuck Tracy.

**Chuck Tracy** [00:00:21] Thank you Mr. Chair. Before we get started on today's workload, well on future workload planning, I'll mention a little bit about today's workload planning, and I just checked in with the salmon folks. It sounds like they are still a ways out so maybe, it's sounding like 3:30 or so before they would be ready, so just to let you know we got plenty of time to work on this, so. All right, well as we agreed before we broke for lunch, we're going to tackle HMS planning right now, so I would just point out that what we've got on the June agenda, five items, none of them are shaded so if there's any changes to those or any discussion about those I'd be interested to hear that. I guess in particular we've got a NMFS Report for an hour. International Management Activities for two. EFP's for an hour. I would be curious to see if there's any discussion about, if there's any thoughts about limiting that to deep-set buoy gear permits or no more deep-set buoy gears, just kind of curious where, where we stand on that. Maybe we can get an update from NMFS on the process for approving existing permits on that. Then we have Drift Gillnet Fishery Bycatch Performance for three hours and DGN Hard Cap Scoping for four, so maybe I'll just pause there and start with June and see if there's any thoughts about any of those, any of those agenda items. John Ugoretz. John you're still muted.

**John Ugoretz** [00:02:46] There we go. Thank you for reminding me. Can you hear me okay?

**Chuck Tracy** [00:02:53] Yes, we can.

**John Ugoretz** [00:02:54] Great. So... I just, I did want to start briefly in discussing the June agenda with discussing the fact that we have a Saturday agenda item, two agenda items for HMS. I really was disappointed in the decision to move forward with meeting on Saturday when meeting remotely. There was a poll that the Executive Director held and all of the state agencies and NMFS recommended not meeting over the weekend when we don't meet in person, and while continuing through the weekend makes abundant sense when meeting in person to address travel and meeting cost, it just simply does not make sense when meeting remotely, and I was even more disappointed to see that when I personally expressed a significant opposition to meeting over the weekend that the HMS items I sit for were scheduled on Saturday. So, I really sincerely hope that if September ends up being an online and not in-person meeting, that we continue with our past practice over the last year of not meeting on the weekend. So, with that said, I'm hopeful to limit the amount of time we spend on Saturday on HMS, and for the HMS agenda items I would note the following, for international management, while we've always allowed two hours on the agenda for that item, it rarely, if ever, takes that long and I'd recommend reducing international to one hour for this meeting. For bycatch performance, this is a report from the team on the bycatch performance in the DGN fishery over the past two seasons. There's no direct Council action needed that I see for this specific item and I would suggest that no more than an hour and a half is needed for it, and with hard cap scoping, this is perhaps the most important HMS item in June, given the court decision and the Council's specific stated desire to take it up in June, their last discussion on it. That said, I don't really feel like four full hours is maybe needed, assuming we have good recommendations from the team on how we might adjust our original hard cap items, that we would be able to conduct this in maybe three hours or less. So given those changes, I would recommend moving bycatch performance to Friday because we would be reducing the amount of time for international and have enough time to do it on Friday, and then that would free up an additional four hours of time on Saturday for non-HMS items, which I understand there are some fairly significant ones trying to be addressed. And so, with those initial thoughts, I'll see if anybody has reactions.

**Chuck Tracy** [00:06:10] Christa.

**Christa Svensson** [00:06:13] Thanks and I appreciate Mr. Ugoretz's comments. I will say that I am in the other category in terms of I voted to attend for both days of the weekend. I work full time just to give another perspective. This is not part of my day job and I am thankful that they allow me to participate in Council activities et cetera, but that does mean that I'm missing five and a half days, which is a lot more than I was missing before because we're not missing, or we're not working on the weekends. So, I will say that I am very appreciative to have Saturday to work. It gives me an extra day back in the office. There have been comments that this is significantly more than they thought it was going to be and I've had to reassure them that once we get back in person we will be meeting on the weekends like we historically have, so I absolutely understand from the state's perspective, but I do want to recognize that for those of us that are working in occupations that we have to go back to, that this is not a part of that scope, that sometimes the weekends is the time that we have to give. That makes it easier for us as well. I think that in terms of international management, that's probably, I think that they're reasonable to cut down on most of these in terms of everything. I didn't hear where we were going to put drift gillnet hard caps. I heard that you wanted to cut it down, but I do think that this is a really important topic that we do need to keep on the agenda. It's something that I've heard come up from other Council members about. You know we need to manage this fishery, but I've also heard from fishermen. My phone blew up at lunch from guys calling and saying please, please advocate for keeping this on the agenda. So just wanting to know if that were to go off of Saturday. I may have missed it, but where that would go if it isn't going to stay on Saturday.

**Chuck Tracy** [00:08:34] Thanks Christa. I don't think there is a call to move DGN off of Saturday yet but... John Ugoretz.

**John Ugoretz** [00:08:46] Yeah, thank you Chuck, and while I appreciate Miss Svensson's comments, I also work a full time job and while we are conducting Council meetings, I often work extra hours on those Council days and if we work on weekends, that is additional hours so I want to be clear that there is an extreme workload for the agency representatives on the Council, and that while non-agency Council members have agreed to participate on the Council, I do strongly advocate against meeting on weekends. And, yes, I concur both with Miss Svensson and Chuck that we should keep and we do need to keep the DGN hard cap item on the agenda. I was just suggesting marginally decreasing the time but keeping it on Saturday and keeping it on the agenda as it's stated right now.

**Chuck Tracy** [00:09:42] Thanks. Ryan.

**Ryan Wulff** [00:09:48] There we go. Thanks Chuck. I want to talk about a couple things here. First of all, I share some of the concerns raised by John regarding the weekend. I was, NMFS also had put in a plug for maintaining our current agendas with weekends off, but I understand that that wasn't the position of others but would share his point that we take that into account if we are going to be virtual again in September. Regarding the HMS agenda items, I could support what John put forward regarding the reduced times. We will have a report out on international from the tropical tuna meeting, IATTC, and some prep for the August meeting but I still think we could do that in an hour, as well as his other proposed kind of a shifting and reductions. Regarding EFP's, I would want to maintain that agenda item. I do believe we will have some, although I think an hour is fine, and to your question, Chuck, in your overview, just as a reminder if we do get buoy gear, one's there, they would not qualify under one of the limited entry tiers as it was decided at the last meeting in March, but there could be Council recommendations. It could be authorized at least until the formal gear authorization is implemented. And that's it for NMFS.

**Chuck Tracy** [00:11:26] Okay thanks. Caren.

**Caren Braby** [00:11:32] Thank you. I just wanted to concur. I'm not going to speak to the weekend

scheduling issue, although I prefer no weekend work, but I think that there are so many competing issues there I'm not going to weigh in on that. However, I support the estimation that John gave for those items and think that we can be efficient with that in June, so I support the movement of the bycatch report to Friday and three hours for hard caps.

**Chuck Tracy** [00:12:15] Okay, thanks. Butch.

**Butch Smith** [00:12:21] Thank you Chuck. By sympathizing with the state and federal workers that just spoke, I'd like to remind this Council that we represent people that work seven days a week. 14 to 18 to 20 hours a day. Don't stop working until the work's done. Have to have fish delivered for Saturday, Saturday markets to get to the public and what have you, so although I sympathize, you know, with the time that people have to spend with their family but I also am a little more sympathetic with people that are out on the water, you know, risking their lives and, and working, you know, 18 to 20 hours a day. So, for me, the one-time June virtual Saturday works fine since, you know, when we're in person we work over the weekend and Sunday also, even Easter one time, so anyway, I'm sorry if I disagree with some of my fellow Council members, but I would just like to remind people of that also. Thank you, Chuck.

**Chuck Tracy** [00:13:47] Thanks Butch. Phil Anderson.

**Phil Anderson** [00:13:54] Thanks Chuck. I'm just speaking in favor of the recommendations that John made relative to modifying the time periods allotted to the various agenda items and I am not going to get into the other, the weekend debate.

**Chuck Tracy** [00:14:11] Thanks Phil. Yeah, and I guess I would also note that, you know, what's on what day right now is not necessarily where we will end up. I don't want to get into it particularly, but some of that might still be in flux and be dependent upon how we schedule advisory bodies and whatnot so, okay well is there any other comment on the June HMS items? Marc.

**Marc Gorelnik** [00:14:52] Thank you Chuck. I just, I mean I defer to John on the timing for these HMS items. If that does free up time on Saturday, then the question will be what do we fill it with? And I wonder if it does not, doesn't make sense to consolidate the HMS on one day or whether, I don't know whether that's a good or bad idea, but it makes some sense, so I just wanted to throw that out there.

**Chuck Tracy** [00:15:25] Yeah, thank you. Yes again, you know, depending on where we end up with our time estimates and what's on the agenda and when advisory bodies meeting, meet, Council will be arranging the schedule to make it as efficient as possible. Phil Anderson.

**Phil Anderson** [00:15:46] Sorry. So, I mean just one other point. If we're going to shorten up the time frame and we are going to create some additional time on Saturday, from where I sit, I would want to use that day fully. I mean, once I give up my Saturday I've given up my opportunity to work on my boat, and so I want to make full use of that day, so I'm not sure which way or where the winds were blowing there as to whether we were thinking about having a short Saturday or not, but I just would put in my support that if we're going to work Saturday then let's make full use of the day.

**Chuck Tracy** [00:16:38] Okay, thanks. Well, so I guess before we leave those particular items, I just would also note that of course public comment can play heavily into how long agenda items take too, and so I guess keep that in mind as we go forward, but being that as it may, if we accept those estimates at this point, why don't we move on a little bit and then maybe we can if we need to, we can circle back to those time estimates later. So then, I guess I would ask instead of why don't we continue a little bit with the HMS theme here and just see if there's anything on the out meetings that the Council wants to

deal with? Again, most things are fairly set. The only shaded item is in November, which is the Swordfish Management and Monitoring Plan and just kind of curious if there's any thoughts about those out meeting agenda items? Okay, I'm not seeing any. Oh... Ryan.

**Ryan Wulff** [00:18:13] Thanks Chuck. I was just going to say that from NMFS' perspective we support the Year-at-a-Glance that the way it is structured currently for HMS. Thanks.

**Chuck Tracy** [00:18:27] Okay, very good. Thanks. Okay well, then why don't we... I guess is there, maybe I'll just ask John since he's got a conflict, if there's anything else he needs to discuss before we just kind of move on to our regular business here?

**John Ugoretz** [00:18:46] No. Thank you and I appreciate your and the Council's accommodating that so I'm good with what's been discussed.

**Chuck Tracy** [00:18:53] Thank you. Okay. So, Kris, maybe you could put up Attachment 4 now just to help people out? So why don't we just tackle the June meeting itself. So, we've got the things that are scheduled. I guess if there's any thoughts about what we might be able to dispense with, if there are anything, we've heard some testimony along those lines I think from the GAP and GMT, particularly associated with the groundfish workload. I don't know if there's any other subtractions, I guess at this point is kind of what I'm looking at doing, so we know what we've got to work with when we go to add things in. Bob Dooley.

**Bob Dooley** [00:19:58] Yes, thank you Chuck. I'm looking to talk about an addition so I just, I'll stand down until we get to that point, but I'll probably leave my hand up so.

**Chuck Tracy** [00:20:09] Okay. Ryan.

**Ryan Wulff** [00:20:09] Thanks Chuck. Given Bob's comments maybe I'm unclear. Are we, what would you like to hear from now? Things we want to...?

**Chuck Tracy** [00:20:22] I'd say if there's anything that we can, you know, eliminate from the June agenda, you know, and I guess I'm thinking particularly about the ones we've heard testimony on from the advisory bodies, which was specifically the Groundfish Workload and New Management Measures, but anything else that's on there that people think we could trim up so that we know exactly how much time we're going to be, have to work with when we go to add things in.

**Ryan Wulff** [00:20:52] Okay. Well, I'm happy to start with subtractions then, at least one's that NMFS would support. I mean, we would support the advisory body recommendations that we heard in public comment of removing the workload and new management measures for quite a number of the reasons that we've heard from those advisory bodies and public comment. We would support that. We are still looking, I'm not 100 percent certain we will have a lot under the groundfish NMFS Report. We are still running it to ground right now, but it's possible we get submit our rulemaking document as an informational item. I should have more for you on that in a moment, and just wanted to note, at least from NMFS perspective, we've started the clock on the fixed gear catch share review, so should the Council want, I'm not necessarily advocating moving it, but at least from NMFS perspective, if the Council was looking for time that that's something at least that could be potentially postponed, and I'll stop there.

**Chuck Tracy** [00:22:04] Okay, thanks. Marci.

**Marci Yaremko** [00:22:08] Yes, thank you Chuck. Yeah, certainly echo the support to remove the

workload and new management measure item that was recommended by the GMT and the GAP. I guess I'm curious to hear, I think, well the other recommendations I might have for June are kind of contingent on the readiness of certain items. Do we have input on SONCC coho and its readiness? And maybe you can refresh me on whiting utilization and its readiness?

**Chuck Tracy** [00:22:56] Thanks Marci. I think I'll let Ryan speak to the SONCC coho business.

**Ryan Wulff** [00:23:03] Yeah. Thanks Chair and thanks, Marci, for the question. This would have been number one on my list for additions. Yeah, we will be ready. You know there is some significant work to do, still a little bit but the workgroup will be able to focus on that just prior to this meeting to complete that. There really is one additional Council meeting between June and our decision deadline for November for final action for the Council to provide revisions and additional guidance on this so we do believe this will be ready. We would like to see this restored to the agenda.

**Chuck Tracy** [00:23:45] Okay, thanks. And, Marci, did I, was the second one you asked about? The, was it the mothership utilization or was it....?

**Marci Yaremko** [00:23:57] Yes. Thank you.

**Chuck Tracy** [00:24:00] Well, we don't have that scheduled for June and it was not on the candidates list, so right now we've got it in September not shaded for a range of alternatives and preliminary preferred alternatives. So that's where we stand right now. I am not sure where, I don't know if moving it up is an option. I would think I would have to have some more consultations with staff.

**Marci Yaremko** [00:24:38] Sure. Thank you. I was just curious. I had seen it underlined and so I just was wondering if there was new information available. I guess I should speak to EM. I think we have heard loud and clear that we need to hear EM. June is probably the best choice. That will give the Council time to formulate recommendations in time for NMFS to think about them in advance of their scheduled implementation date of January 1, 2022. I think we've seen broad support for that. I appreciate the letter that we received from representatives of every EM EFP supporting scheduling this item, so I feel that we certainly need to hear it and I think June is probably the best time. I think you were just asking about items to remove so I think I'm going to just stop. Thank you.

**Chuck Tracy** [00:25:47] Thank you, and so did you express the workload management, the groundfish workload management measures? Are you, did you express an opinion on that?

**Marci Yaremko** [00:25:57] I did at the onset. Absolutely, yes. Thank you.

**Chuck Tracy** [00:26:00] Okay. Well maybe let's just focus on that one. Is there anybody that does not, who would like to preserve that on the June agenda, the groundfish workload management process, so if there are... just open your mic and tell me.

**Heather Hall** [00:26:18] Chuck, this is Heather. I did want to talk about it. I mean I support removing it in the traditional sense that we consider groundfish workload and new management measure priorities, but also was thinking back to the discussion earlier in the week on cost recovery issues and the idea of potentially moving up the scoping of the five year review to include total program costs and similarly, the idea of reinstating the Cost Recovery Committee, which we've heard from NMFS they would want to do in the scope of groundfish workload, so I just wanted to make sure that if there was a place for those discussions to happen, even if we removed the workload and new management measure traditional agenda item. So, I just wanted to offer that thought. Thanks.

**Chuck Tracy** [00:27:31] Yeah, well thanks. I appreciate you bringing those up because I think those do bear on whether we have this agenda item or not. Because in my opinion, I think that if we're going to talk about adding groundfish workload at the June meeting, that we should preserve this agenda item and do it under there, otherwise, you know, we could drop it, but then would have to add something else in to do it, and so that was, that's the purpose of this agenda item, so if the Council wants to have a discussion about keeping it on to serve that purpose then that's, I guess, kind of what we're here to talk about. So...well, I'm going to keep going down the list, I think. Bob.

**Bob Dooley** [00:00:12] Yes. Thanks Chuck. It's really reinforcing...kind of what Marci had talked about on EM and I just want to make a point of that, and I would say that it's really important to put that on the agenda, keep it elevated unshaded. I think that, we heard earlier in March about the importance of understanding where this, where this EM is developing and what and whether there's a decision that needs to be made in June that may come from new information that we will be receiving in the bigger context of how EM was developing in other regions and may inform us. So my concern here is that we craft, if it's elevated I'm totally supportive of that and I think it's important, if it's elevated that we craft the agenda item in such a way that the Council is able to make a decision should we need to delay implementation or any of those things, not saying we will, but if we do need to, that we have the ability to make that decision, because I remember in March I believe Phil had a motion and we didn't have it crafted correctly, and I'm worried that we, if we have information that comes forth that suggest we need to delay implementation, we need to make that decision in June so that regulatorily it can be in place by January, at least that's what happened last time. So, I'm not saying that's going to happen, but I want to make sure that we do have the tool in our toolbox to make that happen, so that's what I'm thinking.

**Chuck Tracy** [00:02:15] Okay. Heather, you still have your hand up. Maggie.

**Maggie Sommer** [00:02:27] Thank you Chuck. Back to the issue of the groundfish workload and prioritization item, and I'm sorry if I missed something even though I was listening, I heard your recommendation to leave it if we were going to consider adding something to groundfish workload, and I thought that the discussion had been around talking about, I guess, when to say that we would like to include addressing total catch share program cost in the scope of the next five year review, and I guess I don't see that as adding anything, and that could probably be done under maybe another agenda item, but can I just ask for some more clarification on that? Did I miss a piece?

**Chuck Tracy** [00:03:30] Thanks. Well, yeah, so maybe it's me that's missing a piece but, you know, I guess based on what I heard earlier in the week, there were some thoughts about maybe starting the next catch share review early so that topic could be included or anyway I just, I guess I'm just, like I say, if there's thoughts about adding something that's going to, you know, affect the priorities already established, then I think we should be you know, doing it through the workload planning agenda item, the groundfish workload planning agenda item so, you know, so I'm not sure if there is a, you know, as you said another agenda item that we could do this under? Or, you know if it's, you know, so I don't know, is it something that would, you know I don't know where it would come in under the NMFS Report and that's not a Council action item specifically....so workload planning, I guess? I'm not sure where it would come if we didn't have something for it, have a home for it, but I'm willing to listen to what the Council's ideas are certainly.

**Maggie Sommer** [00:05:12] Thanks Chuck. That was really helpful. I'll say my impression of the discussion we had earlier in the week would not be to move up the start of the next five year review, but simply to give an indication that total program cost is going to be one of the important topics we want to address in the review, primarily to maybe give a heads up to staff that we would like to get, as soon as we do start, we'd like to hit the ground running with information available on that, and perhaps



the discussion at this meeting has accomplished that part of that objective, and I would leave it maybe to your direction and Council discussion if we need to do anything more formal for that. And I guess one other part, I'll just acknowledge that if there is separate discussion about also reconvening the Cost Recovery Committee, then I would certainly see that as appropriate for a discussion in the context of a holistic look at groundfish workload priorities because of the possible implications for other already prioritized items. Thanks.

**Chuck Tracy** [00:06:28] Thanks Maggie. Yeah, so, I appreciate that and I don't know, perhaps that is sufficient. I mean, perhaps that's enough for Council and NMFS staff to talk about that when we start planning out the next, they're actually six year reviews so that they fall outside of the spex cycle so, you know, and I think it's scheduled to start up in 2022 and we've already starting to see 2022 meetings on our Year-at-a-Glance so, you know, I don't know... perhaps that was sufficient but also a point well taken that depending on the scope of what's being suggested, we may need to think about how we schedule that. Marci.

**Marci Yaremko** [00:07:16] Yeah, thank you. I had thought that possibly because the five-year review is already on our Year-at-a-Glance, though it may not appear because it's, we don't have it actually created that far out. It's required that we conduct the review, so we know that agenda item is going to commence in 2022, so my thought, looking at what we have on the Year-at-a-Glance in front of us, which isn't very far forward into '22, but we have an initial look at least at a few meetings. March is traditionally a light, lighter groundfish meeting. There does appear to be room in March. I had kind of envisioned that where we were going with this would be to schedule something like a pre-scoping or a scoping part 1 of the five-year review and possibly, you know at that time, we identify the interest in focusing one element or the major element or something like that on the topic of reducing costs. So anyway, that was sort of how I thought we might look at that moving forward, and I feel like because it is a standing item that will appear on our Year-at-a-Glance anyway, I didn't feel like we'd need to discuss that again in workload prioritization, and so that's why I'm certainly comfortable removing workload prioritization for June and then signal now that that might be our intent for March, and then if there are comments on that, we take those comments and think about them, but I guess that would be my suggestion for a path forward.

**Chuck Tracy** [00:09:20] Okay, that's fine... and so maybe the answer here is to instead of wrestling about June is to just put something even shaded on the Year-at-a-Glance in March for catch share plan review scoping. Does that sound like a solution? And that way it's there, it's on our radar screen. If we need to move it out later, we can do that.

**Marci Yaremko** [00:09:54] Thank you. Yes, that's what I was proposing.

**Chuck Tracy** [00:09:56] Okay, thanks. Okay. So I think what I've heard then is that most people are okay with eliminating Groundfish Workload and New Management Measure Update in June which gives us one more hour. So, is there anything else that people want to trim, I guess? Okay, not seeing any then let's take a look at what we've got in the candidate box. We've got two administrative items, Standardized Bycatch Reporting. That's a requirement that if we need to amend our fishery management plans, we need to do so by February of 2022 so that would be the first of the three-meeting process to do that. There's, well we had a preliminary look at that with the advisory bodies I think back in March, so our Council and NMFS staff have been reviewing the results of the sort of running through the checklist as to whether our plans comply or not. It does look like there's a likelihood that at least some of the plans will require some changes, either through an FMP amendment or perhaps some other mechanism, such as changes to the safe documents. It does not appear that the groundfish plan is one of those, but again I think those, that's sort of the preliminary status of things. I think there's still some discussions that need to occur between Council and NMFS staff before that decision is finalized or

before those, you know, the appropriate pathways are identified and those sorts of things so that's what I know about that one. The Preliminary Regional Operating Agreement, this is our document that talks, it sort of lays out our agreement between the Region, the Science Center's, General Counsel, OLE and Council staff on how we accomplished moving Council actions through the process and we've, I think 2017 was the last time it was updated, so this is something that's been on our radar screen for a year or so. This would be the first of two meetings in June. Electronic Monitoring Update, we've had a little bit of discussion about that and the scope of that. I think Mr. Anderson's guidance in March is relevant here and I think that was what was originally contemplated. It sounds like there's maybe some interest in providing some additional flexibility for Council action, depending on what occurs there. Sablefish Gear Switching Range of Alternatives, we just identified a limit, gear switching limit at this meeting that would open forum analysis of the alternatives. That's thought to be a pretty substantive issue to deal with, basically a full day. CPS NMFS Report, that's something that came up during the course of this Council meeting, again it was something that the Science Center, Southwest Science Center I think had a desire to report on, so we added that in. And then the salmon SONCC Coho ESA Consultation, again a process driven by litigation, the need to update ESA consultations on that extensively by November of this year, and then the one other thing that came up during the reports was the Four State Report and consideration of adding some marine planning, an opportunity to discuss marine planning or perhaps plan for marine planning. How are we going to move forward with that? I have some assignments to staff to bring back some analysis of what it would take to do that and some of the models suggested and whether that's a standalone item or something that might be considered under membership appointments and Council Operating Procedures, we can have that discussion but I think regardless of where it ends up, it's going to take more time than we've got on the agenda for those things right now, and I guess I would also add that, you know it's, I suppose it's possible we might have some other business under marine planning. Again, we've been discussing things with BOEM in particular about perhaps having some workshops and seeing what activities are occurring in their world, and if something comes up, we may find a need to add something on the Council agenda to deal with that so that's it, anyway that's a possibility. I think we should plan at a minimum for an hour for that item, again, whether it's standalone or incorporated into something else. So those are the things that we've kind of got to move up. I mean if you add up what's there, that's 2, 3, 11, 14, 15, 16, 17 hours. We've got about to 2, 6, about 8 hours, 8 hours of time if we want to keep it to a five-and-a-half day meeting. So, I will pause there and see if there's any additional thoughts about what's in the candidate box? Ryan.

**Ryan Wulff** [00:16:49] Thank you Chuck. Yeah, a few thoughts. You've already heard my recommendation on SONCC coho. I think that's very important for NMFS to have that restored, the ROA PPA discussions and we will be, the working group will probably be ready. Regarding SPRM, yeah, I agree with your points Chuck. I do think it's important to have this on the agenda. As I believe folks are aware this was established by rule published in January of 2017 that provided five years for us to develop and implement this by February 21, 2022, so I really don't think we can delay any further on that. We need to get that process started. Regarding the CPS NMFS Report, NMFS would support putting on the NMFS Report for CPS for the purposes that was discussed earlier in this meeting. I have confirmed with the center that they will be ready to report out on I think the research priorities from the SSC that was prioritized by the MT and discussed last Friday, as well as a potential timeline for addressing those so they will be ready to report back out in June. We would, NMFS would also support having the Regional Operating Agreement on the agenda. As you know Chuck, we've had some good discussions with you and Council staff on this issue. It's relevant in my opinion. It will be ready for at least a preliminary discussion. It's relevant, actually, very much so for workload planning and in future production of Council business so we would support that. And then I wanted to talk about EM since there's been a number of comments already. You know NMFS, per my recollection, my notes here from the June Council meeting, we had a number of information updates that was requested by Phil, and I'm looking at the document now, would request us to provide the Council with the following types of information. It had a number of things on there, increased cost information, cost per sea day, completed

video protocols, update on the provider application process et cetera, so it's NMFS perspective we were planning to do it, prepare as much of these as we can. Obviously, a number of those requests that were made to us in March require us to get information from the provider so we don't control that, but we are working with them and we're doing the best we can, and we should at least have some updates for June. I believe we now actually have cost finally from Pacific States and so we at least have some updates that will be ready for June. We were planning to provide the updates requested by Phil and others here in workload planning in March under the groundfish NMFS Report. I struggle to support an EM standing agenda item on its own separately. As you know, NMFS would not be supportive of any additional delays to this program and it's very challenging for me to understand what type of action concerning third-party implementation begins in January of 2022. That would be something we could support. So, our preference would be to just provide the updates that were requested, the information updates that were laid out in Phil's document that he showed on the screen in March, as well as some of the other requests that came in on discussion at that meeting shortly there afterwards, and I'll stop there. That's NMFS overarching comments on June. Did we lose Chuck?

**Chuck Tracy** [00:21:00] Oh, sorry can you hear me? Sorry I had my mic pointed up. So, Phil are you able to join us?

**Phil Anderson** [00:21:12] Yeah.

**Chuck Tracy** [00:21:12] Okay sorry. That was my bad. Here I was calling for you to fix your tech and it was my tech that was the problem.....(laughter)...

**Phil Anderson** [00:21:24] Well, if there was, it wasn't me. I have just a couple thoughts here on these. I don't want to get into a big argument over whether EM is on the NMFS Report or a standalone because I'm not sure it matters at the end of the day unless there is a, we are totally precluded from taking any kind of an action, and I'm not sure what that would be if it were simply included under the NMFS Report and there's no opportunity for Council action. So that's the one concern I would have there, and I totally understand where Ryan and National Marine Fisheries Service is, and I get that, and I think you totally understand some of the concerns and apprehensions and questions that we have, and the people who are going to be affected by it have, so I want to make sure we have an opportunity for public comment. Comment from our, in particular, the GAP and the GMT as appropriate relative to the report, so that's my reaction to those thoughts. Regarding the sablefish gear switching, I don't know exactly when the June, the deadline for the June briefing book is? Chuck, do you happen to have that handy? And if not that's fine. I don't, it's probably not very far off, and I'm just, and I think you're eight hours, you know, I could argue whether it's seven or six or eight, but it's a long time, there's no two ways about that. So I am thinking about it and it's a high priority for me, you know, I, along with a bunch of other people and my colleagues around the table, have a lot invested, but at the same time I want to make sure that that we have adequate time to take that up, and we also have adequate time to make sure we're ready to identify the range of alternatives, and that leads me to think that September might be a better option for this. And I'm sure some people are gasping that, oh my goodness we've been at this so long how can you suggest such a thing? But, you know as I see that's going on in the fishery right now, partly due to the pandemic, we have some increases in ACLs and all of those things we talked about the other day, that whether a three-month delay in identifying the range of alternatives... at the end of the day is going to make a difference, I'm questioning that. So rather than try to shoehorn it into this June meeting, which is already full, I'm just, I would put out there at least a consideration for having us pick that up in September, and give us time to be sure we are ready so that we can take the next step when we, after we devote this kind of floor time to the topic.

**Chuck Tracy** [00:25:15] Okay, thanks Phil. Heather.

**Heather Hall** [00:25:19] Well thanks Chuck. I'll say I contemplated taking my hand down after hearing what Phil offered. I was just going to express my support for making sure we got the electronic monitoring update that Bob brought up earlier in this conversation and appreciate the input from Ryan on that, and then also share my thoughts on the gear switching and whether or not there would be enough time in June. I just saw a lot of flexibility, not a lot, more flexibility in the September agenda to cover that, and thought we could do so without maybe losing the momentum on it and give time to get really all the analysts and folks together so that we have an efficient discussion in September, so yep that's it. Thank you.

**Chuck Tracy** [00:26:28] Okay, thanks. Maggie.

**Maggie Sommer** [00:26:33] Thank you Chuck, and thanks to those who preceded me with comments. I agree with those. I have been moving puzzle pieces around all morning on a list here of upcoming meetings and groundfish items, and thinking not just about Council agenda time, but also about GMT time and capacity as well as industry and GAP and it's, you know it's impossible to think about it in isolation. I just wanted to pick up on a comment earlier that it would be possible to postpone the fixed gear program review scoping item, however, I will say that following on the discussion we've been having about potentially not feeling ready to take up a gear switching range of alternatives until September, then just in terms of timing I think it would make sense to keep the fixed gear program review scoping in June. I do want...I am just worried about in talking about potentially not, potentially postponing a gear switching range of alternatives beyond June, I'm really struggling because I'm just worried about the pile up ahead of us at future meetings, so if folks are feeling like it would be possible to keep that in September while also retaining the mothership utilization preliminary preferred alternative in September and I know this is getting out beyond us and I'll stop in a second so that we can talk about the Year-at-a-Glance, but it's, they're all connected and then making sure we can take up non-trawl RCA in November, then I guess I would be okay with postponing gear switching beyond June if necessary. I will say, just offer my thoughts specifically on what needs to be done before the Council is prepared to consider adopting a range of alternatives for gear switching. We have those developed by the SaMTAAC Committee, plus I think one other that had been proposed for our consideration last November. Certainly, there is some more, a little bit more that could be done with them now based on the guidance we provided earlier at this meeting, but I'm not seeing a big need for any or much further analysis before we get to the step of adopting a range, and just specifying the, the types of mechanisms that we want to be able to consider for potentially limiting gear switching. I think there would, you know, the significant analytical lift would come after adoption of a range both for Jim and Jesse and for the GMT, but I certainly recognize that we do need time to understand what is being proposed for selection of a range and to make sure that everyone's prepared to do that. So, I was hopeful for June, but I am hearing the concerns around the table that we might not be prepared in June. Thanks.

**Chuck Tracy** [00:00:00] Thanks Maggie. Bob. Oh sorry, Phil you're up next.

**Phil Anderson** [00:00:06] Just real quick. Thanks, Maggie, for those thoughts. I just had a question and don't get me wrong... I'm not trying to suggest I wouldn't support trying to do this in June so... but in your thinking, were you thinking about the potential of moving the fixed gear catch share review to September, make or try to create some space to do the gear switch piece in June?

**Maggie Sommer** [00:00:40] Yes, that had been my original thinking.

**Phil Anderson** [00:00:45] Okay thanks.

**Chuck Tracy** [00:00:45] Bob.

**Bob Dooley** [00:00:53] Thank you Chuck, and Phil and Maggie, both, thank you for thinking about a little outside the box there on the, on gear switching. I would in the interest of or in the spirit of trying to think about what's already been done and, you know, from being part of the SaMTAAC and being part of the CAB and all of that, there's been a lot of analysis and a lot of on the options that I believe was done and, you know, that we, a lot of that work is there, maybe it's not in the right format and I think now that we have decided this week on a cap that our max that maybe that could be, you know, could adjust the alternatives that have been brought forward and the Council has seen and that maybe this lift isn't as large to get the range of alternatives as we think, that there has been and there are some adjustments that need to be made, but I'd be interested to hear from Phil and Maggie both that whether that gives a different lens on the workload to actually develop that range, particularly if it was, I hate to even think about this but if it was preceded by maybe some work on trying to adjust the alternatives that are there, maybe by the SaMTAAC.... maybe I don't, I'm not wedded to it just trying to think here that maybe we could come with a more cohesive range of alternatives that fit the decision yesterday. So just thinking outside the box and trying to get a better picture and maybe be informative to people that aren't as steeped in this as the three of us are so thank you.

**Chuck Tracy** [00:03:00] Thanks Bob. I think it's, I think this is a good discussion going on about sablefish and the fixed gear review. You know, and I guess as I kind of look out a little, you know, a little further beyond September, we obviously get into the spex business and then schedules start to get full and there's other priorities that come into play, so I think I'm interested in maybe exploring this idea a little more about kind of moving the catch share review scoping out and doing some business on the gear switching sooner rather than later. I think there might be some merit to that, but I think one thing that we need to find out and I think from a Council staff perspective, I haven't talked to my staff specifically about that trade off but I think it's, I think it's probably within our capacity to do that but we aren't the only ones that need to have some time to put into this, so I don't know how NMFS feels about their ability to participate or for, frankly, their need to participate at the alternative development stage, but I'd like to hear what they have to say about that. Ryan.

**Ryan Wulff** [00:04:42] Chuck, I'm sorry if I missed that. Are you talking about whether we would be ready for a gear switching discussion in June?

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

**Ryan Wulff** [00:04:51] Yeah. I didn't put that in my opening comments because we can do either, really, if the Council wants to schedule gear switching, we can support that discussion, at least the ROA level for June. I, similar thoughts to Maggie thinking that in order to do so, something with a rather large chunk of time would have to come off, which is why I raised the fixed gear catch share review as a possibility, but again, happy to go with the Council's preference on either one of those. I would also support Maggie's comment that if we don't put gear switching on June, that we should go ahead with the catch share scoping so that it doesn't add to further things for future agendas.

**Chuck Tracy** [00:05:42] Okay, thank you for that. Phil.

**Phil Anderson** [00:05:47] Yeah, after thinking about this a little bit more and also looking at the dates of the June Council meeting which is toward the end of the month, giving us at least a week or more than I had in my head in terms of when it usually is but I'd just put out there that let's try to accommodate our gear switching item in June and move our fixed gear catch, fixed gear catch share review to September.

**Chuck Tracy** [00:06:19] Okay. Christa.

**Christa Svensson** [00:06:22] Yeah, and just a question I guess, or something for all of us to think about, and that is that come September we may have a different Council makeup. I mean nobody knows what the future is, but we are in the process of having nominations and I don't know if it matters that we start down the path and may have new people or if it would be better to have a range of alternatives and just have those folks work all the way through, but I did want some feedback from folks that have been through this process more than myself in terms of kind of what that looks like for something that we have spent a lot of time on and I would think would want to have continuity as we work through the process.

**Chuck Tracy** [00:07:20] Thanks Christa. I'm not sure I totally, so are you referring to the Council member appointments that are going to be occurring this cycle?

**Christa Svensson** [00:07:31] Correct. It may not matter. You know what I mean? It may not matter at all, but I just in terms of bringing people in, bringing them in in the midst of the process versus having them start out as the process. Just wanting your thoughts or others' thoughts on that.

**Chuck Tracy** [00:07:52] Well, so Council members appointments is something I try and stay as far away from as I possibly can, but I will make an exception this time and, you know, I think it's something that we have to deal with every year. There's turnover pretty much every year. Issues are in various stages all the time and, frankly, I don't think we could, I don't think we should expect to try and arrange our workload planning, our agenda planning based on who's in what seats. We just have to trust that we will have good people there and they'll make good decisions and regardless everybody's welcome to be part of the process so I guess I would not think that that's something we should be too worried about it.

**Christa Svensson** [00:08:48] Great answer and wise man, thank you.

**Chuck Tracy** [00:08:54] Okay. Maggie.

**Maggie Sommer** [00:09:00] Thanks Chuck. I kind of want another bite at the apple I put out there when I suggested a preference for June which remains but realizing that when we went through this process of scheduling a gear switching range last fall, and I advocated for it coming up sooner than some others, and then we found that the Council was not ready to take that step. I guess I would be really looking to my colleagues around the virtual table here to express any reservations they have. I don't want to set us up for the same situation in June so, you know, I have an expectation that there is not a lot of analysis or work needed prior to adopting a range of alternatives, but others may have different perspectives and maybe better, a better appreciation for that than me so I wanted to make sure we have some thorough discussion of that. Thanks.

**Chuck Tracy** [00:10:07] Okay, thanks. And I'm just getting, I'm kind of catching up with some of my staff comments here. Looks like there's no, my staff doesn't have any problem with the switch either so that's good we have that flexibility there. Louis Zimm.

**Louis Zimm** [00:10:39] Thank you, Chuck, and thank you, Maggie, for being hopeful and trying to move this subject along. I still have fears and other people expressed it that the involved parties are still so far apart that I'm not sure if you're going to see very much success or support for any real progress. I hope they will and that is why I was thinking about September for this, hoping that in the ensuing months that we gave extra... there'd be time for negotiation. However, I do recognize that it may not matter how much time there is for negotiation so that's what I wanted to impart is my fear that there's going to be a lack of negotiation and I sure hope the people get together and come up with something that the whole industry can support. Thank you.

**Chuck Tracy** [00:11:59] Thanks Louis. Brad.

**Brad Pettinger** [00:12:02] Yeah, thanks Chuck. Great conversation here, discussion. I like the way this is going. The rationale has been pretty solid for maybe for keeping gear switching in June or moving it into June. I don't know if waiting is going to make people closer. I think you need to move ahead and people at some point in time come to the table and so the waiting isn't going to help that issue. So, the workload is always, it's a zero sum game, it's always hard. A lot of people have a lot of needs and wants and but I like the way it's going, and it'd be nice to push some stuff off the table and get it done sooner than later and so we could get to other things in the future here so I'll stop there.

**Chuck Tracy** [00:13:00] Okay thanks. Well, I think it sounds like we've, we're coming to a desired approach to have sablefish gear switching on in June to consider a range of alternatives, and then moving out fixed gear catch share review to September. So, there's two things I want to say about that, one is so that's a net cost of adding four hours and then, so before I do the math on how many hours we got, I also did want to circle back around to the electronic monitoring discussion that we have been having. So, I think when we left that there was a couple of things I heard. I heard from NMFS that they were planning on providing the informational update based on what was requested in March during their NMFS report on groundfish, so if I've got that right, that to me, I guess that would explain why that's an hour-long agenda item. And then what I also heard from some Council members were that they were interested in having that discussion around electronic monitoring, have the potential for that, for the Council to take some action under that, on that topic and so that would not be possible under the NMFS report. That's a non-Council action item so I guess I would like to circle back around and see, one, you know what, again what the scope of that agenda item is? You know is it expanding beyond what was requested in March? If it is I think it needs to be a standalone item and, you know, obviously longer than the than just the update from NMFS on those requests. So let me pause there and because I do want to make sure that we are all on the same page for this one. So Brad, is that, is your hand still up or is it newly up? Okay Phil.

**Phil Anderson** [00:15:39] Yeah, thanks Chuck, and just again I understand and respect Ryan's comments and how NMFS is proceeding and I, you know, I get that. At the same time, we're hopefully going to be receiving some information and we may want to provide some recommendations, guidance to National Marine Fisheries Service based on what we hear. If it and I, you know, I have gotten caught, you know, the Council or I or whatever, have gotten caught where we have wanted to make some sort of a recommendation through a motion, but the item was agendized such that a Council action was not possible and so I, my desire is to agendize this in such a way that we can receive the information. We can hear from our GMT and our GAP and our public, and if the Council has some direction, guidance, recommendation to National Marine Fisheries Service that we're able to do it, and that's, I'm trying to avoid getting caught in the situation where we are, we've handcuffed ourselves from providing guidance or recommendation or whatever it might be to NMFS based on the information that we received.

**Chuck Tracy** [00:17:35] Thanks. Marci.

**Marci Yaremko** [00:17:36] Yeah, thank you Mr. Vice Chair. I guess I don't feel that a NMFS report or combining this with the NMFS report meets our original intent back in March when we added this candidate item. Our intent in March was to follow through and have a more thorough discussion at the recommendation of the participants who found themselves in March wanting to talk about a number of things and, you know, I think the situation we were in in March was somewhat unfortunate, and yet I understand entirely the balance of our agenda but I feel like we owe it to the participants in this program to continue the discussion and have the ability to make recommendations on the full suite of topics that involve EM. It's a lengthy and detailed topic and we certainly look forward to hearing new information and I think cutting it short in a NMFS report and having basically only an ability for information to

come out and not recommendations to come back is falling short of what our intentions were in adding this item back in March. Thank you.

**Chuck Tracy** [00:19:15] And just let me be clear, I hope I didn't put words in NMFS mouth as to what how they intended to do this, but that was my understanding, but I guess I would ask for some clarification from NMFS on if that was their intent to address this under their NMFS report. That's what I thought I heard. Ryan.

**Ryan Wulff** [00:19:39] Yeah, thanks Chuck. But my intent behind that was to state that if there was not a separate agenda item we would still be planning on providing the update that was requested in March to the best of our ability with the caveats I previously acknowledged that a number of the requests from the Council were for things that are not in NMFS purview, such as specific estimates from providers or further refined estimates from providers, so we will do the best in our ability. If there is not a.....we would have report it out during the groundfish NMFS report.

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

**Ryan Wulff** [00:20:20] But I'd like to respond if I can to two points earlier. I mean if the Council wants to schedule a separate agenda item on this I'd like to have some clarity today before we leave this meeting exactly what that action is, because it's unclear to me what recommendations are at the Council action and, you know, is from what Phil was saying, I mean I'm wondering if recommendations was really what the action was or is this being proposed to be the first of a two-meeting process for a regulatory change? If so, I would imagine that would have to be noticed quite clearly and in the action item, and I'm still very unclear as to exactly what the request is from Council members here for that action item.

**Chuck Tracy** [00:21:17] Excellent question. Marci.

**Marci Yaremko** [00:21:24] Yeah, thank you Chuck. Thank you Ryan. I guess I fall back on the quite excellent letter we received in our briefing book materials with the interest and list of items that the group of EFP participants is wishing to continue discussing, so I feel like that was what I was intending we contemplate in our discussions. Again I think they follow squarely from our discussions in March and well, I should clarify that, there are six items that are contained by number in their letter that they are expecting that NMFS provide, but then their recommendations follow in the next paragraph that would allow the Council to have a thorough discussion on the information, but also allow for the Council to determine if the proposed program does meet the EM program goals and objectives created by the Council. The Council shall also have the ability under the agenda item to make recommendations to NMFS for a course change if the Council determines that the proposed program is not meeting the goals and objectives previously identified. So, that was my thinking of the content of the agenda item that we'd go through in some detail and then decide if we need to do anything further.

**Chuck Tracy** [00:23:25] So that to me sounds like a program review sort of approach. We're going to take a look at the program. Look at the objectives of the program and see if they meet them or not, which frankly is something I thought was done in March. I think there was, if I'm recalling correctly, there were some statements addressing those aspects so I still think it's, and I guess based on what you just recited Marci, it seems like this may not be the first of two meetings, but it could kick off the first two meetings but, you know, obviously timing's pretty important when it comes to, comes to the program implementation, so I think it's, I'm not sure I am totally clear as to what the actions being contemplated are and how they would play out.

**Marci Yaremko** [00:24:54] Well, if I may, but I think generally these agenda items usually culminate



in a Council action item that says provide guidance to NMFS, so I think I'm struggling with trying to offer you more detail at this time, but I'm just harkening back to the March meeting where new information was received, I think in the GEMPAC, some discussions ensued. We found ourselves to be beyond what we had agendized and I understood a Council intent to continue those discussions and that we needed to agendize them so that's all I'm looking for.

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

**Bob Dooley** [00:00:03] Yeah, thanks Chuck. I agree with Phil and Marci. I couldn't say it any better than either one of them did and I think that trying to figure out exactly what the decision will be in June if this is put in the agenda. It's pretty hard to predict because we have information coming and I wouldn't think that all the information is just coming from NMFS. We're going to probably have a lot more information that's coming from various, you know, advisory panels and public and I think we need to consider all of it to understand what the decision might be. And I do really think about the inability to make that decision in March when Phil proposed a motion, and I don't want to be stuck in that position again, like Phil reiterated here and I am, I think it's important that we set this up in a way that considering the information received and the advice we receive, that we can make a decision and I don't want to see it be, we take the information and reschedule it in September to try to make a decision, if that to me could be devastating to the program and the industry. So, I'll stop there but I support what Marci and Phil were speaking to.

**Chuck Tracy** [00:01:32] Okay, thanks. Ryan.

**Ryan Wulff** [00:01:36] Yep, I'm still struggling with this. I'm fine if the Council wants to have an action that provides guidance to us, but I want to be clear that you can't change the current regulations for the program through guidance or recommendations. The regulations are in place. The previous Council action is still valid regardless of what guidance we get so I just wanted to be clear on that.

**Chuck Tracy** [00:02:09] Okay, thanks. Phil.

**Phil Anderson** [00:02:17] Thanks. Thanks Ryan. I think we are very clear on that. I think we were made, you know, that was emphasized repeatedly in March, but that doesn't mean as a Council who has, who represents a large group of individuals that are affected by this regulation that we're going to turn into a potted plant and just, it can just receive information as the implementation of the regulations are done and not have the, and not maintain the ability to provide our comments to you, to National Marine Fisheries Service. And I'm struck by the reluctance or seemingly reluctance to accommodate the Council as the regulations move forward, as the program is evolving, as the costs of the program are evolving and we're learning more about the costs, and we know that the cost of the program is a significant issue for our constituency and that's, I mean that's all, that's, as long as I am going to sit in this seat and this Council has taken action that has been followed up with regulatory action by NMFS, that we continue to monitor the decisions we make and be able to provide information, guidance, recommendations, whatever it might be, or it subsequently recommend a change in the regulation somewhere down the road, that I'm going to absolve that as a responsibility. So, I am respectful of where we are. I am respectful that the regulations are in place but at the same time, with all of the uncertainties that have been associated with the implementation, particularly as it relates to cost, I want this Council to be able to keep our hand on some portion of the steering wheel.

**Chuck Tracy** [00:05:20] Thanks Phil. Before I call on Ryan just let me say, you know, what I've heard NMFS is not precluding the option or the opportunity for the Council to provide its comments and guidance and recommendations to NMFS on this topic at the June Council meeting, and I realize that I've kind of also been pressing a little bit on what the Council action is because I have to write up what

the Council is when I do the agenda, so I just wanted to be clear so but I think I've heard clearly from Ryan that they're willing to listen to that. Ryan, go ahead.

**Chuck Tracy** [00:06:01] Yeah. Thanks, Chuck, and thanks, Phil, for the points and I apologize if you hear my comments have come off as reluctant. I'm very consistent with what Chuck said. I'm happy to have the discussion. It was just very tough for me to tell from your comments and Marci's comments if the recommendation was for the first of a two-meeting process or for a regulatory change or something that would need to be noticed in this Council action or not, and that was really all I was doing was trying to clarify that for the purposes Chuck just stated, that we'll be working on action items and situation summaries, but after this meeting, but I have no reluctance whatsoever to have the discussion and I completely respect you and other Council members and the public wanting to continue to comment on and have the ability to provide guidance and recommendations on the information that we will be prepared to present in June.

**Chuck Tracy** [00:07:00] Okay, so let me just kind of circle back and going to do some math here and see where we stand. So, given what we have started with, what we've moved off the agenda or trimmed I count that we have 12 hours to fill if we're going to keep our meeting at five-and-a-half days. If we add in the Standardized Bycatch, the Regional Operating Agreement, the Sablefish Gear Switching, the CPS NMFS report and the SONCC coho business, that's 13 hours, so that would put us one over where we're at. So, what that doesn't include would be the electronic monitoring and the topic that we haven't discussed yet, which is the marine planning agenda item. Now again, I don't know if there's any more to be trimmed from the NMFS report. Again, I think maybe I was sort of misunderstanding that that included some EM business but.... so.... do we think that an hour is appropriate for the groundfish NMFS report without reporting on the EM business? Caren.

**Caren Braby** [00:08:45] Chuck, I didn't quite hear you. Did you call on me?

**Chuck Tracy** [00:08:47] I did, yes.

**Caren Braby** [00:08:49] I don't want to interrupt the groundfish discussion, but I did want to speak to the marine planning item if you're ready for that.

**Chuck Tracy** [00:08:59] Why don't we hold off on that for just a bit?

**Caren Braby** [00:09:02] That's fair.

**Chuck Tracy** [00:09:03] Okay. Maggie.

**Maggie Sommer** [00:09:08] Thanks Chuck. Well, I was going to also mention that I would like us to have some discussion about the regional, Preliminary Regional Operating Agreement item realizing that's going in the wrong direction on time. It, while we're sticking, never mind... I'll leave it at that for now. Thanks. I'm sorry I think this is where if we were in person some conversations, a break might smooth this along, but we'll muddle through. Thanks.

**Chuck Tracy** [00:09:45] Okay so, again, so we're slightly over five-and-a-half days right now but then we need to consider adding some time for electronic monitoring, which it sounds like a standalone agenda item is the desire of the Council on that one. So, we've got three hours for that penciled in here. So that seems, I don't know, I guess I'm wondering if that's, if all of that time will be necessary to get the update from National Marine Fisheries Service and the reports from our advisory bodies and public comment? I mean we tend to get a lot of input and a lot of discussion about that agenda item, so I just want to see if three hours is the right amount there. If we were to add that, then that would essentially

take us to six full days and once again we haven't really addressed the marine planning topic yet. So, I can either ask if people, what people think about six full days or I can go to Caren, we can start talking about marine planning. Phil.

**Phil Anderson** [00:11:33] Well I was going to question whether the CTC Report, you know, could be in our informational packet and we could read that and or you might hit a highlight or two during your ED report. I was wondering about having the Preliminary Regional Operating Agreement also in an informational piece so we could look at it and discuss it in a subsequent meeting.

**Chuck Tracy** [00:12:19] Well it's, I mean it's possible that we could find some efficiencies on day one, but I think even if we find some efficiencies, I think we are looking at eating into or approaching six full days. Maggie.

**Maggie Sommer** [00:13:00] Thanks Chuck. Just suggestion for consideration. I feel, well I noticed looking at again at the Year-at-a-Glance and noticing that we would not have any opportunity to take up a possible gear switching PPA until next March at the very earliest, and recognizing that taking up gear switching range of alternatives in September might allow us to fit more items in June, since the fixed gear program review would take less time, so I wonder if it makes sense to table groundfish for now with and discuss some other items still remaining for potential scheduling in June and then come back and see where the pieces fit best.

**Chuck Tracy** [00:14:01] I would be amenable to that. Marc.

**Marc Gorelnik** [00:14:05] Yeah, I just wanted to briefly touch on the, the notion of going six full days. I'll just note that we're now into our sixth hour of a four-hour day. We still have work to do on this agenda item. We have to come back to salmon and I'm trying to remember a day last, I'm sure there have been some that were right on schedule, but it's always seems to me that's our pressure relief valve in case things go long earlier in the meeting so I'd like to see the preservation of that relief valve to the extent we can so I would caution against going to the full seven hours on day last.

**Chuck Tracy** [00:14:55] Good point. Okay, well taking Maggie's suggestion, why don't we talk about the marine planning issue then, how we want to address that? And, Caren, I think you had your hand up once upon a time.

**Caren Braby** [00:15:17] Thank you. Yes, I did and your introduction of that item in talking about the shaded portion of this June agenda. Clarified something in my own mind that we do have this ongoing process with BOEM established where the pre-Council period of time, a couple of weeks before each Council meeting, we agreed that we would check in on the phone, see what items might need to be addressed at the upcoming Council meeting, and then take action on that by building that into the agenda somehow and that process, along with BOEM's outstanding offer to work with us on working webinars, which presumably would occur this summer, make me not only want to recommend to the Council that we have a marine planning item, but that it be a standalone item to allow for decision making separate from the Membership Appointment and Council Operating Procedures agenda item. Chuck, you recommended an hour for that agenda item. I hesitate to think that we could get through that in an hour. I think it's more likely an hour-and-a-half and so that's my current recommendation and thinking on what would be needed to bring that into the June schedule.

**Chuck Tracy** [00:17:13] Okay, any other thoughts on that one? Louis Zimm.

**Louis Zimm** [00:17:30] Thank you Chuck. I wanted to support Caren's statement on that. I think you're going to have a lot of interest. Things are moving along really fast. I get in my mailbox almost every

day, something going on with wind and as Maggie pointed out, we're not looking at, I guess it was a final on gear switching until next March. The industry may be much more concerned with this wind thing through the fall so I really, my personal feeling is that this rises to the top. If we were scheduled for final on gear switching in September or November, I would say, yes, we have to get at it. As to what Maggie pointed out, I agree with her. Thank you.

**Chuck Tracy** [00:18:27] Thanks Louis. Yeah, you know, I guess I will just reiterate my concern, I guess, about you know pushing stuff off until November or later, you know that's really when the spex starts coming into play. We're already talking about some finalization of the at-sea whiting business, some progress on non-trawl RCA in that time frame, and I think we also have to listen to what the GMT said, they don't want any of those things doubling up on any particular meeting so it's tough to get everything done. And you know, something is going to have to give I guess, so I'm not sure I've got any good suggestions at this point, but I do know that when the spex roll around some people get pretty busy. So... Phil.

**Phil Anderson** [00:20:10] I may have lost track here where we are. So, based on Maggie's observation and looking ahead, are we coming around to moving gear switching ROA piece until September, is that kind of where we are?

**Chuck Tracy** [00:20:38] Well I think that's, I think that's under consideration again. Yes.

**Phil Anderson** [00:20:44] Okay, and how about, what does that, where does electronic monitoring, how are we fitting that in or have we yet?

**Chuck Tracy** [00:20:55] So if we put everything in the box including marine planning, we would be at well, we'd be over, slightly over six full days. So that's a.....

**Phil Anderson** [00:21:12] And then if we pull, sorry, if we pull gear switching to September then we're about right, is that correct?

**Chuck Tracy** [00:21:20] We're about right, yeah.

**Phil Anderson** [00:21:23] So why don't we do that?

**Chuck Tracy** [00:21:26] So then we would have both fixed gear catch share review and gear switching and at-sea whiting ROA in September. All three of those.

**Phil Anderson** [00:21:47] Well I suppose that's possible but we haven't got to the September.....(laughter)...

**Chuck Tracy** [00:21:52] Okay, just saying, the Year-at-a-Glance is next. Maggie.

**Maggie Sommer** [00:22:13] Yeah, I was just going to say that it probably will be helpful to look at the Year-at-a-Glance, but looking specifically at June, I think we need to, well we should try to either have gear switching or the fixed gear program review scoping in June, so they don't both just start adding time to our fall agendas.

**Chuck Tracy** [00:22:47] So if we moved sablefish back to September and brought the catch share review, the fixed gear catch share review back to June, then we will be, and added the marine planning then we would be pretty close to six full days.

**Maggie Sommer** [00:23:14] Yes, but that's not, yes, I don't mean I am concurring with that recommendation for six full days. I recognize the problem and the wisdom of Marc's comment earlier about the relief valve.

**Chuck Tracy** [00:23:51] Well, I guess at this point, well, I'll see what Brad has to say at this point.

**Brad Pettinger** [00:24:04] Well, I'm just think about this meeting here we had, we're just hopefully finishing up here pretty quick. We were ahead of schedule a number of days because a lack of a bunch of public comment so I'm just looking at the list here, and just trying to, you know, anticipate how much public comment or interest in public comment might we have, and I don't see, you know, with what you have right now with putting the fixed gear catch share review back in June. I see a few things that really would have a lot of public input to testify to where you had 20 or 30 people which would really drag out a day, so I just thought I'd just put that out there.

**Chuck Tracy** [00:24:54] Well, yeah, I see, I think there's some there. CPS Northern anchovy management framework, drift gillnet hard caps, possibly... I think the spex would have a lot but catch share review might. Electronic monitoring probably will, so yeah, there's a few things that could extend public, or public comment could extend things, but I guess I would say that, you know, I'm thinking that we could probably come in around five- and three-quarter days on, you know, based on seven or seven to seven-and-a-half hour days. As you point out, you know, we got off early some days, but some days we didn't. Some days we went late so that's the way that usually goes but absent somebody being willing to cut something, I think that's where we stand. Brad, I hope that's a new hand up? Dang. Okay well I'm not seeing any other comments so at this point I guess I'm going to take a look at that and see what we can do. Maybe we should move on to the Year-at-a-Glance? Maybe I could, or maybe we could take a quick break and come back to the Year-at-a-Glance? We've been at this for an hour and forty minutes, I guess. We could take a few minutes for Mike and I to kind of look at the June agenda and see what we think, and maybe come and report back to the Council, and then tackle the Year-at-a-Glance? How do people feel about that plan?

**Marc Gorelnik** [00:27:42] Makes sense.

**Chuck Tracy** [00:27:57] Okay, and then I'll switch my head gear. It sounds like I'm starting to break up a bit. Okay Mr. Chair, the gavel's yours.

**Marc Gorelnik** [00:28:16] All right, so it sounds like we're going to take a, how much time do you and Mike want?

**Chuck Tracy** [00:28:22] About 15 minutes. I think we could get some business done then.

**Marc Gorelnik** [00:28:27] All right, so it's close enough to 2:25 right now, so let's come back at 2:40.

**Chuck Tracy** [00:28:38] All right.

**Marc Gorelnik** [00:28:38] And I'd be curious to hear if salmon is making any progress, but I guess that's not important right now, we still have this planning in front of us.

**Chuck Tracy** [00:28:55] I think it is making some progress. I think the STT is done with their analysis so assuming that the states and tribes are, as soon as they're prepared to give final guidance, I think you should be ready. Hopefully, that will occur.

**Marc Gorelnik** [00:29:15] All right well 2:40. We'll come back to the Year-at-a-Glance and if we're

lucky we can move from there into salmon. 2:40.

**Chuck Tracy** [00:29:25] And hopefully we won't have to do any more on June, but again we'll take a look at that and let you know if there's any problems when we get back.

**Marc Gorelnik** [00:29:35] All right. Thank you very much.

**Marc Gorelnik** [00:00:00] Hopefully, Chuck and Mike have had a chance to look at the June schedule and give us an update.

**Chuck Tracy** [00:00:13] Thanks Mr. Chair. I can give you an update. So, we took a look at the June quick reference and the changes that were, that have been proposed, and I think that we are reasonably close to not being six full days, getting five-and-a-half, probably slightly over five-and-a-half, but still having a little bit of your pressure relief valve. Most days coming in around seven hours, thereabouts. So, I think we're all right. I think we're all right for June. I would caution that we will be seriously rearranging things so don't count, even think about counting, you know, which agenda items are in which days yet. So, we'll have to rearrange things a little bit. Work this all in. So that's good news, right?

**Marc Gorelnik** [00:01:22] Yeah.

**Chuck Tracy** [00:01:26] Okay, I see Bob's got his hand up.

**Bob Dooley** [00:01:31] Yeah, thanks Chuck. Could you recap just real quick which candidate items were unshaded for June just so we, before we, move on? I'd appreciate it.

**Chuck Tracy** [00:01:39] Yeah. So if you're looking at everything in the candidate box, the Standardized Bycatch, the Regional Operating Agreement, Electronic Monitoring, the CPS NMFS Report, the SONCC Coho ESA Consultation and Marine Planning, which is, it is not displayed in the box but is also included, and then Sablefish Gear Switching has been moved off till' September.

**Bob Dooley** [00:02:12] Thank you Chuck.

**Chuck Tracy** [00:02:17] Okay, so if there's no more questions on June, then we should take a look at the Year-at-a-Glance and look a little further out. Thank you, Kris. So, what we've got in attachment, Supplemental Attachment 3 just looking at September is 4.8 days, but we've added Sablefish Gear Switching to that so that would bump that up by a full day so that would be 5.8 days. I will note this is September and we are at this point planning on meeting in person to some extent. So that's our plan is to at least have at the bare minimum, have the Council itself meet in person, so we might want to have, we're still planning on how we will hybridize the meeting. We're certain that there will be some need to do that, certainly for the advisory bodies and then we are still talking about the Council meeting itself, but we are hoping that the Council members themselves will be able to attend in person so that's just for your information that's our current plan. I don't want to get too deep into that though here today if we don't have to. So that's 5.8 days, including Sablefish Gear Switching with all of the shaded agenda items unshaded so that's pretty close, so we'll see what we can do there. I guess as I kind of look across and wonder if there's some things that we might be able to trim, I guess I first look at the groundfish box, which is over full at this point when you add sablefish to do it, but I look at a couple of things, one is the Strategic Plan Review Scoping. That's been a placeholder kind of creeping up on us each time we have an iteration of this, so I guess I'd be interested in the Council's thoughts about that, about that topic. Haven't really dedicated any staff resources to that yet and then the other thing I think, and we don't necessarily have to make this decision today, but also Groundfish Workload and New

Management Measures Update, again if we are fully subscribed, I'm not sure the utility of scheduling that but we will probably know more about that in June, so that's maybe something to look forward to. But other than that, oh I guess, I would note that for salmon, The Conservation Objective Review would just be Sacramento River Fall chinook and would not include a Klamath River Fall chinook...yes, and everything else would stay. I think that by moving ahead with a Standardized Bycatch Methodology Report, we should probably plan on unshading those in September and November if our intent is indeed to meet the statutory deadline for complying with that new rule, well the five-year-old rule. Then moving on to November. Not a lot to talk about there. We're at 5.3 days before making any modifications. Some things I've heard discussed are moving the at-sea whiting final action to March, so that would free up some time there, but perhaps replacing it with some business on the non-trawl RCA item. So maybe that would be a push there, I'm not really sure about that. And then looking further out for March, again, pushing at-sea, the whiting utilization, the final action would bump that four days up. We've also talked about possibly adding catch share plan review scoping item there, perhaps as a shaded item just to make sure it's on our radar screen, and if we are able to fit that in in March we could do that. Maybe, and then I don't really have anything for April, but maybe one other topic that we will need to consider and again, we might know more about this in June, is what we are going to be contemplating for the marine planning process as we go forward? The Four State Report is contemplating some, I think, more activity in that on a regular basis than our existing once a year marine planning meeting. Certainly, we've been engaged with BOEM and have expectations that things will come up and also when you consider the aquaculture aspect of that topic that we should probably start planning on including that somewhere in the Year-at-a-Glance, and I guess, again, maybe we'll know more about where those agenda items might appear to when we have a discussion about it in June. So, I think I will pause there and see if there's any thoughts about what I've laid out or any additional considerations for the Year-at-a-Glance? Briana.

**Briana Brady** [00:09:32] Good afternoon. Thanks Chuck. I would just note for November under CPS that the management team requested to remove the SAFE and so you could put that up for the chopping block. Thank you.

**Chuck Tracy** [00:09:46] Thanks. That's a good point, I did want to circle back to that. So, I saw their recommendation. I, you know, we put this on the agenda because I mean this is something that is in our, it is supposed to be brought to the Council and placed on the FMP, and we have a COP that dictates that it's brought to the Council and, frankly, not just the SAFE Report, I mean I understand the SAFE Report is, might be a good candidate for that, but this is also the opportunity, should be the opportunity for the Council to consider the management recommendations, which would include the opportunity to change stocks from monitor to actively managed, so we have a process available to us to do that and we haven't really put that in front of the Council.... so... or often or on a regular basis, but we thought it would be important to bring that to the Council's attention and give them the opportunity to consider that and to, and frankly I think, to get a periodic update on the status of the fisheries through the report on the SAFE Report so.... but that was a staff suggestion... so I will be curious if there's any other thoughts by the Council members about that. Ryan.

**Ryan Wulff** [00:11:39] Thanks Chuck. I was going to make some comments on your, some of the points you made under groundfish in particular. Just a couple of comments on the YAG. So, for the at-sea whiting utilization in September, just a quick note. I didn't know if you said this Chuck, but obviously we've already done ROA so that should just be noticed as PPA, and I would, while I am a big fan of strategic planning in general, I'm not sure this is the right time to start giving all of our discussions on groundfish workload, so could support that being removed off. We, for November, we would prefer to see the whiting utilization final preferred alternative moved back to March. We have a lot of work that has to be done on this regarding salmon bycatch issues and I think that additional time will, will help us, but while recommending that, I do think on the flip side we could support a range of

alternatives discussion for non-trawl RCA for that action in November. I did want to raise one other issue that's actually not on here, but I wanted to flag it for to find a placeholder somewhere on the Year-at-a-Glance. I do have a request from NMFS Headquarters to present the new Marine Recreational Information Program Survey and Data Standards for states that receive federal funding for surveys at a future meeting. They're pretty flexible when that might be, but they would like to present that to the Council and but not a specific request here other than to maybe just add an unshaded placeholder somewhere for future discussion, and I will stop there for now.

**Chuck Tracy** [00:13:46] Thanks. So, is there a time frame on that EMREP update or discussion item?

**Ryan Wulff** [00:13:55] No, they could be ready to present as soon as September is my understanding but it's really at the Council's discretion of when they would like to fit it in.

**Chuck Tracy** [00:14:08] So perhaps we could consider a shaded item under other topics in September and then we'll see when we get there if we need to move it out?

**Ryan Wulff** [00:14:19] That would work for me.

**Chuck Tracy** [00:14:24] Okay. And how much time you think that, would be a good estimate for that?

**Ryan Wulff** [00:14:34] I think just an hour.

**Chuck Tracy** [00:14:38] Thanks. Maggie.

**Maggie Sommer** [00:14:43] Thanks Chuck. On the mothership utilization PP.....pardon me, final preferred alternative, I would support moving that to next March based on the information based on NMFS's recommendation and understanding that that would provide more time for their protected resources folks to really consult and weigh in on potential salmon impacts so that the Council has all that information to consider before we select a final preferred alternative. Again, I think we all have the objective of making sure that these can be implemented by the start of a whiting season in 2023 and that one of the alternatives would be from a first start, so it sounds like this change can still meet that time frame so I would support that, and then I would support putting a non-trawl RCA range of alternatives on the November meeting. And while I'm at it, maybe I'll remind us all, I forgot when we were on June the GMT had a plea for specific Council prioritization for them for June, so when we're done with the YAG, I'll just come back around with a quick comment on that, and others might as well.

**Chuck Tracy** [00:16:12] Okay thanks. Any other thoughts about the Year-at-a-Glance? Marci.

**Marci Yaremko** [00:16:22] Thank you Chuck. I'd like to start with salmon. We can support the layout here on SONCC coho of the ROA PPA in June and then the November FPA, noting that the State of California staff are heavily involved in this SONCC Coho Workgroup exercise. Regarding both the Sac and Klamath Fall Conservation Objective Review item and the Sac Fall Age Structure Assessment Update, I recommend removing those items or at least scheduling them out to March or later. CDFW will obviously need to be greatly involved in any discussions about particularly the conservation objectives and any age structure assessment for Klamath Fall, and we need to circle the wagons back at the ranch and see what support and engagement we can get from our inland counterparts. I heard James Stone's testimony earlier and I certainly agree that this is something that we're interested in doing. It is certainly important to our Council business, but right now I think we are fully occupied with the SONCC coho business and I'm really not feeling like we're in a place to seek additional resources from our inland functions to support new work. I think Brett spoke to this topic in some detail earlier in the week but just as a reminder, you know, the way we're organized we just, we have to coordinate with



other functions in our department on all of these activities that cross inland and ocean discussions, and so that means we will need a commitment from our inland functions to engage in the planning, and I think a dedicated workgroup effort is going to be what's necessary to look at any of these topics and our recommendation is that we not consider any workgroup formation until we're done with SONCC coho and that one's been put to bed. We've just gone down the path of these repeated workgroups, starting with the winter run harvest control rule, moving into southern resident killer whale, and now SONCC coho and, you know, we've had rebuilding plans to contend with on the site as well, and so I think we're just asking for a pause and let's wrap up SONCC coho before we kick off these discussions. I realize that the intention here was just to get the discussion going, but we're not ready to get the discussion going and we're really not ready to get the discussion going in Spokane. So, I guess with that I'll move over to groundfish. I just want to support NMFS's recommendation for the non-trawl RCA ROA item being in November. Sounds like that's when their workload can accommodate development of that ROA in a way that has their engagement. Our motion spoke to the need for NMFS technical assistance on some topics that are very deeply rooted in our groundfish regs, so we appreciate NMFS help with this and if that's the timeline that works for them, it certainly works for us and we look forward to keeping that item on track. As for your question regarding strategic plan scoping or discussions, oh wait... that's, yeah that's groundfish, scoping, yeah, I agree, I think it is, the calendar's jam-packed and you know, I, too, would love to take this up, but not seeing how we possibly can at this time. I like having it on our Year-at-a-Glance and maybe moving that out toward March or April as a placeholder and keeping it shaded might be a good idea. I want to speak to the GMT report just for a second. They are really doing the right thing reminding the Council of their stock assessment priorities and the workload involved in participating stock, in the stock assessments to ensure that we're getting the best possible products, and that goes for all of the folks that participate in the STAR and STAT work and it really isn't lost on me how heavy their summer schedules are, and I also think that it's important for us to recognize that spex is going to be the priority when we get into November and we will be needing to prioritize incorporating that new stock assessment information, so I just appreciate their admonishment of their work and their priorities, and I think that's it. Thank you.

**Chuck Tracy** [00:00:00] Thanks Marci. Yeah, I actually kind of want to circle back around to SONCC coho as well. We don't have anything on the September agenda for it which I'm, might have been my, might have been our own oversight but, you know, I think that's something that we should consider. I think it is important to give the SAS and members of the public an opportunity to play with the alternatives. I know that that was very successful, kind of in one of those more original workgroups that you were talking about, which was the Tule Workgroup which looked at a similar sort of risk assessment and some control rules and I think was really helpful for the SAS to get the chance to play with those, so I guess I would be curious to hear if other people feel like including something like that in September.... to give the, give the SAS sort of one more iteration before the, you know, essentially the risk assessment comes out in June and as you know finals in November. I'm just not sure that that would provide adequate opportunity for feedback so I'm curious about what the Council has to say about that.

**Marci Yaremko** [00:01:38] Chuck, if I may?

**Chuck Tracy** [00:01:40] Yeah.

**Marci Yaremko** [00:01:40] I just want to make sure you understood me. I was supportive of the way the YAG looks with SONCC having ROA and PPA in June and FPA in November, and then meanwhile removing the two shaded items that appear for September.

**Chuck Tracy** [00:02:04] Yes, yes, I got that. I, yeah so my, but my point was that I think that it might be good to add a SONCC coho step in September, primarily for the purpose of giving the SAS and

industry a chance to look at and provide some feedback and sort of get another iteration of the control rule options and how those could be, you know, the, or maybe how their application could be incorporated into the management framework. So that was my suggestion and frankly with the Sacramento Klamath business getting moved off then there's I think some time there.

**Marci Yaremko** [00:03:05] Thank you Chuck. If I may...

**Chuck Tracy** [00:03:07] Yeah.

**Marci Yaremko** [00:03:08] Yeah, I just received word from Brett that he thinks that's a good idea as well. So, I guess I would flag that I'm not sure what the plans are for the STT and the SAS in September. I know they're busy. They tend to not attend our September meeting, so just noting that.

**Chuck Tracy** [00:03:33] Yeah, that's always an issue but I, again, I bet Butch is going to tell me the same thing. I remember the September meeting here in Portland to talk about the tule matrix and how well attended and instrumental that was in getting SAS buy in. But Butch, why don't you go ahead and tell me I'm right?

**Butch Smith** [00:03:59] Thanks Chuck. You are very correct, that tule and coho matrix deal that the Council put on, you know it was... probably, for salmon goes, it's probably one of the best processes that I've ever been through with the SAS.... all working with all parties and it was refined and understood by all at the end and there was no surprises. And I, I'm in full support of that. And we did, and I know Marci it is hard for salmon folks to get to the September meeting but one thing about it, we're able to have alternates on the SAS, and I know this is an important subject and people will come even if it needs to just be for a day or two, so I am very supportive of this process. Anyway, thank you Chuck. I fully agree with you.

**Chuck Tracy** [00:05:07] Okay. Any other thoughts about the Year-at-a-Glance? Not seeing any maybe I will suggest that we, with regard to Briana's comments about the CPS SAFE and Management Recommendation agenda item, if it might be helpful to put that on the management team and advisory subpanels agenda for June and have, make sure that that's, I guess I would like to make sure that that is the direction that we want to go, and maybe just have a little more discussion about it in June if that would be amenable to folks? Briana.

**Briana Brady** [00:06:08] Thanks Chuck. That works for me.

**Chuck Tracy** [00:06:10] Okay great. Okay, well I think that's all I've got for Year-at-a-Glance. I'll look around the table, see if there's anything? I might also ask Mike Burner if he sees anything that he would like to bring to our attention. Bob Dooley.

**Bob Dooley** [00:06:38] Thanks Chuck. Kind of not particularly on Year-at-a-Glance or any of this particularly, but it pertains to it. I just wanted to, while we're all kind of have a little time here with the salmon looming to discuss something that has been on my mind, and maybe we could, might incite some discussion. This whole process of workload planning at the end of the meeting happens last day and you know it, it seems to be, you know, a competition to getting things on the menu and trying to fit it all in, but the underlying problem is never really discussed by the Council. And I think we're at a point with all of the workload that's been gathered as we move forward through the water here, that I mean it's almost time to do a haul out and scrape some barnacles and maybe get a new fresh paint job and maybe a new look at stuff, and it's hard to do in the Council process in our meetings, because we're agenda driven and we schedule driven, we never have time to sit back and look at the big picture and perhaps look at how we might do things differently and streamline the process, and maybe figure out

how we're going to deal with this because the train's full and there's not a lot of capacity, but we keep adding things. And so, I've been thinking about it, talking with a few people about it and looking for maybe a thought process to get away from the Council agenda-Council meeting part of this and maybe step back and take a cumulative look of how we might improve this, and what we can do to streamline this and not put our agenda so impacted and not get things done that we need to get done. There's so much that's on the list, and I know Covid has created it, but it's been a growing problem in my mind and I think it's time to... maybe perhaps think about a dedicated couple days to not come at it from an agenda item perspective, but come at it from a process perspective... to figure out how to approach these things differently, what we can do differently to make this work better, and get more work done, absent adding more time and more work for all of us. So, I don't see, you know hope is, we've hoped for many years from the omnibus to all of these different things that we've made, we've tried to chip away at it, but it seems like to me there's just way too much to do, and it isn't the time day last, and in this format, when we're really focusing on specific agenda for a specific task to think about process. So, it's been in my mind and I just wanted to bring it up and see if anybody was thinking that might be something we'd approach and something to do to, hopefully, alleviate some of this workload and stress and everything we've heard about all the way through the whole process from our advisory panels to our staff to the agency, everyone involved and our Council members. So, I'll stop there and thank you.

**Chuck Tracy** [00:10:31] Thanks Bob. Yeah, I think that's a, I think that's a good discussion to have. Maggie.

**Maggie Sommer** [00:10:46] Thanks Chuck, can you hear me?

**Chuck Tracy** [00:10:48] Yes, we can.

**Maggie Sommer** [00:10:51] Sorry I have a lag. Well, I would agree with Bob that's a good discussion to have. I was and if there is more discussion to have on that now, I'm happy to wait. I was just going to offer a couple separate thoughts. I will note that I need to leave at 3:30 so.....

**Chuck Tracy** [00:11:15] Why don't you proceed then.

**Maggie Sommer** [00:11:17] Get mine out now. One was to respond to the GMT's request for specific Council guidance on which items to prioritize for their attention in June and which we don't expect to hear from them on. Those would be the ones I would think are GMT priorities now. I have too many things open, would be the spex scoping, inseason and stock assessments. In particular I would say that I think we do not need to ask for any GMT engagement on the electronic monitoring discussion we will be having in June. And then the other, with the terms of the ESA Workgroup Report, I think we need to see what comes out of that and the GMT can take a look and decide if they, there's need for them to weigh in at that point. And then separately, my other comment was going to be that I would support the request that Ben Enticknap made in his public comment that the NMFS Southwest Science Center report to the Council. I believe we're anticipating some information on plans and potential timing of related to some of the sardine and other CPS-related science activities that the Council is interested in. I think we're anticipating that in June and that that include some thoughts on addressing the EMSY issue and the need to update that, or yeah, thanks.

**Chuck Tracy** [00:13:12] Thanks Maggie. I guess one other thing that was on the GMT's list of what should they prioritize and what should they not was about the standardized bycatch reporting. I think at this point I think it's unlikely that they would need to weigh in on that so, again, there's still some ongoing discussions between Council and NMFS staff about the status of the evaluation of whether any of our FMPs need to be modified and we can, groundfish came away fully compliant, at least in the preliminary assessment so if that sticks and that's another one that they would not have to weigh in on

in June. Okay. Virgil.

**Virgil Moore** [00:14:19] I guess I just wanted to second what Bob said. I believe we owe it to you, Chuck, to spend some time together looking at the bigger picture stuff to help you prioritize everything that's being done and so I want to second that, and I would look forward to an opportunity to have that kind of thought process discussion. Thanks.

**Chuck Tracy** [00:14:47] Thanks Virgil. Okay anything else for workload planning then? I guess maybe just to circle back with Bob and Virgil, yeah I think it would be good for, to have a discussion about how to take a fresh look at workload planning and welcome the opportunity to do that, so perhaps I'll, perhaps we can discuss it at our Chair, Vice Chair calls over the course of the next couple of months, and come up with some ideas and maybe have something to report back to the Council on in June and see if there's, see if we've got any wisdom to impart or not. Okay, so I'm not seeing anything else so Bob.

**Bob Dooley** [00:15:50] Thanks Chuck. I appreciate your response to that. I think that that would be a really good approach and if you guys could come back with something I'd appreciate that and a thought process of it and just I think there could be some benefit to that. I think we, we're all, I think we're all feeling the stress of how much everyone is putting into this and leave feeling like you haven't done enough, at least that's my feeling. And I just, I know we can do, I know we can, we can come, we can figure this out and we can get a better approach, and that's not saying that anyone's doing anything wrong, it's just a, it's just a product of where we are, and I mean I really appreciate all the hard work everyone's doing from, you know, from our advisory panels all the way, and particularly the Council, the Council staff and your, you know your group and Council members. Everyone is working their hearts out here and I think that just the train's overloaded and we need to figure out a way to either build a bigger train or streamline some of the items that are on the train, so I appreciate that, and I appreciate you coming back. Thank you.

**Chuck Tracy** [00:17:06] Okay. Well, again, if there's nothing else then we are done with this agenda item.